

# Media Law & Open Records

## Multiple Choice Examination

Name: \_\_\_\_\_ Date: \_\_\_\_\_

*30 Questions | Circle or write the best answer for each question*

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1. Under North Carolina law, which of the following best defines a 'public record'?
  - A. Any document created by a private company that receives government funding
  - B. Any record made or received by a government agency in connection with public business
  - C. Only records that have been officially published by the government
  - D. Records that are specifically approved for public release by an agency head
2. Which of the following records is CLOSED under North Carolina law?
  - A. Arrest information
  - B. Campus crime records
  - C. Pre-prosecution files
  - D. 911 transcripts
3. Under NC law, body cam footage is technically:
  - A. Always a public record available upon request
  - B. Not a public record, but can be requested by media with a compelling public interest through a NC Superior Court
  - C. Protected entirely under FERPA
  - D. Only available to law enforcement personnel
4. Which of the following correctly describes who can request public records under NC law?
  - A. Only licensed journalists and attorneys
  - B. Only NC residents
  - C. Any person
  - D. Only government employees and researchers
5. A private nonprofit organization receives a state government grant. Under NC public records law, which statement is most accurate?
  - A. All of their records are automatically public
  - B. They are automatically considered a government agency
  - C. Receiving public funds does not automatically make them subject to public records law
  - D. They must release all financial records but nothing else
6. The federal Freedom of Information Act (FOIA) was passed in:
  - A. 1945
  - B. 1966
  - C. 1972
  - D. 1986

7. For a group to be considered a 'public body' subject to NC open meetings law, it must meet which THREE criteria? (Select all that apply)

*(Select all that apply)*

- A. It must be elected or appointed
- B. It must have two or more members
- C. It must have a budget approved by the legislature
- D. It must exercise a legislative, policy-making, quasi-judicial, administrative, or advisory function

8. What does FERPA primarily protect?

- A. The privacy of all government records
- B. The privacy of student education records
- C. Campus law enforcement records
- D. University financial records

9. In DTH v. Folt (2020), the NC Supreme Court ruled that:

- A. FERPA completely protected UNC's disciplinary records from disclosure
- B. UNC had to release records from 15 sexual assault cases dating back to 2007
- C. The Daily Tar Heel had no standing to request disciplinary records
- D. Only federal courts could decide FERPA disputes

10. Under the Clery Act, what are universities required to do?

- A. Expel all students found guilty of sexual misconduct
- B. Maintain logs of incidents and provide immediate notification; can withhold info on ongoing investigations
- C. Share all disciplinary records with law enforcement automatically
- D. Publish annual reports on faculty misconduct

11. In the 2011 UNC NCAA investigation case, what did the NC Superior Court rule regarding phone records and parking tickets?

- A. They were protected education records under FERPA
- B. UNC did not have to release them
- C. UNC had to turn them over to the media
- D. Only the NCAA could access them

12. In Branzburg v. Hayes (1972), the U.S. Supreme Court held that:

- A. Reporters have a strong First Amendment privilege to protect all sources
- B. There is no First Amendment privilege allowing reporters to refuse to testify before a grand jury
- C. Shield laws are unconstitutional
- D. Reporters have more First Amendment rights than ordinary citizens

13. Under the 'qualified privilege' derived from Justice Stewart's dissent in Branzburg, which THREE elements must be shown to compel a reporter to testify? (Select all that apply)

*(Select all that apply)*

- A. The reporter has information relevant to a crime
- B. The reporter is not a U.S. citizen

- C. There is no other way to get the information
- D. There is a compelling and overriding interest in the information

**14.** The NC Shield Law protects which of the following?

- A. Only confidential source information
- B. Only information from reporters at large established news organizations
- C. Both confidential and nonconfidential information gathered by anyone engaged in newsgathering
- D. Only testimony in criminal cases, not civil cases

**15.** Reporter's privilege includes the right to be protected against which of the following? (Select all that apply)

*(Select all that apply)*

- A. Testifying in court
- B. Testifying before a grand jury
- C. Publishing a story the government dislikes
- D. Handing over evidence

**16.** Under U.S. copyright law, a work receives copyright protection when it is:

- A. Registered with the U.S. Copyright Office
- B. Fixed in a tangible medium of expression
- C. Published and distributed to the public
- D. Assigned a copyright notice (©)

**17.** Which of the following CANNOT be copyrighted?

- A. A newspaper article
- B. A sound recording
- C. A fact or idea
- D. An architectural design

**18.** How long does copyright last for a work created by an individual author after 1978?

- A. 50 years from the date of publication
- B. 95 years from the date of creation
- C. Life of the author plus 70 years
- D. 120 years from the date of creation

**19.** Match each copyright term with its correct definition: 1. Direct Infringement 2. Contributory Infringement 3. Substantially Similar 4. Transformative Use

A. 1-Someone copied or had access and the work resembles the original; 2-Defendant knew about and furthered copying; 3-An ordinary observer would recognize it as taken from the original; 4-The new work adds new expression, meaning, or message

B. 1-Defendant knew about copying; 2-Someone directly copied the work; 3-Works are in the same genre; 4-The work is sold commercially

C. 1-Work is copied online; 2-Work is copied in print; 3-Works share the same author; 4-Work is used for news purposes

D. 1-Work is used without license; 2-Platform hosts infringing content; 3-Works are by the same creator; 4-Work is educational

- 20.** In *Campbell v. Acuff-Rose* (1994), the Supreme Court ruled that:
- A. Commercial use of a copyrighted work automatically defeats a fair use defense
  - B. Parody is never protected as fair use
  - C. Commercial parody can qualify as fair use and all four factors must be weighed
  - D. 2 Live Crew had infringed Acuff-Rose's copyright
- 21.** In *Harper & Row v. Nation Enterprises* (1985), which fair use factor did the Supreme Court emphasize most heavily?
- A. The purpose and character of the use
  - B. The nature of the copyrighted work
  - C. The amount of the work used
  - D. The effect on the potential market for the original
- 22.** Which of the following are in the public domain? (Select all that apply)
- (Select all that apply)*
- A. U.S. government works
  - B. Works published in the U.S. before 1923
  - C. Works published last year with a copyright notice
  - D. Works published before 1976 without a copyright notice
- 23.** Under the DMCA's safe harbor provision, an ISP is protected from liability if it: (Select all that apply)
- (Select all that apply)*
- A. Establishes notice and takedown procedures
  - B. Removes content when contacted by a copyright owner
  - C. Has no actual or effective knowledge that material is infringing
  - D. Pays a licensing fee to all copyright holders
- 24.** Which federal law governs trademark protection in the United States?
- A. The Copyright Act of 1976
  - B. The Lanham Act
  - C. The Sherman Antitrust Act
  - D. The Digital Millennium Copyright Act
- 25.** Match the level of trademark distinctiveness with the correct description: 1. Arbitrary/Fanciful 2. Suggestive 3. Descriptive 4. Generic
- A. 1-Strongest protection, unrelated to product (e.g., Apple for computers); 2-Hints at the product; 3-Describes the product; 4-No protection, common name for the product
  - B. 1-No protection; 2-Strongest protection; 3-Medium protection; 4-Hints at the product
  - C. 1-Describes the product; 2-Common name; 3-Unrelated to product; 4-Strongest protection
  - D. 1-Hints at product; 2-Common name; 3-Strongest protection; 4-No protection
- 26.** The test for trademark infringement is whether the defendant's use is:
- A. Intentionally designed to copy the mark
  - B. Likely to cause an appreciable number of consumers to be confused about the source of goods

- C. Used in a competing product in the same industry
- D. Used without paying a licensing fee

**27.** Which of the following correctly defines trademark BLURRING?

- A. Using a famous mark in a way that casts it in an unflattering light
- B. Using a famous mark on dissimilar goods, weakening its distinctiveness
- C. Using a mark that sounds similar to a famous mark
- D. Copying a mark's logo design exactly

**28.** Trademark dilution is problematic from a First Amendment perspective because:

- A. It allows competitors to copy famous brands
- B. It can restrict people's ability to criticize brands or make political statements
- C. It prevents companies from registering new trademarks
- D. It gives too much power to small businesses

**29.** In *Matal v. Tam* (2017), the Supreme Court ruled that:

- A. Disparaging trademarks are fully protected and must be registered
- B. The government can refuse registration of any offensive trademark
- C. The Lanham Act's ban on disparaging trademarks violated the First Amendment
- D. Trademark law does not apply to band names

**30.** You do NOT have to justify your request when asking for public records under NC law.

- A. True
- B. False