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NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination November – 2024

Semester: UG VII Semester (IPR Hons.)

Subject: Copyright Law and Related Rights

Time: Three Hours

Marks: 100

Instructions:

- 1) Answer any 5 out of 6 questions.
- 2) Marks have been indicated against each question.
- 3) Write your answers to the point, brevity will be appreciated.

Q.1). BUC, Inc. spent several years developing its BUCNET program, which was a centralized online directory for yacht brokers that listed yachts for sale. Prior to BUCNET, there was no central directory and yacht brokers and dealers shared information about boats for sale by mail or fax, with no uniformity in the information shared. To make the information placed on BUCNET easier to submit and present, BUCNET's president developed a novel 'Standard Listing Form and Format' which the brokers used to submit information about yachts for listing on BUCNET. The format was based on a special system of classification which used different parameters as a part of the website programming to present the information in a convenient order for users. While brokers could modify this standard format, more than 98 percent of the boats listed were submitted under the standard form and format. BUC put a copyright notice on each boat listing on BUCNET. A few years after BUCNET was up and running, a group of yacht broker associations formed the International Yacht Council Limited (IYC). One goal of IYC was to create an online multi-listing service for yachts. IYC contracted with MLS Solutions to develop and manage its online multi-listing service. MLS obtained listings from brokers and placed them on IYC's Web service. Some brokers who were BUCNET licensees simply copied their BUCNET listings and sent them to MSL. Some IYC listings were obtained by MLS from BUCNET by acquiring BUCNET passwords from BUCNET licensees. Over 4,400 listings on IYC's Web service were replicas of BUCNET listings, and some still included BUCNET's copyright notice. BUC brought suit alleging copyright infringement to which IYC contended lack of originality. Decide. (Marks 20)

Q.2). Analyze the following -

a) Graham marketed CD-ROM disks containing compilations of computer shareware, freeware, and public domain computer programs. Graham asked James, a self-taught computer programmer, part-time taxi driver, and computer equipment salesman, to create a file-retrieval program in exchange for a CD-ROM disk drive and credit on the final product. Both of them agreed on a fixed fee of \$500 for this project. In composing the program on his home computer system at his own expense, James created the programme and built into it a notice attributing authorship and copyright to himself. Graham removed the copyright notice and installed the program on a new release of his CD-ROM. James then sold his program to another CD-ROM publisher. Graham sued alleging that he owned the copyright in the program under the work-made-for-hire doctrine, and that James had infringed Graham's copyright by selling the program. Decide.



b) Discuss whether a character which is a part of a literary work can enjoy separate copyright protection independent of such work.

(Marks 10+10 = 20)

Q.3). Discuss the role of judiciary in expanding the scope of moral rights protection under the copyright law in India.

(Marks 20)

Q.4). Decide the following -

a) Silvertop Associates does business as Rasta Imposta. Under the name Rasta, it marketed a full-body banana costume. Rasta holds the copyright registration on the costume. Rasta sued Kangaroo for marketing a similar full-body banana costume. While Kangaroo admitted to substantial similarity, it contested the validity of the copyright held by Rasta on the ground that its form is dictated by the utilitarian aspects of a banana. Decide by referring to the images below in light of relevant cases.

RASTA IMPOSTA



KANGAROO ITEM 10477



KANGAROO ITEM 10478



b) Cheryl Janky was one of the members of a singing group/band. She wrote a song about Goa and registered it as her sole work. After learning that the Goa Tourism Bureau (Bureau) was looking for a song to use in its tourism publicity, Janky showed the song to another group member, Henry Farag. Farag insisted that the song was not suitable in its current form because it dealt with Indiana in general; he provided more focused changes (which Janky accepted), highlighting Varca Beach, a popular tourist destination in North Goa. Janky later attributed some twenty percent of the lyrics to Farag. Janky obtained a copyright registration for the revised song as a joint work authored by herself and Farag. The Bureau was thrilled with the song; in return for production costs, Farag gave the Bureau a non-exclusive license to use it. The Bureau also bought thousands of copies of the group's album containing the song. Sometime later, Janky obtained a third copyright

registration, naming herself as sole author of the song. She notified the Bureau that its license was invalid and sued Farag for copyright infringement as Farag had no authorship. Farag refuted the claim based on the fact that she considered herself as the joint author. Decide.

(Marks 10 + 10 = 20)

Q.5) Faith Ringgold, a successful contemporary artist, created a work of art titled 'Church Picnic'. The design of the quilt consisted of a painting, handwritten text, and quilting fabric, all three of which Ringgold united to communicate parables. The painting component depicted a Sunday school picnic held by the Freedom Baptist Church in Atlanta, Georgia, in 1909. The work conveyed aspects of the African-American experience in the early 1900s. Ringgold filed suit against HBO Independent Productions and Black Entertainment Television (BET) after it used the 'Church Picnic' poster as a set decoration on the television sitcom, ROC. In one scene during that episode, at least a portion of the poster was shown a total of nine times, for an aggregate duration of 26.75 seconds. In some of those instances, the poster was at the center of the screen, although nothing in the dialogue, action, or camera work particularly called the viewer's attention to the poster. The copy of the poster used in the episode was framed without displaying the name of the artist or the title of the work. The poster did include a copyright notice, but it was too small to be discernible to a television viewer. HBO and BET claimed that the use constituted fair dealing. Decide under common law.

(Marks 20)

Q.6) Critically examine India's law and policy pertaining to compulsory license issued for television and radio broadcasting of protected works.

(Marks 20)