

**NATIONAL LAW UNIVERSITY, DELHI**  
**LL.M., Semester-II (Batch of 2020)**  
**End-Semester Assessments (Online), May/June-2021**  
**Paper: Comparative Copyright Law**

Time: 48 hours

Total Marks: 50

1. Mail your assignments only to [submissions.llm@nludelhi.ac.in](mailto:submissions.llm@nludelhi.ac.in).
2. All questions are compulsory.
3. This is an open book exam. Students are free to consult their class notes as well as assigned reading material.
4. No clarification shall be sought on the question paper.
5. Mention ONLY Name, Roll No. and Subject Paper on the Cover/First page. Start writing your answers from the next/second page only. **Do not** mention your name and roll no on any other page.
6. Please follow the prescribed word limits.
7. The incidents described in the question may be purely fictional, though inspired by real life characters and incidents. So answer the questions only based on the facts provided in the questions.

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Sci-Hub is a shadow library which was founded by Ms Alexandra Elbakyan in 2011. The primary factor that prompted Ms Elbakyan to establish Sci-Hub was to provide free access to academic articles and book chapters. Currently more than 85 million papers and book chapters are hosted on Sci-Hub and the website receives more than 400,000 access requests every day from across the world, including India. Some of the works shared by Sci-Hub are works wherein copyrights are held by different publishers including, Elsevier.

Ms Neelima is a doctoral researcher at the National Law University of India (NLUI) in Delhi. As part of her doctoral research, she had downloaded around 50 articles from Sci-Hub. Copyright in 15 of them were held by Elsevier and copyright in 4 of them were held by Taylor & Francis. The remaining 31 were either works that were in public domain or works that were made available under the Creative Commons Attribution Only license (CC-BY license).

One of the cyber forensic firms hired by the publishers for monitoring copyright infringements identified the IP address of the laptop used by Ms Neelima and they reported the matter to the publishers. During their investigation, they also noticed that the Sci-Hub server was hosted in the US and that Ms Elbakyan is currently residing in San Francisco. Elsevier and Taylor & Francis has decided to initiate a copyright infringement litigation against Ms Neelima, Ms Alexandra Elbakyan and Sci-Hub. They are also contemplating to initiate the suits in both India and the US.

- (1) Please prepare an advisory note for Ms. Neelima and Ms Alexandra Elbakyan clearly highlighting the legal questions under the Indian copyright law and the US copyright law. The advisory note should also clearly highlight the rights that might have been infringed and also the potential defenses available in both jurisdictions for Ms Neelima and Ms Alexandra Elbakyan. Substantiate the answers with the help of relevant case-laws, wherever possible. If any additional facts are required for answering any of the legal issues, highlight them in the advisory note.  
**(30 Marks; Maximum 1500 words)**
- (2) Should injunctions be granted in the context of copyright infringement in academic works? Discuss this question in the light of welfare theory and culture theory.  
**(20 Marks; Maximum 1000 words)**