

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Law of Copyright
Semester-II (Batch: 2016-17)

LL.M. End Semester Examination: May-2017

Date: 5th May, 2017

Duration: 3 hours

Max. Marks: 70

Instructions:

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write any thing on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.

Part-A

Marks

Attempt any five questions of from the following:

- Q.1 What do you mean by neighboring rights? Discuss their significance in the law of copyright. Explain the major changes which have taken place in the Copyright (Amendment) Act 2012 in relation to neighboring rights. (11)
- Q.2 Mr. Rajani is a famous film producer, director and script writer. In the year 2016, he produced a film named 'Mahabali' casting various famous actors of India. The film became very popular and soon it became a block-buster movie of the year. Thereafter, Mr. Rajani entered into an agreement for assignment of copyright in the movie 'Mahabali' with M/s Tiacom Ltd., for sale and supply of the movie through CDs and DVDs in the market against a lump-sum consideration of Rs. 50 Crore. After few months, Mr. Rajani entered into an agreement with Cinema TV for broadcasting of the said movie against a consideration of Rs. 40 Crore. M/s Tiacom Ltd. came to know about this deal. They approached the District court for claiming injunction against the same. The contentions by the plaintiff are that the broadcasting of the movie 'Mahabali' on Cinema TV will adversely affect the business. Moreover, he has entered into an assignment of copyright wherein all the exclusive rights are transferred in his favour. Therefore, Mr. Rajani is not entitled for another deal with Cinema TV. The contention of Mr. Rajani is that he had assigned only rights to sale and supply of the copies of movie and he is entitled to transfer broadcasting rights. Based on these facts, decide whether contentions of Mr. Rajani are valid. Answer in the light of applicable legal provisions and decided case laws. Explain the major provisions for the assignment of copyright in India. (11)
- Q.3 Explain what constitutes infringement of copyright? Write a critical note on copyright infringement and the role of internet in light of decided case laws. (11)
- Q.4 The Copyright Act 1957 provides for various instances wherein a compulsory licence may be granted in certain situations. Critically discuss those provisions in light of its necessity. Highlight the drawbacks of the system of compulsory licence in the copyrighted works. (11)

- Q.5 "In the material world, laws are geared to protect the right to equitable remuneration. However, life is beyond the material. It is temporal as well. Many of us believe in soul. Moral rights of the author are soul of his work and the author has a right to preserve, protect and nurture his creations through his moral rights". Do you agree with this statement? Critically discuss the concept of moral rights available under the copyright law in light of applicable legal provisions and decided case laws. (11)
- Q.6 Write short notes on: (11)
- (a) *John Doe* Order
 - (b) *Anton Piller* Order

Part-B

- Q.7 "WIPO Copyright Treaty, 1996, was framed to address the challenges of the digital world". Justify this statement by discussing relevant provisions of the abovementioned treaty. (10)
- OR**
- Discuss the significance and salient features of the Berne Convention for the Protection of Literary and Artistic Works, 1886.
- Q.8 Write a short note on **any one** of the following: (05)
- (a) Need for Universal Copyright Convention, 1952
 - (b) WIPO Performances and Phonograms Treaty, 1996
