

Name:	
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, December 2019

Course: Information Technology Law
Semester: IX
Programme: B.COM.,LLB. (Hons.) Taxation Laws 2015/B.B.A.LL.B(Hons.) Corporate Laws
Course Code: LLBL512
Time: 03 hrs.
Instructions: Attempt all questions

Max. Marks: 100

SECTION A
Attempt all questions

S. No.	Fill in the correct answers to the following questions.	Marks	CO
Q 1	What are the essentials of a valid electronic contract?	2	CO1
Q2	Define intermediary?	2	CO2
Q3	Explain Data theft under Information Technology Act, 2000?	2	CO1
Q4	Differentiate between Digital Signature and Electronic Signature?	2	CO1
Q5	Make a distinction between Public key and Private key?	2	CO1

SECTION B
Attempt all questions

Q6	Discuss the authentication of Electronic Record under Information Technology Act? Explain with the help of diagram?	10	CO1
Q7	Discuss the main issues of consumers in e-commerce? Explain the relevant legal provision of Consumer Protection Act, 2019 and Information Technology Act to combat the issues of e-consumers?	10	CO3

SECTION-C
Attempt any two questions.

Q8	How can vicarious liability of an intermediary be established with regard to copyright infringement in cyberspace? Discuss the 'Fonovisa test' in detail. Whether this test could be applied in India.	10	CO1
Q9	One morning, scientists at an atomic research centre found a rude-nuclear message splashed across their computer screens. Someone had breached the atomic research centre's advanced security system and sensitive mail. What offence has been committed in the atomic research centre? Explain the legal provisions under the Information Technology Act ?	10	CO1

SECTION-D

Q10	The Plaintiff company ran a Hindi news channel "JEENE DO" which was launched in March 2004. The Plaintiff claimed to have adopted the mark "JEENE DO" since		
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	<p>01.12.2002. The Plaintiff had applied for the registration of the said mark and the said applications were published in the trademarks journal also. The Plaintiff was also the owner of the domain name "JEENE DO TV" which was registered on 18.11.2003. The channel was made available for live viewing on the said website. Defendant hosted a website "jeenedotv.com" which the Plaintiff came across in January 2007 while carrying out an internet search. The website contained the words "JEENE DO TV" which were displayed prominently inside the sketch of a television. An action was initiated in Delhi High Court to injunct the Defendant from using the domain name www.jeenedotv.com. In resisting the said suit, the Defendant took stand that this court was not a court of competent jurisdiction not being the appropriate forum/forum conveniens. Inasmuch as Defendants did not reside or work for gain in India, it was only the District Court Arizona that was the appropriate forum/forum conveniens to decide the dispute.</p> <p>In light of the given facts answer the following questions-</p> <ol style="list-style-type: none"> What kind of suit will be instituted against the defendant for the said act? What is the extent of the burden on the Plaintiff to prima facie establish that the forum court has jurisdiction to entertain the suit? What is the concept of personal jurisdiction? Does the Defendant fall within the personal jurisdiction of the Delhi High Court? Explain the 'purposeful availment test'. 		
Q 11	<p>Explain the concept of 'privacy' under Constitution of India Act, 1950? Answer the following questions :</p> <ol style="list-style-type: none"> Which section deals with the punishment for violation of privacy under Information Technology Act? What is the maximum punishment provided for violation of privacy under the Information Technology Act? Explain the Justice K.S. Puttuswamy v. Union of India with respect to validity of AADHAR Act? Explain the key highlights of Draft Personal Data Protection Bill, 2018. 	<p>3</p> <p>1</p> <p>1</p> <p>5</p> <p>5</p>	<p>CO1</p> <p>CO3</p> <p>CO3</p> <p>CO3</p> <p>CO4</p>
Q 12	<p>Explain Section 66A of Information Technology Act in terms of cyber defamation? Analyze the judgement of Shreya Singhal v. Union of India in the light of Article 19(1) of the Constitution of India. What changes have been brought under the draft guidelines on Intermediary 2018?</p>	15	CO3

