

6 MAY 2024

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination January-May, 2024

LLM-IPR-II SEMESTER

Law of Copyright

Marks-100

Time: Three Hours

*Instructions:*

1. Attempt ANY FOUR questions of the given six.
2. Question no 1 is compulsory.
3. Support your answers with case laws wherever required.
4. No Bare Acts are allowed.

Q.1) What are copyright societies, and how do they perform their powers and duties? How do these societies protect the work of a right-holder in a foreign nation? Explore the issues associated with such societies, explaining with the help of case laws. (Marks 25)

Q.2) While India did not initially accede to the 1961 Rome Convention for the Protection of Performers, Producers of Phonograms, and Broadcasting Organizations, recent amendments compelled the introduction of performers' rights in our Copyright Act. This included a simultaneous modification of the "musical work" definition, eliminating the notation requirement. Consequently, Indian classical musicians now enjoy dual protection for their performances, safeguarded both as performances and as musical works. Notably, India is a party to the Trade-Related Aspects of Intellectual Property (TRIPS) agreement, which provides minimum protection to neighboring rights, as outlined in Article 14. Against this backdrop, elucidate the term 'performer' and outline all the rights granted to performers under The Copyright Act of 1957. (Marks 25)

Q.3) X is a body contortionist who conducts shows for small audiences once every few months. As a contortionist, she twists her body into what would seem like strange and unnatural positions to ordinary people. X does these shows as a way of pursuing her real passion. In an interview, X commented that due to the rise of stand-up comedy shows, there are very few people who prefer coming to watch her performances. X holds the shows in the premises of ABC Theatreco, which are ordinarily booked either for plays or stand-up acts. Z is a videographer who wishes to record X's shows and communicate the same with the public. Z has asked X to provide a suitable license for this purpose.

However, X is unaware of copyright law. She has come to you to understand the composition of her license under the Act. Provide her with guidance under the Act. (Marks 25)

Q.4) Consider the statement mentioned under and answer the following question:

*"During the pandemic, Students using tools like ChatGPT to make assignments for purposes of evaluation are in violation of copyright or Moral Right"*

Critically analyze the statement with intellectual Property justifications and provisions from the copyright Act, 1957. (Marks 25)

Q.5) Write short notes on

1. Determine the scope of parodies and satires as an exception under the Copyright Act.

2. What are resale royalty rights, and what is their scope under the Indian Act?

(Marks 12.5+12.5)

Q.6) Explain the Four Factor test in U.S.A copyright law and how India is dealing with Permitted acts. Justify your answer with relevant case laws. (Marks 25)