

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: **Law of Copyright**
Semester-II (Batch: 2018-19)

LL.M. End Semester Examination: May-2019

Date: 6th May, 2019

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 anything 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.
- Bar Act is not allowed.

Marks

- Q.1 X University is very well-known for imparting legal education amongst the students. For the examination purpose, the University appoints various examiners who are not staff of the University for setting question papers. In 2018, the University appointed 5 examiners for setting question papers for LL.M examinations and each of them was paid Rs. 5000/- for setting various question papers. The university has entered into an agreement with Y Ltd, a printing press by which the University gets all the question papers printed for the examinations. After completion of examination in May 2018, Z Ltd, a famous publishing house came out with a student friendly publication in form of 'Solved Questions' for LL.M examination in which more than 50 question papers of different universities were published along with their answers. Finding the question papers published in 'Solved Questions', Y Ltd. files a suit of copyright infringement against Z Ltd. The contention of Z Ltd is that they are not liable for copyright infringement for various reasons. First, they have published it for academic purpose. Second, Y Ltd. does not possess copyright for the question papers as they are mere printers, therefore, the necessary party in the suit for infringement is the University. Third, the 'Solved Questions' contains more than 50 question papers while there are only 10 question papers are printed which were asked in the examination conducted by X University therefore, there is no case of grave infringement. Based on the facts, decide the ownership of the copyright in the light of applicable legal provisions and decided cases. What would be the situation if Z Ltd. had obtained the permission of X University before publishing 'Solved Questions'? (10)
- Q.2 "The exclusive rights granted by the Copyright Act are limited by several statutory and constitutional limitations on copyright law. The most well-known of these limitations is "fair use". The doctrine of fair use developed over the years as courts tried to balance the rights of copyright owners with society's interest in allowing copying in certain, limited circumstances. This doctrine has at its core a fundamental belief that not all copying should be banned, particularly in socially important endeavours such as criticism, news reporting, teaching, and research." Critically discuss the statement in the light of acts which do not constitute infringement of copyrights. (10)
- Q.3 Mr. Ramkumar writes a novel 'Balibahoo' based on the core idea of honesty, integrity and brotherhood. The novel is written in such a wonderful way that the person who (10)

reads it can take away best virtues to be adopted in personal life. In the novel, a character named 'Mama' is perfectly described as an ideal person who plays very crucial role to cherish virtues among the other characters of the novel. The novel soon became very famous and popular amongst the readers and it got included in the list of best seller books of the year 2018. Mr. Ramkumar got a good name and fame based on the novel. Mr. Hirani, a renowned film producer read the novel and he got inspired to produce a movie based on it and, therefore, he entered into a legal agreement with Mr. Ramkumar seeking permission to make movie of his novel. Mr. Hirani got all rights to produce movie from the novel, and for the same, Mr. Ramkur got reasonably good amount in consideration. Thereafter, the movie got released, however, the character of 'Mama' was depicted in a negative way having very loose moral and virtues. All other characters of the novel remained same with little alterations. Mr. Ramkumar got disheartened to know about this and he sent a legal notice to Mr. Hirani, against which the reply was given that Mr. Hirani has all the rights in the novel therefore he is entitled to make any change as per the requirement of the movie. Advise Mr. Ramkumar whether he can take any action against Mr. Hirani. Discuss in the light of the applicable legal provisions of the Copyright Act 1957 and decided cases.

- Q.4 Discuss in details the provisions relating to compulsory license of copyrighted works as per the Copyright Act 1957. What, according to you, is the requirement of granting compulsory license of the copyrighted work? (10)
- Q.5 'Copyright is a limited monopoly having its origin in protection. But there cannot be any monopoly in the subject matter which the author has borrowed from public domain. Others are at liberty to use the same material. Material in which no one has a copyright is available to all. Every man can take what is useful from them, improve, add and give to the public the whole comprising the original work with his additions and improvements. The term original is not defined anywhere in the Copyright Act 1957, hence the interpretation for the same would be based on the judicial pronouncement of the term by the Courts. However the idea of originality of the work has been changing with the passage of time.' In the light of this statement, explain the test of originality and trace its legal evolution with the help of decided cases for copyright protection in India. (10)
- Q.6 Copyright is purely a creation of statute. With reference to the provisions of the Copyright Act, 1957, explain copyright and its subject matter. Elaborate the nature of different rights which are protected under the Act. Substantiate your answer by analysing the statutory interpretations with examples. (10)
- Q.7 Write short notes on **any two** of the following: (2x5 =10)
- Star India v. Piyush Agarwal* 2014 (58) PTC 169 Del
 - Performers' Rights in India
 - Marrakesh Treaty
