

Name:	 UPES UNIVERSITY WITH A PURPOSE
Enrolment No:	

**UNIVERSITY OF PETROLEUM
AND ENERGY STUDIES**

End Semester Examination May 2019

Course: B.TECH. (CSE), LL.B. (Hons.) Cyber Laws 2012
Subject: Digital Copyright & Data Protection Law (Hons-4)
Code : LLBL563
No. of Pages: 05

Semester –X
Duration: 3 Hrs.
Max. Marks: 100

SECTION A (Total Marks 10)

A. Write short notes on:

Questions	Marks	Mapping
1. Concept of Originality	2.5	CO1
2. Doctrine of Merger	2.5	CO1
3. Broadcasting Rights	2.5	CO1
4. Digital Copyright	2.5	CO1

SECTION B (Total Marks 20)

B. Answer the following with the help of relevant case laws or provisions:

Questions	Marks	Mapping
1. Mr. X have created a video game based on the theme of a magician. The protagonist of the video game resembles a world famous magician. Answer whether video games are capable of being copyrighted. If yes then how strong the protection is with the help of case laws.	10	CO3
2. Define Data protection and elaborate the laws under which data can be protected in India.	10	

SECTION C (Total Marks 20)

C. Answer the following with the help of relevant case laws or provisions:		
Questions	Marks	Mapping
5. The elements of computer programs can be divided into literal and non-literal categories. Generally, source and object codes constitute the “literal” elements. Company A copied some part of computer program of Company B. Explain the test applied in copyright infringement of a computer Program.	5	C02
6. Whether Linking be it surface linking or deep linking amounts to copyright infringement? What all rights of an author or owner of a work will be violated by linking?	5	C03
7. “India though not being a party to Internet treaties provides for Technological protection to the copyrighted works by virtue of section 65A and 65B of Indian copyright Act 1957,these two new provisions facilitated the entry of WIPO internet treaties into copyright system.” Comment.	10	C03

SECTION D (Total Marks 50)		
D. Answer the following with the help of relevant case laws or provisions:		
Questions	Marks	Mapping
8. Several universities and university officials collaborated with Google, Inc. on the Google Books project that digitized library collections. Several authors questioned this and filed suit of copyright infringement. Answer with the help of relevant provisions and case laws whether libraries can digitize the hardcopy, which are in their possession without authors’ permission? List out other exceptions relating the libraries. Also, elaborate the four-factor test for laying down exceptions?	15	CO4
9. Viacom sued YouTube for more than \$1 billion for copyright infringement because hundreds of thousands of clips from Viacom programs, such as the Colbert Report and The Daily Show with Jon Stewart, have been uploaded to YouTube without Viacom’s permission. These Viacom programs have been viewed more than 1.5 billion times. Viacom asserts that YouTube should use filtering software to thwart the uploading of Viacom content; that YouTube, allows users to share a video with up to 1000	15	C04

<p>friends and allows embedding a video into other websites, that YouTube is running an infringement-driven business because infringing videos are a draw to the YouTube site. Analyze whether Youtube can be held liable for primary or secondary infringement with the help of relevant cases and provisions.</p>		
<p>10. An organizer of a cricket match entered into an agreement with a TV channel for broadcasting the live match in India. Mr. X created a website where he use to share information regarding scores, players bating or bowling, his reviews regarding the match. For the same purpose, he used to share some short video clipping of the match from the TV channel broadcasting the match. The broadcasters filled a suit for infringement of the special broadcast rights. Answer with the help of cases whether the act of Mr. X amounts to infringement or not?</p>	20	CO4

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SECTION A (Total Marks 10)

A. Write short notes on:

Questions	Marks	Mapping
1. Define Copyright	4	CO 1
2. Digital Work	3	CO2
3. Online Piracy	3	CO2

SECTION B (Total Marks 20)

B. Answer the following with the help of relevant case laws or provisions:

Questions	Marks	Mapping
1. Elcon made a straight-up identical Donkey Kong clone which was known as Crazy Kong which “embodies audio-video material, including the characters on the screen and the sound, that is virtually identical” to Donkey Kong. Analyze the situation and elaborate on the copyright protection given to video games.	10	CO3

2. Examine the fair dealing provisions relating to computer program provided under the Copyright Act, 1957.	10	C02
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SECTION C (Total Marks 20)

C. Answer the following with the help of relevant case laws or provisions:

Questions	Marks	Mapping
1. Several universities and colleges wish to digitize their library so that their content can be shared with other libraries so that there is access to information. Several authors questioned this and filed suit of copyright infringement. Answer with the help of relevant provisions and case laws what are the fair use exceptions given under the Copyright law relating to libraries in India and U.S.?	10	C03
2. What is Data Protection Law? Discuss the Laws protecting Personal Data in India.	10	C03

SECTION D (Total Marks 50)

D. Answer the following with the help of relevant case laws or provisions:

Questions	Marks	Mapping
1. A group of motion picture studios, sought an injunction under the DMCA to prohibit illegal copying of digital versatile disks (DVDs). Plaintiff presented evidence that each motion picture DVD includes a content scrambling system (CSS) that permits the film to be played, but not copied, using DVD players that have plaintiff's licensed decryption technology. Defendant, a computer hacker, provided a link on his website which allows an individual to download "DeCSS," a software program that allows the user to circumvent the CSS protective system and view or copy a motion picture from a DVD, regardless of whether or not the user has a DVD player with the licensed technology. Whether instant facts fall under anti circumvention laws? What are the relevant provisions under the Indian copyright law inserted by the amendment of 2012? Whether defendant can be held liable for circumventing the technology and copyright infringement?	15	C04
1. In 2010, Twentieth Century Fox and other parties (Fox) sued British-based Newzbin for copyright infringement on the basis that the Newzbin	15	C04

<p>website operated to locate and identify unlawful copies of films online and then display the titles of those files, allowing visitors to the website to acquire unlawful copies of the films by clicking on the link provided. Newzbin created a new type of digital file called NZB, which operates on similar principles to torrent files, but are specifically for use with Usenet. Usenet is an internet discussion system which allows users to post and view messages on the Usenet system. In simple terms, the Usenet system works by interconnecting a series of servers (Usenet servers), and messages posted on the Usenet system are exchanged between the Usenet servers, which are regularly synchronised. Any content uploaded to the Usenet servers is stored in a hierarchy of newsgroups that are named to indicate their content. Members of Newzbin are provided with a report regarding the content available via Usenet upon logging in to the website.</p> <p>Analyze the liability of British-based Newzbin for copyright infringement with the help of relevant cases and provisions.</p>		
<p>7. With the coming of the mobile phones towards the end of the last millennium, the markets all over the world have been flooded by different kinds of sets of the cellular phones. These mobile phones sets are offering various kinds of ring tones in a particular set, out of which the user according to his wish can select any ring tone and keep it operational , unlike the ringtones of landline telephone sets which are standard in nature. To make the ring of one’s mobile set easily distinguishable from the ring tone of another mobile set, the manufacturers have made use of small tunes of famous musical works usually without the permission of the copyright holder of that musical work or sometimes they do take permission from the copyright holder.</p> <p>In the light of the above facts answer the following with the help of case laws, provisions, illustrations etc.:</p> <ol style="list-style-type: none"> (1) Briefly discuss the issue in the instant case relating to Copyright. (10 Marks) (2) Discuss the ownership issue between the ‘ producer’ and “lyricists, music composers etc.” and the policy followed by Indian law. Explain the Indian law approach to concept of ownership. Also discuss the amendments made by Copyright Amendment Act of 2012 relevant for the abovementioned facts. (10 Marks) 	20	CO4