A. MULTIPLE CHOICE QUESTION
Choose the correct answer/s

1. Utility model protects
   (a) Invention
   (b) Creation
   (c) Design
   (d) None of the above

2. Utility Model protection is available in
   (a) USA
   (b) China
   (c) Germany
   (d) All the above

3. Utility model may protects
   (a) Incremental invention
   (b) Block-baster invention
   (c) Both (a) and (b)
   (d) None of the above

4. Utility model protection is available for
   (a) 30 year
   (b) 20 years
   (c) 7-10 years
   (d) Perpetual

5. Copyright is
   (a) Positive right
   (b) Negative
   (c) Exclusive right
   (d) Both (a) and (c)

6. Copyright protection is available for
   (a) Literary work
   (b) Musical work
   (c) Artistic work
   (d) All the above

7. Plan of a building can be protected by
   (a) Copyright
   (b) Patent
   (c) Trade secret
   (d) Industrial Design

8. Computer program is considered as
   (a) Literary work
   (b) Artistic work
   (c) Technical work
9. Copyright protects
   (a) Idea
   (b) Expression
   (c) Both (a) and (b)
   (d) None of the above

10. As per Indian Copyright Law, Fair use means
    (a) Use for research
    (b) Use for review
    (c) Use for non-commercial use
    (d) All the above

B. SHORT ANSWER TYPE QUESTIONS

1. Differentiate between utility model and patent.
   Ans: Utility model protects incremental invention whereas patent protects invention having
   novelty, inventive step, and industrial application. Incremental invention doesnot meet inventive
   step criteria. The period of protection for utility model protection is shorter than patent. The utility
   model is protected for 7-10 years.

2. Justify utility model protection in India.
   Ans: Utility model protects incremental invention that may be useful for SME as well as
   protection of software. But, appropriate measure should be taken to prevent increase of social
   cost.

3. Differentiate between novelty and originality.
   Ans: Novelty means no prior art whereas originality means originated from author. Hence,
   something original may not be novel. Novelty is the criteria to get patent and originality is the
   criteria to obtain copyright.

4. Discuss the concept of originality in copyright law.
   Ans: Originality means originated from author. It means not to be copied, independent creation. It
   is a function of Skill, Labour, Judgment, and or modicum of creativity/ minimum level of
   creativity that involve in creation of that work The standard of originality differs from jurisdiction
   to jurisdictions.

5. Discuss the concept of fair use in copyright in relation to computer program.
   Ans: The followings are considered as fair use in case of computer program:

   …the making of copies or adaptation of a computer programme by the lawful possessor of a copy of
   such computer programme from such copy— 1[(aa) the making of copies or adaptation of a computer
   programme by the lawful possessor of a copy of such computer programme from such copy—"

   (i) in order to utilise the computer programme for the purpose for which it was supplied; or

   (ii) to make back-up copies purely as a temporary protection against loss, destruction or damage in
   order only to utilise the computer programme for the purpose for which it was supplied;] 3[(ab) the
   doing of any act necessary to obtain information essential for operating inter-operability of an
   independently created computer programme with other programmes by a lawful possessor of a
computer programme provided that such information is not otherwise readily available; the doing of any act necessary to obtain information essential for operating interoperability of an independently created computer programme with other programmes by a lawful possessor of a computer programme provided that such information is not otherwise readily available.

…..the observation, study or test of functioning of the computer programme in order to determine the ideas and principles which underline any elements of the programme while performing such acts necessary for the functions for which the computer programme was supplied;

….the making of copies or adaption of the computer programme from a personally legally obtained copy for non-commercial personal use

6. Analyze the various copyright issues in digital medium.
   Ans: The various issues of copyright in digital medium are:
   - Copyrighted works in digital form can be flawlessly and inexpensively reproduced and instantaneously distributed worldwide. This leads to un-authorized copying and re-distribution
   - Protection of copyrighted work in digital medium,
   - Anti-circumventing provisions
   - Jurisdiction issues related to copyright infringement
   - Safe-harbor provision and issues

C. ANALYTICAL QUESTIONS
1. Mr. X has discussed an idea of video games with Mr. Y and Mr. Z. Later, Mr. Y has written a video games based on discussion. Who will be author and owner of video games?
   Ans: Copyright protection is available for expression of idea. As Y has written the video games, he will be author and owner in absence of any agreement between Mr. X and Mr.Y.

2. How the software copyright infringement is analyzed?
   Ans: Software copyright infringement in USA is analyzed by Abstraction-Filtration and Comparison Test. In India, it is judged by substantial similarity test.

3. Mr. X collected various video games from various website. He created a folder to store those games. Now, he has shared that folder through Facebook. Whether Mr. X will be liable for copyright infringement of Video games?
   Ans: As Mr. X is sharing the same in FACEBOOK, it will not be considered as private use. Hence, he will be liable for copyright infringement under contributory liability rules.

4. Mr Y has written a book for arrangement of library book. Mr.Z reads that book and arranges the book as discussed in that book. Whether Mr. Z will be liable for copyright infringement? Analyze
   Ans: He will not be liable as copyright protection is not available for functionality.

5. Mr. Ram has created and designed an innovative website. Analyze the appropriate protection mechanism/s for that website.
   Ans: The contents of the copyright will be protected by literary and artistic copyright. Domain Name can be protected as trademark or passing off or enforced by UDRP.