

Roll No.....

NATIONAL LAW UNIVERSITY, DELHI
LL.M. Degree Programme, II-Semester (Batch of 2018)
End-Semester Examinations, April - 2019
Paper: Comparative Copyright Law

Time: 3:00 Hours

Total Marks: 50

Instructions:

1. Read the questions carefully and answer.
2. Attempt All Questions.
3. No clarification shall be sought on the question paper.
4. Do not write anything on the question paper except your roll no.

Q1. Motify is a global music streaming company having its headquarters in Norway, and presence in more than 50 countries across the globe. Streaming services of Motify are accessible only for subscribers to their service. On payment of a prescribed monthly fees (which varies considerably from country to country), Motify allows subscribers to stream any music from their entire repertoire on up to five devices owned by the subscribers, including phone, computer, tablet, and any other device that can stream music online. Their repertoire consists of diverse genres like Rock, Jazz, Indie, Electro, Country, etc.

Motify is now planning to enter the US and Indian markets also, in view of the large number of potential consumers for online music in both the markets. With the entry into the Indian market, they would also like to provide access to diverse types of music popularised by Bollywood and all other regional film industries in India.

Before finalising their decision to enter the US and Indian markets, the company needs answers to certain important queries raised by their in-house counsel with regard to both the jurisdictions. As an expert in both the US and Indian copyright laws, you are requested to advise the company on the following queries -

- a. From which all categories of copyright owners should permission be taken before starting their music streaming services in India and the US? Answer with the help of relevant legal provisions and case laws. **(6 Marks)**
- b. Can Motify use Sec. 31D of the Copyright Act 1957 in India for providing music streaming services in India? **(12 Marks)**
- c. From a policy perspective, should streaming services like Motify be allowed to use statutory licensing or compulsory licensing related provisions under copyright law? For answering this sub-question, select one of the four intellectual-property theories that were examined in this course and provide insights using that theory. Also describe how your analysis illuminate the strengths and weaknesses of the theory you selected for this analysis? **(12 Marks)**

Q2. Select two of the following four dimensions of copyright law

- a. Originality
- b. Joint authorship
- c. Exceptions to author's exclusive rights
- d. Moral rights

Briefly describe how the issue is addressed under the law of the United States and how it is addressed under Indian copyright law, with the help of relevant case laws. Which of the two approaches, in your judgment, is superior? Why? [Max: 1000 words/ sub-question] **(2X10 Marks= 20 Marks)**