

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

**Course: Law of Copyright
Semester- II (Batch: 2020-21)**

End Semester Online Examination: June 2021 (LLM)

Date: 24th June, 2021

Duration: 8 hours

Max. Marks: 50

Instructions:

- The respective marks for each question are indicated in-line.
- Indicate correct question numbers in front of the answer.
- No questions or clarification can be sought during the exam period, answer as it is, giving reason, if any.
- Word Limit: 10 Marks: 800-900 Words, 5 Marks: 400-450 Words.

Marks

- Q.1 *'In comparison with other forms of Intellectual Property, Copyright is comparatively easy to obtain and also easy to infringe as its registration is not formally required to be made with the authority. Such situation creates challenge in today's technology driven world as the works can be quickly disseminated at international level with the help of technology and therefore the municipal laws need to address the growing concerns with regard to the protection of copyright to the foreign works in India in order to fulfil the requirements of Indian laws and International treaties.'* – Discuss the provisions for protection of foreign works by India in light of the above-mentioned statement. Whether the efforts taken by India are sufficient to protect the international works? Answer in light of recent issues and cases (10)
- Q.2 *'The copyright is a positive privilege which grants exclusive rights to the author of a copyright or authorizes others to benefit from a copyrighted work, thus copyright gives a bundle of exclusive rights to the authors with respect to the reproduction of the work and other specified acts to enable the authors to receive financial benefits by exercising such rights. However such legal framework provides certain exceptions to such exclusive rights and 'fair use' is one of them which allows limited use of copyrighted material without permission or authorization from the author and such exception is the requirement of the current regime.'* - Do you agree with the statement? Discuss the scenario of fair use of copyrighted works post 2012 Amendment Act and explain how such exceptions are in compliance with International Conventions for protection of Copyright? (10)
- Q.3 According to the provisions of the Copyright Act, 1957, the owner of the copyright in any existing work or the prospective owner of the copyright in any future work may grant any interest in the right by license to the other party for the economic exploitation of the work. Such provisions are known as 'voluntary license'. However the Copyright (10)

Act, 1957 also provides for the compulsory license in various situations. Critically evaluate the provisions with regard to the compulsory licensing of copyrighted works. Do you think that the provisions of compulsory licensing is over encroachment on the rights granted by the law? Give your opinion in light of decided cases and legal provisions.

- Q.4 Originality in any type of work, works as a “sine qua non” of the copyrighted work. (10)
- Copyright is the right acquired by a person for a work which is a result of “Intellectual Labour”. Originality is the fundamental test used by the copyright systems in the world to assess the availability of copyright protection to a specific work. The word “Originality” in civil law countries has been considered as an author's own intellectual creation. Section 13(1) of the Indian Copyright Act, 1957 states that copyright subsists in “original literary, dramatic, musical and artistic works.” However, the act does not define “original” or “originality” and what these concepts entail has been the subject-matter of judicial interpretations in India and various other jurisdictions.

In the light of above statement, critically evaluate the development of the ‘Concept of Originality’ under the Copyright Law of different jurisdictions. Examine in detail the position of law in India, expounded by the courts on the ‘Concept of Originality’.

- Q.5 **Write short notes:** (10)
- a) Historical development of neighbouring rights in India
 - b) Will copyright subsist in a concept? Elucidate.
