


Name: Enrolment No:	
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UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, December 2022

Course: B. Tech., LLB-CSE **Semester:** 9th
Program: Digital Copyright and Data Protection Law
Time: 03 hrs.
Course Code: CLCB5008 **Max. Marks:** 100

Instructions:

- In section “A” explain and define the terms, with relevant sections.
- In sections “B”, “C”, and “D”, support your answer with the case laws.

SECTION A
(5Qx2M=10Marks)

S. No.		Marks	CO
Q 1	Sweat of the brow		CO1
Q 2	Digital Library		CO2
Q 3	Contract for service		CO2
Q4	Idea expression Dichotomy		CO1
Q5	WIPO		CO2

SECTION B
(4Qx5M= 20 Marks)

Q6.	Explain the work where copyright subsists. Support your answer with the relevant section and case laws.		CO2
Q 7.	What Does the IPR Game in the Gaming Industry Looks Like? Support your answer with relevant case laws.		CO1
Q 8.	Explain the relation of the Internet with copyright, in contrast of the Doctrine of Fair use.		CO2
Q 9.	What are the emerging challenges faced by the IPR after the digital transformation?		CO1

SECTION-C (2Qx10M=20 Marks)			
Q 10.	Explain the concept of linking. How linking is different from framing. Support your answer with the relevant section and case laws.		CO3
Q 11.	to provide for the protection of the privacy of individuals relating to their personal data, specify the flow and usage of personal data, create a relationship of trust between persons and entities processing the personal data, protect the rights of individuals whose personal data are processed, to create a framework for organizational and technical measures in the processing of data, laying down norms for social media intermediary, cross-border transfer, accountability of entities processing personal data, remedies for unauthorized harmful processing, and to establish a Data Protection Authority of India for the said purposes and for matters connected therewith or incidental thereto. <i>In your words, explain why PDPB Bill implementation is important for India.</i>		CO2
SECTION-D (2Qx25M=50 Marks)			
Q 12.	On January 21, 2019, the French Data Protection Authority (the “CNIL”) imposed a fine of €50 million on Google LLC under the EU General Data Protection Regulation (“GDPR”) for, basically, lack of transparency and failure to obtain consent for ad targeting. The fine was the result of two collective complaints by activist None Of Your Business (“NOYB”) and La Quadrature du Net (“LQDN”). The fine made headlines but was intermediately appealed by Google, with a request that questions be referred to the European Court of Justice for resolution. Google argued, among other things, that the CNIL was not the competent authority as, under the one-stop-shop the Irish DPA should have been the lead. The French Courts neither referred the case to the European Court of Justice nor agreed with Google’s arguments. So, it looks like activist won the day on this one and Google is going to have to pay... <ol style="list-style-type: none"> 1. Write down the principles relating to the processing of personal data? 2. To process the personal data, does consent need from the data subject? Write down the six legal bases to process data. 3. What is the difference between controller and a processor? 4. What are the restrictions on transfer of personal data outside India as per PDPB? 		CO3
Q. 13	After UIDAI came into existence from 2009, the respective government in every financial year has allocated budget for the Aadhaar Project. Up to August 2014, government has spent ` 49.06 billion in Aadhaar project (The Economic Times, 2014, September 10). In the financial year 2014–		CO2

	<p>15, the project has been allocated ` 20.00 billion to enroll the remaining population (NDTV Profit, 11th July 2014). In the year 2012–2013, UIDAI issued 0.291 billion Aadhaar numbers with an average of 24 million per month. With proposed increased capacity, UIDAI can generate 1.3–1.4 million Aadhaar numbers per day, taking the figure to generating 0.40 billion Aadhaar numbers. Government has set the new target to enroll 1.00 billion individuals by March 2015 (The Economic Times, 2014, September 10) with increased budget allocation. The central government has also decided to incorporate biometric-based attendance which will be linked to Aadhaar number. Government has also proposed Pradhan Mantri Jan Dhan Yojana to provide government benefit to the beneficiaries with Aadhaar linked bank accounts. It is also planning for digital India program in which all the government documents and records of all citizens will be available online on real time basis to avail government services. UIDAI is also considering hiring an advertising agency to look after media campaign to increase awareness for Aadhaar. In spite of all such attempts, although the project is on time as well as schedule but the intended scope (i.e., to integrate with other government schemes) has not yet been met. Aadhaar evolution has been through a very rigorous process since its inception to its current state of enrolment, as well as adding new benefit schemes under one umbrella. Varma (2010) as well as UIDAI (2010) elaborates these stages as: Project Design (project definition, application modules, process workflows) and Project Implementation (includes communication strategy, development of IT infrastructure, training personnel, registration and backend processing, logistics services).</p> <ol style="list-style-type: none"> 1. Secret picketing of the house, domiciliary visits at night, and reporting by constables. It violates the rights or infringes privacy. Elaborate, explain the case laws, and highlight the judgment where the above activities are not considered an infringement of the privacy of a person. 2. Explain the parameters laid down in the triple test. 3. Why there is a need to introduce a Personal data protection bill in India. Support with case laws and write the timelines. 		
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