

26 JUL 2025

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination April-May -2025

Semester: PG LLM II (IPR)

Subject: Law of Copyright

Time: Three Hours

Marks:100

Instructions:

1. All questions carry equal marks.
2. The paper consists of six questions. Answer any four out of six. Write the question number of the attempted question, carefully.
3. Substantiate your answers with the use of relevant statutory provisions and judicial precedents.
4. Adhere to the prescribed word limit for each answer- 500-600 words

Q1. "The judiciary has had to become increasingly creative and innovative to keep up with the fast-moving world of digital copyright infringement." Do you agree with this statement? Substantiate with suitable judicial interventions. (25 Marks)

Q2. Members of Ghibli Studio seek your legal advice on widespread use of AI tools to generate images in the distinctive style of their animation studio. They are particularly concerned about copyright issues in the creative industries and digital age including the use of copyrighted Ghibli material to train AI models without permission and replication of their artistic styles. Render advice. (25 Marks)

Q3. Jurisdiction complexities and enforcement hurdles are pressing issues in the contemporary copyright regime. Discuss (12.5*2= 25 Marks)

- a) Issues in Jurisdiction with emphasis to long arm jurisdiction
- b) Enforcement issues with emphasis on online platforms

Q4. 'A' designed a decorative hairpin embellished with crystals and pearls. 'A' wants to copyright the same along with its overall shape and cut of a hairpin. Advise 'A' as to what elements are copyrightable and what elements are not copyrightable in such designs explaining relevant copyright doctrine. (25 Marks)

Q5. X and Y, two members of an aboriginal community, approach you with concerns about a recent program they happened to witness, where performances of their aboriginal art forms including traditional dances and songs had been significantly altered. Elements from various tribes were combined, and the rhythms of songs and dance steps were modified to appeal to tourists, incorporating modern music and styles. They feel that this presentation misrepresents their cultural heritage and amounts to cultural robbery. They wonder whether this constitutes any actionable claim, and if so, what legal remedies might be available. What advice would you offer them?

(25 Marks)

Q6. "Copyright transfer plays a crucial role in commercial exploitation of both the economic and the moral rights." Analyse the correctness of the statement and state: (12.5*2= 25 Marks)

- a) What rights are transferrable in copyright?
- b) What are the different kinds of transfers stipulated in Indian Copyright Act with a special emphasis on different types of Licenses?

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Q1. In 2024, 'A' published a book titled, 'Light Within' in U. S. Through authorized dealers he started marketing the book in various countries of the Berne Union including India. He is currently selling them at different rates in different countries considering local market conditions. In India the book was priced at Rs: 2000/- per copy while in Kenya it was priced for at half of that amount. He discovered in April 2025 that 'B' had imported 10000 copies of the book to India from Kenya and was selling them at RS 1500- per copy. (12.5*2=25 Marks)

(a) Advise 'A' whether he has any remedy and if so, how to proceed?

(b) Advise 'B' whether he has committed any offence, if so, what defences he can plead?

Q2. "Copyright is regarded as statutory subject matter encompassing a vast array of creative works that are eligible for legal protection." In the light of the statement explain what is the subject matter of copyright and what is not protected in copyright? (25 Marks)

Q3. "Copyright is not a monopoly although it gives creators certain exclusive rights. Copyright law inherently incorporates exceptions and limitations to help balance the rights of creators with the public interest." While substantiating the statement explain how copyright encourages the free flow of information and knowledge. (25 Marks)

Q4. Appraise the adequacy of performers rights in India along with its shortcomings in the current Indian copyright framework that could limit the full protection and compensation for performers. Refer to the relevant legislative provisions and the relevant judicial decisions while answering. (25 Marks)



Q5. The High Court of Rajasthan appointed you in March 2025 as an Amicus curiae to assist the court in a matter involving authorship of a novel created by Generative AI named 'Entertainer'. Simultaneously there are few reports on copyright infringement in the said novel as it closely resembles to another novel written by an Indian budding author in 1999 who never registered his novel under the copyright law. Give your expert legal opinion to the court explaining India's present legal position on authorship in matters of creations by generative AI and other aligned copyright issues. (25 Marks)

Q6. Answer the following:

(12.5*2= 25 Marks)

- (a) Key areas of intersection between copyright law and the law of confidentiality.**
- (b) Significance of the decision in M/s Knit Pro International v. The State of NCT of Delhi
2022 10 SCC 221**