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## UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, April 2018

<b>Program:</b>	<b>B.Tech. LL.B. CSE</b>	<b>Semester – X</b>
<b>Subject (Course):</b>	<b>Digital Copyright and Data Protection Laws Hons.4)</b>	<b>Max. Marks:100</b>
<b>Course Code :</b>	<b>LLBL 563</b>	<b>Duration : 3 Hrs</b>
<b>No. of page/s:</b>	<b>5</b>	

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### SECTION A

**Objective type / Short Answer type/ Memory based general questions**

**5 questions \*2 marks -10 marks**

1. The 'Red Flag Test' in the infringement of digital copyright content was introduced in which of the following case:
  - a. Viacom Int'l Inc. vs. YouTube Inc.
  - b. The Associated Press vs. Fairey
  - c. Monkey Selfie Case
  - d. None of the above
2. 'Feist Publications Inc. vs. Rural Telephone Service Co. Inc. Us 1991 deals with which of the following concept:
  - a. Doctrine of Fair Use
  - b. Doctrine of Merger
  - c. Ashok Kumar Order
  - d. None of the above.
3. Under the Copyright Act, 1957 the term 'Sound Recording' is defined under:
  - a. Section 2 (ffc)
  - b. Section 2 (x)

- c. Section 2 (ffd)
  - d. Section 2 (xx)
4. Which treaty is known as 'Internet Treaty'
- a. Berne Convention
  - b. Paris Convention
  - c. WCT & WPPT
  - d. All of the above
5. Under which section of the Copyright Act, 1957 the concept of 'Fair Use' is defined under:
- a. Section 12
  - b. Section 52
  - c. Section 51
  - d. None of the above

## **SECTION B**

### **Short Answer Type Conceptual questions**

**Attempt all questions. All questions carry equal marks**

**(4 question\*5 Marks -20 marks)**

6. Which doctrine is reflected from the decision of the Court which is worded as:  
"Bee shaped jewel pin was an idea that anyone was free to copy, the expression of which could be possible only in a few ways, therefore, no Copyright could subsist in it". Explain the doctrine with the help of relevant case laws.
7. According to the Universal Declaration of Human Rights:  
"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."  
  
In the light of above-stated statement highlight the importance of 'Moral Rights of Author' with the help of relevant case laws.
8. Explain the meaning of following terms: Linking, In-lining and Framing. Give illustrations.

9. What are the 'Exclusive Economic Rights of the copyright owners' as provided under the Copyright Act, 1957.

**Section C**  
**Analytical questions**

**Attempt any two questions. Each question carries 10 Marks**

**(2 questions \*10 Marks -20 marks)**

10. Whether content on the 'Websites' are subject matter of copyright protection? Explain the nature of content available on the websites. Highlight various modes of violation of web-content.
11. Analyze the modes of 'Infringement of Digital Content' in the era of Information and Communication Technology. What are various Tests to determine infringements? Mention with landmark case laws.
12. Define 'Intermediary'. What is copyright liability of Intermediaries? Analyze the relationship of the Copyright Act, 1957 and the Information Technology Act, 2000 (as amended in 2008) on this issue?

**Section D**  
**All Questions are compulsory**

**Application based questions/ Case study (2 questions \*25 marks-50 marks)**

13. "Copyright law was established long before anyone ever thought about digital world, but copyright protects original works in digital medium just as it protects works in more traditional media. Digital content is any content that exists in the form of digital data. Copyright protection begins as soon as a work has been created and fixed in a tangible medium." In the background of above-stated statement some of the following problems are framed. With the application of the provisions of the Copyright Act, 1957 provide the justified answers:
1. Mr. A went to watch a live concert and took several photos and recorded videos. Can Mr. A upload photos and videos of live concerts taken from his camera phone or digital camera onto his personal website / blog?
  2. Mr. B is fond of music. He has a big music library of original CDs. Can music, songs, videos and movies from his original CDs / VCDs / DVDs be uploaded onto his personal website/ blog?

3. Mr. C celebrated birthday party of his sister. Can Mr. C upload a video-recording of sister's birthday celebration onto websites such as YouTube?
4. Prof. Kevlin has given Project to B. Tech. LL.B. CSE Batch in the subject of Digital Copyright Law. Mr. Z (student) was undertaking research on a particular topic. Can Mr. Z copy material from the Internet?
5. Prof. Wilson has given an assignment to the students on 'Poverty & Sickness in India'. Can students use images provided by portals such as Google Images and upload their video on their commercial web-site?

**14.** AVM Satya Inc., the Plaintiff is a popular Computer Programmer under the name and style of "Smartwork@space" which is capable to manage promotion as well as performance of employees of any firm. The plaintiff has also allegedly the licensing of that Computer Program to many clients in India. This Computer Program became very popular. The defendant named BMZ Pvt. Ltd. with the name of "Best#Software" Allahabad, have developed the same computer program for analyzing performance of employees. AVM Satya Inc. filed suit for the infringement of copyright against "Best#Software" in New Delhi in November 2017. **(25 Marks)**

On the basis of this hypothetical problem answer the following questions: Answer given in Yes / No form are not acceptable. Justify your answer with relevant Sections and case laws.

- I. Under which section of the Copyright Act, 1957 the term 'Computer Program' is defined?
- II. Who is the author & owner of 'Computer Program' under the Copyright Act, 1957?
- III. Whether BMZ Pvt. Ltd. infringes the copyright of AVM Satya Inc.?
- IV. Which is the place of 'Jurisdiction' for filing suit of infringement?
- V. What remedy is available with the plaintiff?

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<b>Name of the College</b> (Please tick, symbol is given)	:	COES		CMES		COLS	
<b>Program</b>	:	B.Tech. LL.B. CSE					
<b>Semester</b>	:	X					
<b>Name of the Subject (Course)</b>	:	Digital Copyright Law and Data Protection Laws (Hons. 4)					
<b>Course Code</b>	:	LLBL 563					
<b>Name of Question Paper Setter</b>	:	Dr. Gagandeep Kaur					
<b>Employee Code</b>	:	40001451					
<b>Mobile &amp; Extension</b>	:	9216432100, 2181,					
<b>Note: Please mention additional Stationery to be provided, during examination such as Table/Graph Sheet etc. else mention "NOT APPLICABLE":</b>							
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**Note: - Pl. start your question paper from next page**

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### SECTION A

**Objective type / Short Answer type/ Memory based general questions**

**5 questions \*2 marks -10 marks**

1. 'R.G. Anand Case' deals with which of the following concept:
  - a. Doctrine of Fair Use
  - b. Viewer Test
  - c. Ashok Kumar Order
  - d. None of the above.
2. 'What is the meaning of SSO Test:
  - a. Style, Simple, Objective Test
  - b. Structure, Sequence and Order Test
  - c. Structure, Sequence and Organization Test
  - d. None of the above.
3. Under the Copyright Act, 1957 the term 'Artistic Work' is defined under:
  - a. Section 2 (ffc)
  - b. Section 2 (c)
  - c. Section 2 (ffd)
  - d. None of the above

4. Which treaty is known as 'Internet Treaty'
  - a. Berne Convention
  - b. Paris Convention
  - c. WCT & WPPT
  - d. All of the above
5. Under which section of the Copyright Act, 1957 the concept of 'When copyright infringed' is defined:
  - a. Section 12
  - b. Section 52
  - c. Section 51
  - d. None of the above

#### **SECTION B**

##### **Short Answer Type Conceptual questions**

**Attempt all questions. All questions carry equal marks**

**( 4 question\*5 Marks -20 marks)**

6. With the help of latest examples explain various modes of infringement of copyrighted content on the Internet.
7. According to the Universal Declaration of Human Rights: "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." In the light of above-stated statement highlight the importance of 'Moral Rights of Author' with the help of relevant case laws.
8. With the reference of relevant sections explain the concept of 'Authorship and Ownership' in Copyright as prescribed in the Copyright Act, 1957.
9. Highlight the provisions of 'Fair Use' as provided under the Copyright Act, 1957.

#### **Section C**

##### **Analytical questions**

**Attempt any two questions. Each question carries 10 Marks**

**(2 questions \*10 Marks -20 marks)**

10. Define 'Computer Program' as mentioned under the Copyright Act, 1957. With the help of cases analyze how far the Copyright Act, 1957 provides Protection for Computer Program'?
11. Explain the meaning of following terms: Linking, In-lining and Framing. Give illustrations.
12. How far the Internet has contributed in the infringement of copyrighted content? Explain various 'Tests' to determine infringements of copyrighted content with landmark case laws.

### **Section D**

**All Questions are compulsory**

**Application based questions/ Case study (2 questions \*25 marks-50 marks)**

- 13.** AVM Satya Inc., the Plaintiff is a popular Computer Programmer under the name and style of "Smartwork@space" which his capable to manage promotion as well as performance of employees of any firm. The plaintiff has also allegedly the licensing of that Computer Program to many clients in India. This Computer Program became very popular. The defendant named BMZ Pvt. Ltd. with the name of "Best#Software" Allahabad, have developed the same computer program for analyzing performance if employees. AVM Satya Inc. filed suit for the infringement of copyright against "Best#Software" in New Delhi in November 2017.

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Copyright protection begins as soon as a work has been created and fixed in a tangible medium.” In the background of above-stated statement some of the following problems are framed. With the application of the provisions of the Copyright Act, 1957 provide the justified answers: **(25 Marks)**

1. Mr. A went to watch a live concert and took several photos and recorded videos. Can Mr. A upload photos and videos of live concerts taken from his camera phone or digital camera onto his personal website / blog?
2. Mr. B is fond of music. He has a big music library of original CDs. Can music, songs, videos and movies from his original CDs / VCDs / DVDs be uploaded onto his personal website/ blog?
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