
TABLE OF CONTENTS

PART I: BUSINESS ENTITIES	1
Chapter 1: Overview of Business Entities	2
I. Introduction	2
II. Sole Proprietorships	3
III. Partnerships	3
IV. Limited Liability Companies	6
V. Corporations	7
VI. S Corporations	8
Chapter 1: Test Your Knowledge	10
Chapter 1: Solutions and Suggested Responses	12
Chapter 2: Formation of Business Entities	14
I. Introduction	14
II. General Partnership	15
III. Limited Partnerships	19
IV. Limited Liability Partnerships	20
V. Limited Liability Companies	21
VI. Corporations	23
VII. Subchapter S Corporations	27
Chapter 2: Test Your Knowledge	28
Chapter 2: Solutions and Suggested Responses	30
Chapter 3: Rights and Duties of Business Owners	32
I. Partnerships	32
II. Limited Liability Companies	33
III. Corporations	41
Chapter 3: Test Your Knowledge	48
Chapter 3: Solutions and Suggested Responses	51
Chapter 4: Management and Control of Business Entities	52
I. Single-Owner Entities	52
II. Partnerships	53
III. Limited Liability Companies	55
IV. Corporations	62
Chapter 4: Test Your Knowledge	66
Chapter 4: Solutions and Suggested Responses	68
Chapter 5: Liability of Owners	70
I. Partnerships	71
II. Limited Liability Companies	78
III. Corporations	81
Chapter 5: Test Your Knowledge	88
Chapter 5: Solutions and Suggested Responses	90

PART II: CIVIL LIABILITY AND UNFAIR COMPETITION IN BUSINESS	92
Chapter 6: Civil Liability	93
Chapter 6: Test Your Knowledge	103
Chapter 6: Solutions and Suggested Responses	105
Chapter 7: Unfair Business Practices	107
I. Trade Libel	107
II. Interference with Business or Contractual Relations	111
III. Unlawful Advertising	116
Chapter 7: Test Your Knowledge	125
Chapter 7: Solutions and Suggested Responses	129
Chapter 8: Federal AntiTrust Laws	129
I. Introduction to Antitrust Laws	129
II. Dealing with Competitors	130
III. Mergers	136
IV. Enforcement of Federal Antitrust Laws	143
Chapter 8: Test Your Knowledge	145
Chapter 8: Solutions and Suggested Responses	147
PART III: INTELLECTUAL PROPERTY	149
Chapter 9: Trademark Law	150
I. Introduction to Trademark Law	150
II. Choosing s Mark	150
III. Trademark Searching	153
IV. Private Trademark Attorneys	154
V. Should I Register My Mark?	155
VI. Information to Include in the Application	154
VII. Depiction of the Mark (“The Drawing”)	156
VIII. “Use-in-Commerce” vs. “Intent-to-Use”	157
IX. Grounds for Refusal of Registration	158
X. Infringement	162
Chapter 9: Test Your Knowledge	166
Chapter 9: Solutions and Suggested Responses	168
Chapter 10: Patent Law	170
I. Overview	170
II. What Can Be Patented?	170
III. Who May Apply For A Patent	172
IV. Nature of Patent and Patent Rights	173
V. Infringement of Patents	174
Chapter 10: Test Your Knowledge	176
Chapter 10: Solutions and Suggested Responses	178

Chapter 11: Copyright Law	180
I. Overview	180
II. Copyright Registration	189
III. Duration of Copyright	191
IV. Infringement	192
V. International Copyright	194
Chapter 11: Test Your Knowledge	196
Chapter 11: Solutions and Suggested Responses	198
 PART IV: EMPLOYMENT LAW	 200
 Chapter 12: Overview of Selected Federal Employment Law	 201
I. Introduction	201
II. Fair Labor Standards Act	203
III. Americans with Disabilities Act	216
IV. Title I of the Americans with disabilities act: Employment Provisions	218
V. Age Discrimination in Employment Act	219
VI. Worker Adjustment and Retraining Notification Act (WARN)	222
VII. Family and Medical Leave Act (FMLA)	226
VIII. Occupational Safety and Health Act	231
IX. Employee Polygraph Protection Act of 1988 (EPPA)	235
X. National Labor Relations Act	237
XI. Immigration and Reform and Control Act of 1986 (IRCA)	239
XII. Employee Retirement Income Security Act (ERISA)	239
Chapter 12: Test Your Knowledge	247
Chapter 12: Solutions and Suggested Responses	250
 Chapter 13: Title VII of the Civil Rights Act of 1964	 251
I. Introduction	251
II. Protected Classes	252
III. Illegal Discrimination	255
IV. Covered Parties	257
V. Filing a Complaint	270
VI. Standing	277
VII. Summary – Lilly Ledbetter Fair Pay Act of 2009	279
Chapter 13: Test Your Knowledge	281
Chapter 13: Solutions and Suggested Responses	283
 Chapter 14: Fringe Benefits	 285
I. Overview	285
Chapter 14: Test Your Knowledge	317
Chapter 14: Solutions and Suggested Responses	319

Chapter 15: Overview of Federal Employment Taxes	321
I. Federal Employment Taxes	321
Chapter 15: Test Your Knowledge	331
Chapter 15: Solutions and Suggested Responses	333
PART V: THE LAW OF INDEPENDENT CONTRACTORS	335
Chapter 16: Introduction to the Law of Independent Contractors	336
I. Introduction	336
II. The Gig Economy	340
Chapter 16: Test Your Knowledge	344
Chapter 16: Solution and Suggested Responses	346
Chapter 17: The Current Three Part Test and the Historic IRS 20-Factor Test	348
I. Overview	348
Chapter 17: Test Your Knowledge	364
Chapter 17: Solutions and Suggested Responses	366
Chapter 18: Statutory Classes of Workers	368
I. Overview	368
Chapter 18: Test Your Knowledge	382
Chapter 18: Solutions and Suggested Responses	384
Chapter 19: Employer's Good Faith Defense	386
I. Overview	386
Chapter 19: Test Your Knowledge	402
Chapter 19: Solutions and Suggested Responses	404
Chapter 20: Employment Tax Penalties	406
I. Penalties	406
Chapter 20: Test Your Knowledge	418
Chapter 20: Solutions and Suggested Responses	420
Chapter 21: State Workers' Compensation Coverage	422
I. Overview of the Workers' Compensation System	422
II. Review of Selected States	428
III. Special Issues in Worker Classification for Workers' Compensation	438
Chapter 21: Test Your Knowledge	446
Chapter 21: Solutions and Suggested Responses	448
PART VI: BANKRUPTCY LAW FOR BUSINESSES	450
Chapter 22: Liquidation Under Chapter 7 of the Bankruptcy Code	452
I. An Overview of Chapter 7 Bankruptcy	452
II. Alternatives to Chapter 7 Relief	452
III. How Chapter 7 Works	453
IV. Role of the Case Trustee	455

Chapter 22: Test Your Knowledge	458
Chapter 22: Solutions and Suggested Responses	460
Chapter 23: Reorganization Under Chapter 11 Bankruptcy	461
I. An Overview of Chapter 11 Bankruptcy	461
II. How Chapter 11 Works	463
III. The Small Business Case and the Small Business Debtor	473
Chapter 23: Test Your Knowledge	475
Chapter 23: Solutions and Suggested Responses	483
Chapter 24: Taxes and Bankruptcy	479
I. Introduction	479
II. Partnerships and Corporations	479
III. Determination of Tax	481
IV. Debt Cancellation	482
V. Court Jurisdiction Over Tax Matters	483
Chapter 24: Test Your Knowledge	487
Chapter 24: Solutions and Suggested Responses	490
Glossary	491
Index	497
Final Exam Copy	499