

Name:	
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, December 2021

Course: DIGITAL COPYRIGHT & DATA PROTECTION (HONS 2) **Course Code: CLCB5002**
Semester: IX

Programme: BT-CSE-LLB-CL-XI **Time: 03 hrs.**
Max. Marks: 100

Instructions: Read all questions carefully and answer. Cite suitable legal provisions, case laws, amendments and illustrations wherever required.

SECTION A
(10 Marks)

S. No.		Marks	CO
	Attempt all questions	10	
Q 1	Copyright protection is available for (a) Literary work (b) Musical work (c) Artistic work (d) All the above.	2	1
Q 2	As per Indian Copyright Law, Fair dealing includes (a) Use for research (b) Use for review (c) Use for non-commercial use (d) All the above	2	1
Q 3	Domain names can be protected under both Copyright and Trademark. (TRUE/FALSE)	2	1
Q 4	What is Broadcasting Right?	2	1
Q 5	Abstraction-filtration-comparison is the test for copyright infringement of the _____.	2	1

SECTION B

	Attempt all questions	20	
Q 6	Write a short note on Digital Copyrights.	5	2
Q 7	Elaborate on the Moral Rights and Monetary Rights from the point of view of the Digital Libraries.	5	3

Q 8	Discuss the emerging issues in the protection of Intellectual Property Rights in Digital Libraries.	5	3
Q 9	Define Data protection and elaborate on the laws under which data can be protected in India.	5	3
SECTION-C			
	Attempt both the questions	20	CO
Q 10	Critically analyze the Liability of the Internet Service Provider. Support your answer with the help of case laws.	10	2
Q 11	<p><i>“India though not being a party to Internet treaties provides for Technological protection to the copyrighted works under section 65A and 65B of Indian copyright Act 1957, these two new provisions facilitated the entry of WIPO internet treaties into copyright system.”</i></p> <p>Critically analyze the above statement with the help of relevant provisions and case laws.</p>	10	2
SECTION-D			
	Attempt both the questions	50	
Q 12	<p><i>“While GDPR and India’s Personal Data Protection Bill (PDP) are similar in many ways, the differences between them mean that a company which is compliant in Europe may not necessarily be compliant under the PDP.</i></p> <p><i>The PDP scope of application is broader than that of the GDPR as an entity will fall within scope merely by processing personal data in India when compared to that of GDPR.”</i></p> <p>In the light of the above analyze the following:-</p> <ol style="list-style-type: none"> a) General principles and basic concepts of the GDPR b) Compare it with Personal Data Protection Bill of India. 	25	2
Q 13	<p>In “Justice K.S. Puttaswamy v. UOI a nine-judge bench of the Supreme Court unanimously held that Indians have a constitutionally protected fundamental right to privacy. It held that privacy is a natural right that inheres in all natural persons, and that the right may be restricted only by state action that passes each of the three tests: First, such state action must have a legislative mandate; Second, it must be pursuing a legitimate state purpose; and third, it must be proportionate i.e., such state action both in its nature and extent, must be necessary in a democratic society and the action ought to be the least intrusive of the available alternatives to accomplish the ends.”</p> <p>In the light of the above discuss the Law on Privacy and Data Protection. Critically comment on the role of Data protection Authority. Also, analyse the Rights of the Individuals and the liabilities of the Social Media Intermediaries.</p>	25	4