

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination October-November, 2023

U.G-VII SEMESTER

Copyrights and Related Rights (IPR Hons)

Time: Three Hours

Marks-100

Instructions:

1. Attempt ANY FIVE questions of the given six.
2. Support your answers with case laws wherever required.
3. No Bare Acts are allowed.

Q.1) Consider the statement mentioned under and answer the following question:

"The sound recording accompanying a visual recording is not an independent work"

Critically analyze the statement with Intellectual Property Justification and provisions from Copyright Act, 1957. (Marks 20)

Q.2) Answer the following questions:

a) Elaborate on the framework of compulsory licensing as outlined in the legislation, supported by pertinent case law examples. (Marks 10)

b) Elaborate on the statutory licenses and other forms of licenses given under the legislation. (Marks 10)

Q.3) Primary facts of the case: Acharya Law University in Jodhpur has a cultural committee comprising 30 students and faculty. The committee, in its discretion, has decided to organize an event featuring various performances by university students, including singing and dancing. These performances will incorporate sound recordings and constituent works from various Indian films (X authors). Please note that the following situations are only connected to the primary facts and not to each other.

Situation A: Attendance for the event was free, and anyone could attend. What actions can X take?

Situation B: Attendance for the event was set at 1500 persons, and anyone could attend. What actions can X take?

Situation C: The event was part of Holi facilities, where attendance was set at 2000 rupees. What actions can X take?

Situation D: Attendance was set at 1500 per person but was restricted to parents of students and staff of the school. (Marks 20)

Q.4) Describe the notion of originality and its significance within copyright law, including the threshold test used to assess it. (Marks 20)

Q.5) ABC Library in Jodhpur received a book titled "The Universe of Sheldor" among the vast collection donated by business tycoon Mr. Malhotra. The book's cover was torn, preventing the identification of the author or publisher. Even on the inside, the book abruptly started from the content as the first page.

"The Universe of Sheldor" is a fictional account of a child's suffering in an orphanage. Considering the fragile state of the book, the library scanned its contents and created two physical copies; the original copy was safely stored by the library. X, the owner of a publishing house named RST, comes across "The Universe of Sheldor" at the library and loves it so much that he decides to find out more about the author. When he asks the library, they inform him of their inability to identify the author but provide him with Mr. Malhotra's contact.

X tries to contact Mr. Malhotra but learns that he has passed away in America, unmarried and issueless. X then attempts to find information about the publisher through distribution channels. To his surprise, he discovers that the book has not been published yet. X photocopies "The Universe of Sheldor" and instructs his publishing team to immediately make copies and release it in the market. These copies clearly state on the cover that the author is unknown. "The Universe of Sheldor" is received so well by the public that calls start coming in from distributors abroad.

Sheldon Cooper, the actual author, had discarded the book in his garbage after finishing it, as it depressed him. Sheldon Cooper, a retired scientist, completed "Universe of Sheldor" while still in service in 2004. After retiring in 2013, Mr. Sheldon moved to a remote location in West Bengal and took up farming.

Mr. Sheldon learns about the publication of "The Universe of Sheldor" through news on his radio. Furious, he wants to take legal action against X for infringing his work and to halt its circulation. Mr. Sheldon approaches you to guide him under the act. (Marks 20)

Q.6) Write short notes on

a) Moral rights under the Copyright regime

(Marks 10)

b) Resale Rights under the Copyright regime.

(Marks 10)