

Roll No: -----

**UNIVERSITY OF PETROLEUM
AND ENERGY STUDIES**



End Semester Examination – December, 2017

Program/course: B. TECH. (ET), LL.B. (Hons.) IPR 2014 Semester : VII
Subject: Law of Copyrights Specifications & Claims- (Hons-1) Max. Marks : 100
Code : LLBL 463 Duration : 3 Hrs
No. of page/s: 3

Section A

10 Marks (1x10)

Q1. The performer's right subsists:

- a. Until 60 years from beginning of the calendar year next following the year in which the performance is made
- b. Until 50 years from beginning of the calendar year next following the year in which the performance is made
- c. Until 6 years from beginning of the calendar year next following the year in which the performance is made
- d. Until 25 years from beginning of the calendar year next following the year in which the performance is made ()

Q2. Mr. Rohan is a judge in High Court. He has written a judgment with the assistance of his research assistant in a criminal case. Who hold the copyright on the judgment written by Mr. Rohan?

- a. Mr. Rohan
- b. High Court
- c. Government
- d. Research Assistant

()

Q3. The right to sue in case of infringement vests with:

- a. Author of copyright who is not the owner of copyright
- b. Owner of copyright
- c. Exclusive Licensee
- d. Both (b) and (c)

()

Q4. Name of a person may be considered as:

- a. Literary work
- b. Artistic Work
- c. Musical Work
- d. None of the above

()

Q5. Copyright protection begins when?

- a. When the original work is fixed in a tangible medium of expression
- b. Immediately when the author or creator comes up with the idea
- c. When it is published
- d. When it is registered ()

Q6. When the compulsory licence is granted by the board for the unpublished work, then the licensee has to deposit the amount fees or royalty in _____.

- a. Copyright office
- b. RBI.
- c. To the government
- d. public account

Q7. 'Actual events' are _____ under Copyright Act, 1957.

Q8. 'Computer Programme' is defined under _____ of Copyright Act, 1957.

Q9. Moral rights of the Performer are given under Section _____ under Copyright Act, 1957.

Q10. In case of Infringement of copyright remedies available are:

- a) Civil Remedies
- b) Criminal Remedies
- c) Both of the above
- d) None of the above ()

Section B
[4x5=20 Marks]

- Q1.** What is Anton Pillar order?
- Q2.** What is the objective of Copyright Law?
- Q3.** Is a guide to a textbook an infringement of the Literary Work?
- Q4.** What is the significance of Berne Convention?

Section C
[2x10= 20 Marks]

- Q1.** Critically examine the recent amendments made in Copyright (Amendment) Act, 2012. Do you think these amendments further strengthen the existing copyright regimen in India?
- Q2.** "Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author." Analyze the statement along with relevant legal provisions and case laws.

Section D
(50 Marks)

UPPES

UNIVERSITY WITH A PURPOSE

Q1. What is the law as to photocopying for educational purposes while discussing the ongoing controversy regarding a case filed by a group of publishers against the University of Delhi? **[10 Marks]**

Q2. A newspaper named 'THE EXPRESS NEWS' was one of the leading newspapers of the country. On 23rd November, 2015 news was reproduced in the paper which dealt with the extracts of a confidential diary minutes of a political party. Because of this news coming in the newspaper, the sales of the newspaper increased many fold. The political party held the Editor of the newspaper.

a. Whether the act of newspaper Editor amounts to infringement? Discuss the test applicable to determine the act of infringement. **[10 Marks]**

b. Whether the act of newspaper Editor is protected under Fair Use exceptions. Justify your opinion with relevant provisions and case laws. **[10 Marks]**

Q3. Rocking Cassettes Industry Limited (RCIL) is one of the leading music companies engaged in the recording of songs and acquiring the rights in songs created by others. Manoranjan Network Industry limited (MNIL) is an FM radio broadcaster which broadcasts under the name of "Radio City". MNIL being one of the famous radio station having maximum number of listeners. He requested to RCIL for giving him license to broadcast musical work of the owners of copyright. However, RCIL denied the same. MNIL then filed a complaint for granting of compulsory license.

[2x10]

a. Whether MNIL can claim Compulsory License on music owned by music providers. If yes, substantiate your arguments along with relevant legal provisions.

b. Whether provisions related to compulsory licensing are defeating the objective of Copyright Act, 1957.

c.



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Section A

10 Marks (1x10)

- Q1.** The first owner of the plan of the building is _____
a. Client c. Labour
b. Architect d. Owner of the building
- Q2.** The owner of the sound recording is _____.
a. Composer c. Producer
b. Director d. Artist
- Q3.** The term of the copyright in anonymous and pseudonymous is _____
a. 60 years c. 50 years
b. 25 years d. 10 years
- Q4.** _____ was the first copyright Act in England was passed in 17th Century.
a. Statute of Anne c. Copyright Act-1814
b. Copyright Act-1911 d. Copyright Act-1914
- Q5.** In India first Copyright Act was passed in _____.
a. 1914 c. 1911
b. 1709 d. 1842
- Q6.** Compulsory licence for the unpublished shall be granted by the registrar only when the author is _____.
a. Dead b. Not found
a. Unknown d. all the above
- Q7.** When the compulsory licence is granted by the board for the unpublished word, then the licensee has to deposit the amount fees or royalty in _____.
a. Copyright office b. RBI.
c. To the government d. public account

- Q8.** All of the following are factors used to consider whether a use is fair or not, except:
- The nature of the copyrighted work
 - The amount and substantiality of the portion used in relation to the copyrighted work as a whole.
 - The source of the information
 - The effect of the use upon the potential market for or value of the copyrighted work

- Q9.** What types of work can be copyrighted?
- Only literary works
 - Literary, musical, and pictorial works
 - Facts and ideas that lack originality
 - All types of “original” works

- Q10.** Which one of these statements is true?
- If the work is not registered it is not protected by copyright
 - Copyright infringement and plagiarism are the same things.
 - If a web page does not have copyright notice it is public domain.
 - Materials created by the federal government are public domain

Section B

- Q1.** What is *John Doe* order?
- Q2.** What is the role of Copyright Societies in protection of Copyright?
- Q3.** Is a guide to a textbook an infringement of the Literary Work?
- Q4.** What is the significance of Berne Convention?

Section C

- Q1.** “There is no copyright in idea, subject matter, themes, and plots, historical or legendary facts”. Analyze the statement with relevant case laws and legal provisions.
- Q2.** Critically examine the recent amendments made in Copyright (Amendment) Act, 2012. Do you think these amendments further strengthen the existing copyright regimen in India?

Section D

- Q1.** Can a person other than the author be the first owner of the Copyright? Explain with the help of relevant statutory provision?
- Q2.** Rocking Cassettes Industry Limited (RCIL) is one of the leading music companies engaged in the recording of songs and acquiring the rights in songs created by others. Manoranjan Network Industry limited (MNIL) is an FM radio broadcaster which broadcasts under the name of “Radio City”. MNIL being one of the famous radio

station having maximum number of listeners. He requested to RCIL for giving him license to broadcast musical work of the owners of copyright. However, RCIL denied the same. MNIL then filed a complaint for granting of compulsory license.

[2x10]

- a. Whether MNIL can claim Compulsory License on music owned by music providers. If yes, substantiate your arguments along with relevant legal provisions.
- b. Whether provisions related to compulsory licensing are defeating the objective of Copyright Act, 1957.

Q3. X has created a work which is protected as a copyrightable subject matter. Subsequently he has applied for registration of the work under Designs Act after reproducing fifty five copies by an industrial and mechanical work.

- a. Whether X can have both copyrights and designs at the same time. Discuss the same by explaining the inter-relationship between copyright and designs?

[10 Marks]

Q4. Rohan is a Musical Artist. He came across a non-copyright song. He put a few new words in that song and created a new song. Whether he is eligible to get the copyright of the modified version of that song? Justify your answer with the help of relevant legal provisions.

[10 Marks]

