With its NEW Linking the Law features, NEW Case Examples, and numerous updates throughout, the Ninth Edition of Business Law Today, Standard Edition, gives your students a riveting, insider’s look at business law. Miller and Jentz provide the optimal blend of AACSB-recommended content, attention to legal accuracy, current and classic summarized cases, and real business applications. Please turn to the next few pages of this PREVIEW to learn more about this indispensable teaching and learning tool for your course:

- **NEW FEATURES** that show students the relevance of business law to other business disciplines and business careers. See page 2.
- **LATE-BREAKING COVERAGE** of cyber crime, the 2008–2009 financial meltdown, immigration law, and more. See page 3.
- **BUSINESS APPLICATIONS** that showcase the importance of business law. See page 4.
- **A FOCUS ON CRITICAL THINKING** and business decision making throughout. See page 5.
- **GLOBAL AND CYBER LAW DEVELOPMENTS** that expand students’ legal horizons. See page 6.
- **THE MOST COMPREHENSIVE ARRAY OF RESOURCES** for teaching and learning available for the business law course. See pages 7 and 8.
NEW Linking the Law features showcase the real-world practicality of business law

Now added to many chapters, these new features show students how knowledge of legal concepts helps managers and businesspersons, whether their activities focus on finance, marketing, communications, economics, or virtually any business discipline. The Linking the Law features help instructors meet AACSB teaching requirements while, at the same time, providing vital and practical information to students.

In this chapter, you learned about the bank-customer relationship as well as a bank’s duty to honor checks and accept deposits. In the macro-economic classroom, your business school offers, the focus on the banking sector is quite different. At a minimum, the courses examine banking panics and why they did not occur during the recession that started in December 2007. The federal government wanted to make sure that no more banking panics would occur.

Preventing Bank Runs
A bank runs occur when depositors simultaneously rush to withdraw their funds from a bank. If many depositors believe that the assets of the bank are not sufficient to cover its liabilities—the customers’ deposits, the largest number of bank runs in modern history occurred during the Great Depression in the 1930s when the nation’s banks failed. In 1933, the federal government set up a system of deposit insurance to prevent bank runs.

Enter Deposit Insurance
The Federal Deposit Insurance Corporation (FDIC) and the Federal Savings and Loan Insurance Corporation (FSLIC) were created in the 1930s to insure deposits and prevent bank runs. In 1970, the National Credit Union Shares Insurance Fund (NCUSIF) was added to insure credit union deposits. Although the names and focus of these organizations have changed over the years, the principle remains the same: to assure access to funds in banks, savings and loan associations, and credit unions against losses up to a specified limit. In 2008, each account was insured up to $250,800. Although federal insurance for bank deposits may seem like a good idea, there are problems associated with it.

Advocate Selection
An Unintended Consequence of Deposit Insurance
Since the creation of deposit insurance, few, if any, depositors even examine the financial condition or lending activities of the depository institutions in which they have checking and savings accounts. Depositors no longer have any substantial incentive to investigate the track record of the owners and managers of banks. Consequently, federal deposit insurance means that banks get to enjoy all of the profits of risk taking without bearing all of the consequences of that risk-taking. Thus, another unintended consequence of federal deposit insurance is a strange moral hazard. Bank managers have an incentive to take more risks in their lending policies than they otherwise would. After deposit insurance levels were increased to $250,000 during the latest economic crisis, confidence in banks was restored, and depositors were encouraged to keep more funds in banks. The bad news will be forthcoming in the long run—these higher deposit insurance limits will encourage both advocate selection (more risk-bearing bank managers) and moral hazard (more risk-taking by bank managers).

DEGREE OF LIKENESS
In recent cases, courts have reached different conclusions as to the degree of likeness that is required to impose liability for the tort of appropriation.

CASE EXAMPLE 4.1
Anthony “Tony” Twist, a former professional hockey player who had a reputation for fighting, sued the publishers of the comic book Splinter, which included an evil character named Anthony Tony Twist Twicell. The Missouri Supreme Court held that the use of Tony Twist’s name alone was sufficient proof of likeness to support a misappropriation claim. Ultimately, the hockey player was awarded $15 million in damages.

In contrast, some courts have held that even when an animated character in a video or a video game is made to look like an actual person, there are not enough similarities to constitute appropriation.

CASE EXAMPLE 4.2 The Naked Cowboy, Robert Burck, has been a street entertainer in New York City’s Times Square for more than ten years. He performs for tourists wearing only a white cowboy hat, white cowboy boots, and white underwear and carrying a guitar strategically placed to give the illusion of nudity. Burck has become a well-known person, appearing in television shows, movies, and video games, and has licensed his name and likeness to certain companies, including Chevrolet. When Mars, Inc., the maker of M&M candies, began using a video on billboards in Times Square that depicted a blue M&M dressed up exactly like The Naked Cowboy, Burck sued for appropriation. In 2009, a federal district court held that Mars’s creation of a cartoon character descended in The Naked Cowboy’s signature costume did not amount to appropriation by use of Burck’s “portrait or picture.” (Burck was allowed to continue his lawsuit against Mars for allegedly violating trademark laws—to be discussed in Chapter 5.)

RIGHT OF PUBLICITY AS A PROPERTY RIGHT
In some states, the common law tort of appropriation has become known as the right of publicity. Rather than being aimed at protecting a person’s right to be left alone (privacy), this right protects an individual’s pecuniary (financial) interest in the commercial exploitation of his or her identity. In other states, this right has been codified.

Use of a Similar Mark May Constitute Trademark Dilution
A famous mark may be diluted not only by the use of an identical mark but also by the use of a similar mark, provided that it reduces the value of the famous mark.

CASE EXAMPLE 5.1 A woman opened a coffee shop under the name “Sambucks’s Coffeehouse” in Astoria, Oregon, even though she knew that “Starbucks” was one of the largest coffee chains in the nation. When Starbucks Corporation filed a dilution lawsuit, the federal court ruled that use of the “Sambucks” mark constituted trademark dilution because it created confusion for consumers. Not only was there a “high degree” of similarity between the marks, but also both companies provide coffee-related services through “stand-alone” retail stores. Therefore, the use of the similar mark (Sambucks) reduced the value of the famous mark (Starbucks).

Trademark Registration
Trademarks may be registered with the state or with the federal government. To register for protection under federal trademark law, a person must file an application with the U.S. Patent and Trademark Office in Washington, D.C. A mark can be registered if it is currently in commerce or if the applicant intends to put the mark into commerce within six months.

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NEW Chapter 7, “Cyber Crime” focuses on this increasingly critical problem for businesses today

Chapter 7 examines such cyber crimes as hacking, identity theft, phishing, spamming, and online credit card fraud—as well as the difficulties involved in prosecuting cyber criminals, many who reside in foreign countries.

LATE-BREAKING coverage of the 2008–2009 financial meltdown

With numerous references and discussions throughout and late-breaking material added right up to press time, Miller and Jentz show students how the financial crisis is relevant to the business law topics covered in many chapters.

BONUSES AND SALARIES BEFORE THE CRISIS

Consider Lehman Brothers before its bankruptcy. Its chief executive officer, Richard Fuld, Jr., earned almost $500 million between 2000 and the firm’s demise in 2008. Even after Lehman Brothers entered bankruptcy, its new owners, Barclays and Nomura, legally owed $3.5 billion in bonuses to employees still on the payroll. In 2006, Goldman Sachs awarded its employees a total of $136 billion in bonuses, or an average of almost $750,000 for each employee.

Overall, in 2007 profits on Wall Street had already begun to drop—sometimes dramatically. Citigroup’s profits, for example, were down 83 percent compared to the previous year. Bonuses, in contrast, declined by less than 5 percent. The bonus payout in 2007 for all Wall Street firms combined was $13.2 billion.

SOME BONUSES WERE PAID EARLY

Another flagrant example of what could be deemed inappropriate compensation involved executives at Merrill Lynch. In 2008, the company suffered huge losses, many of which were not fully disclosed when Bank of America bought Merrill Lynch at the end of that year. Nevertheless, executives at Merrill Lynch passed out $5 billion in bonuses in December—before the takeover and earlier than management had allowed in previous years. One month later, Bank of America had to ask the federal government—that is, U.S. taxpayers—for an additional bailout of $20 billion.

CONGRESS ACTS TO LIMIT BONUSES

In response to mounting public outrage about the bonuses paid by firms receiving taxpayer funds, Congress included a provision in the American Recovery and Reinvestment Tax Act of 2009 that appeared likely to change the compensation system in the financial industry dramatically. The provision did not cap executive salaries but...

NEW material on business ethics, immigration law, and more . . .

- A practical, step-by-step approach to making ethical business decisions (Chapter 8)
- An entirely new section on immigration law and its increasing importance to employers (Chapter 24)
- The latest developments on constructive discharge, retaliation, and religious and age discrimination (Chapter 25)
- Recent examples of insider trading, online securities fraud, and the disclosure of financial information on corporate blogs and tweets (Chapter 31)

For a detailed list of updates please refer to the Preface.

Numerous 2008 AND 2009 CASES throughout the text

No other business law textbook offers the variety of current, relevant cases illustrating legal principles you’ll find here. Praised for their effectiveness in enhancing student understanding, the book’s summarized cases are each presented in a special format, including a brief outline of the facts involved, the legal issues presented, and the court’s decision. “What If the Facts Were Different?”, “Why Is This Case Important?”, and “For Critical Analysis” features included with each case enrich students’ understanding. Just a few examples . . .

- Case 8.1: United States v. Skilling (2009)—How did Enron President Jeffrey Skilling’s short-term profit maximization lead to fraud and bankruptcy?
- Case 11.2: Comedy Club, Inc. v. Improv West Associates (2009)—Is this 48-state, no-compete covenant too broad to be enforced?
- Case 25.2: Rohr v. Salt River Project Agricultural Improvement and Power District (2009)—Does Type 2 diabetes qualify as a disability under the 2008 amendments to the Americans with Disabilities Act?
At one time, investors and companies considered the U.S. accounting rules, known as generally accepted accounting principles (GAAP), to be the gold standard—the best system for reporting earnings and other financial information. Then came the subprime mortgage meltdown and the global economic crisis, which caused many to question the effectiveness and superiority of GAAP. In 2008, the Securities and Exchange Commission (SEC) unanimously approved a plan to require U.S. companies to use a set of global accounting rules, known as International Financial Reporting Standards (IFRS), for all of the financial reports that companies file with the SEC.

The Dawns of Adopting Global Rules Despite these benefits, the shift to the global rules also has some downsides. For one thing, the switch will be both costly and time-consuming. Companies will have to upgrade their communications and software systems, study and implement the new rules, and train their employees, accountants, and tax attorneys. To ease the transition, the SEC has set up a multistage timetable for converting to the IFRS. Although 10 of the largest multinational companies began using the IFRS in 2009, they are not legally required to do so until 2014. Smaller firms will make the change in 2015, and the smallest ones will be required to shift by 2016. Nevertheless, they may find it difficult to absorb the costs.

In the IFRS rules are simpler, they may be globally relevant and less likely to be required, so less financial information will be included in the IFRS. The United States and Japan are the two leading economic powers and will continue to dominate the world economy. Large multinational companies will have to prepare different financial reports for their subsidiaries located in various countries around the world.

Many NEW Ethical Issue features apply chapter topics to important legal issues

Ethical Issues open with intriguing questions that immerse students in ethical dilemmas related to chapter topics. Many Ethical Issue features in this edition are NEW, including: “Should Parties Be Able to Use the Global Financial Crisis to Escape Their Contractual Obligations?” “Should Workers Get Overtime for Using Their Blackberries after Work Hours?” “Should the Government Begin Regulating the Presence of Pharmaceuticals in Drinking Water?” and many more.
NEW ExamPrep sections with Issue Spotters

Added to the end of each chapter, the ExamPrep sections include Issue Spotters and Before the Test features that help students prepare more effectively for tests. Issue Spotters questions ask students to apply key concepts discussed in the chapter to real-world examples. Before the Test sections prompt students to go to the Book Companion Web Site (www.cengage.com/blaw/blt) to check their answers to the Issue Spotters, take the “Interactive Quiz” for the chapter, and click on “Flashcards” to review their memory of the chapter’s key terms.

Reviewing scenarios with questions

Great for solidifying students’ understanding—as well as a valuable assessment tool to help instructors identify material students may be having difficulty with—each Reviewing feature presents a realistic scenario and then asks a series of questions that require students to identify the issues and apply the legal concepts discussed in the chapter.

Critical Thinking and Writing Assignments

Critical Legal Thinking questions jump start students’ analytical skills with thought-provoking queries that help them to apply the concepts learned in the chapter.

Critical Thinking and Writing for Business assignments in selected chapters pose specific realistic business challenges (related to chapter concepts) and follow with questions that require students to analyze the issues and put their conclusions in writing.

Case Analysis Questions in selected chapters ask students to read through a case excerpt, brief the case, and answer a series of legal analysis questions relating to the case.

Video Questions in selected chapters direct students to the Book Companion Web Site (www.cengage.com/blaw/blt) to view a video relevant to a chapter topic (videos require access code—available as an optional package item). After viewing these engaging clips, students answer a series of questions on how the law applies.

NOW AVAILABLE! COMPLETELY REVISED AND UPDATED!

Handbook on Critical Thinking in Business Law and the Legal Environment

Enhancing your students’ abilities to think critically about issues in business law, this important, completely revised resource helps students work with all the critical thinking exercises in this textbook. It is available for bundling with every new copy of Miller and Jentz’s Business Law Today at no additional charge. Please contact your local sales representative to include the handbook with your adoption order.
Many NEW and updated *Adapting the Law to the Online Environment* features

Engaging students with the latest cyber law issues coming before today’s courts, topics include:

- The Supreme Court Upholds a Law that Prohibits Pandering Virtual Child Pornography (Chapter 2)
- The Duty to Preserve Electronic Evidence for Discovery (Chapter 3)
- Should the Law Continue to Allow Business Process Patents? (Chapter 5)
- Corporate Reputations under Attack (Chapter 8)
- Satisfying the Franchise Rule in the Internet Age (Chapter 26)
- Moving Company Information to the Internet (Chapter 30)

**Beyond Our Borders**

As discussed in Chapter 1, Islamic law is one of the world’s most common legal systems, along with civil law and common law. In most Islamic countries, the law is based on sharia, a system of law derived from the Qur’an as well as the narratives and doings of Muhammad and his companions. Sharia ensures “way” and provides the legal framework for many aspects of Muslim life, including politics, banking, business, family, economics, and social issues.

Islamic Law in Britain and Canada

In 2006, the archbishop of Canterbury—the leader of the Church of England—urged that it was time for Britain to consider “troubling fact and constructional relationship between Islamic law and the statutory law of the United Kingdom.” Even before the archbishop made his proposal, sharia was already being applied in Britain via councils that rule on Islamic civil justice through a number of masajid in that country. These councils arbitrate disputes between British Muslims involving child custody, property, employment, and hazards to marriage.

Islamic Law Courts Abroad and at Home

As early as 2005 in Ontario, Canada, a group of Canadian Muslims established a judicial tribunal using sharia. To date, this tribunal has resolved only marital disagreements and some other civil disputes. Initially, there was some heated debate about whether Canada should even legally could allow sharia law to be applied to any aspect of Canadian life or business. Under Ontario law, however, the regular judicial system must uphold such agreements as long as they are voluntary and negotiated through an arbitrator. Any agreements that violate Canada’s Charter of Rights and Freedoms are not upheld in the traditional judicial system. Canadian Muslims have also created the Islamic Institute of Civil Justice to oversee sharia tribunals that arbitrate family disputes among Muslims.

Islamic Law Courts in the United States

To Islamic law courts. In the United States, an American Muslim couple was married and was issued a “Society of Arlington Islamic Marriage Certificate.” A number of years later, a dispute arose over marital property and the nonpayment of a “dowry for the bride.” The parties involved had signed an arbitration agreement in which all claims and disputes were to be submitted to arbitration in front of the Texas Islamic Court in Richardson, Texas. A Texas appeals court ruled that the arbitration agreement was valid and enforceable.

The cases in Minnesota involved an Islamic arbitration clause contained in a contract between the United States and the parties, one of which the parties who had agreed to arbitrate any differences before the committee. Again, the appeals court affirmed the arbitration award.

**For Critical Analysis**

Are online attacks actually helping corporations in the long run? (West state online criticism might be accurate.)

**Prohibition against the Bribery of Foreign Officials**

The first part of the FCPA applies to all U.S. companies and their directors, officers, shareholders, employees, and agents. This part prohibits the bribery of officials of foreign governments of the purpose of the payment is to get the officials to act in their official capacity to provide business opportunities. (To read about the history of the FCPA is being used to prosecute foreign companies involved in bribery outside the United States, see this chapter’s Beyond Our Borders feature.)

Russian Hackers to the Fore

In the world of identity theft, the Russians are not in front. The best-known young Russian techie uses the name A-Z; he created the program Zeus. This program helps cyber criminals around the world steal identities and carry out other frauds on a massive scale.

**The $6 Million Run**

A few years ago, computer criminals joined forces with A-Z. Using Zeus, they sent lists of e-mails with links to rooves stories, e-greeting cards, and celebrity videos. Any recipients who clicked on the links had Zeus automatically installed on their computers. Then Zeus collected data from online banking pages and other Web sites. After several months of recording such data, the German cyber criminals used e-mails to the targets asking them to “upload here” to reset their banking security codes. Using the actual security codes, the criminals extracted $6 million from thousands of banks in Britain, Italy, Spain, and the United States.

Enter the Corefl ood Gang

In southern Russia, Corefl ood has used a program called Corefl ood to penetrate computer companies, universities, and government computer networks. Corefl ood is actually a Trojan horse, a program that masquerades as legitimate software, but in fact allows snooping to gain unauthorized access to a computer. When a computer user installs Corefl ood software, the user unaware that the software is reading his financial account statements. Criminals use this method to pilfer funds from their accounts.

**For Critical Analysis**

Why will cyber crime always be a worldwide problem? (Critical thinking questions might be suitable.)

**Beyond Our Borders**

Giving students a greater awareness of the global legal environment, *Beyond Our Borders* features show how international laws and the laws of other nations deal with specific legal concepts and topics discussed in each chapter. Topics include:

- Islamic Law Courts Abroad and at Home (Chapter 3)
- Libel Tourism (Chapter 4)
- The Anti-Counterfeiting Trade Agreement (Chapter 5)
- An Absence of Codified Criminal Law (Chapter 7)
- The United States Looks into International Bribery (Chapter 8)
- Islamic Law and Respondent Superior (Chapter 23)
**Powerful online tools for learning and assessment**

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**CengageNOW™**

CengageNOW™, an innovative Web-based application, provides interactive, automatically graded assignments for every chapter in this book. With these ready-to-go homework assignments and tests, much of your work is done for you! Your students will receive instant feedback telling them why the answers they chose were correct or incorrect and guiding them to the appropriate place within the chapter’s text to find the correct answers and review the topics. To easily modify tests, you can choose from a variety of question types that test various student proficiencies—from simple reading comprehension to more complex critical thinking, legal reasoning, and analysis skills. All of the following question types are tagged to AACSB guidelines, allowing you to track student performance throughout your course:

- Chapter Review
- Brief Hypotheticals
- Legal Reasoning
- Application and Analysis (tied to this book’s Reviewing feature)
- Synthesizing Legal Concepts (cumulative unit-ending questions)

With CengageNOW you can also . . .

- Track and assess students’ progress with the system’s powerful gradebook
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**Online Case Updates**

Every month, we provide summaries of some the most important legal cases happening around the country. Professionally selected and prepared by Roger Meiners (from The University of Texas at Arlington), these updates place the latest information for your course right at your fingertips. View this resource at www.cengage.com/blaw/cases.

**Business Law Digital Video Library**

This dynamic online video library includes more than 65 videos that spark class discussion and clarify core legal principles. The Digital Video Library is organized into four series:

- **LawFlix** contains clips from popular films, including *Midnight Run* and *Jaws*.
- **Ask the Instructor** presents straightforward explanations of concepts for student review.
- **Drama of the Law** features classic business scenarios that spark classroom participation.
- **Legal Conflicts in Business** includes specific modern business and e-commerce scenarios.

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- ExamView® Testing Software
- Case-Problem Cases (cases used in developing the case problems at the end of each chapter)
- Case Printouts
- PowerPoint® Slides
- Instructor’s Manual for the Drama of the Law Series
- Transparency Masters
- Handbook of Landmark Cases and Statutes in Business Law
- Guide to Personal Law
- REVISED! Handbook on Critical Thinking in Business Law and the Legal Environment
- Lecture Outlines

An exceptional, full-featured Instructor’s Manual

The cornerstone of this book’s entire teaching/learning system, the Instructor’s Manual includes chapter highlights, chapter outlines, answers to questions included in each chapter, synopses of the book’s cases, Cases on Point (cases additional to those in the book—giving instructors an even larger selection of case examples that illustrate legal concepts), answers to the book’s Reviewing questions, and much more. Available in the Instructor’s Resource CD-ROM, on the Book Companion Web Site, and in print form.

In addition to inclusion on the Instructor’s Resource CD-ROM, these essential instructor tools are also available as separate print items:
- Instructor’s Manual: 0-324-82879-9
- Test Bank: 0-324-82877-2
- Answers to Questions and Case Problems: 0-324-82880-2

Book Companion Web Site
www.cengage.com/blaw/blt
Carefully correlated with this book, the Instructor and Student Companion Web Sites offer a broad array of teaching and learning resources:
- Interactive quizzes
- Practical Internet exercises
- Relevant Web sites for the Classic Cases and Landmark in the Law features
- Online case updates
- Video questions that help students apply concepts to real-world situations (access code required)
- Sample answers to the Case Problem with Sample Answer
- Key terms
- Flashcards
- Legal reference materials
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