

SOC018 Copyright law - colloquium

prepared in 2018

Name and Surname:

1. **What cannot be protected by Copyright?**
 - a. literary works
 - b. ideas
 - c. photographs
2. **What has to be proven in court when arguing about breach of copyright?**
 - a. only the infringement
 - b. only the existence of copyright and ownership of the work.
 - c. both a) and b)
3. **What conditions have to be met according to the three-step test?**
 - a. The reproduction has to apply to special cases, does not conflict with normal exploitation of the work, does not unreasonably prejudice the legitimate interests of the author.
 - b. The reproduction doesn't apply to special cases, does not conflict with normal exploitation of the work, does not unreasonably prejudice the legitimate interests of the author.
 - c. The reproduction doesn't apply to special cases, conflicts with normal exploitation of the work, does unreasonably prejudice the legitimate interests of the author.
4. **How long in the EU does copyright last?**
 - a. 70 years after it is created.
 - b. A person's life plus 70 years after death.
 - c. A person's life plus 50 years after death.
5. **Which does not fall under the category of fair use?**
 - a. using the work for commercial purposes
 - b. using the work for educational purpose
 - c. using the work for news reporting
6. **To be accepted, parody must meet 2 conditions. Which one of these 3 answers is false?**
 - a. Material element: the parody must evoke a pre-existing work comprising noticeable differences
 - b. Moral element: parody can be invoked only if the humoristic intention is established.
 - c. The author has to be asked for his consent prior
7. **Which one of these three legal texts ensure international protection to the author?**
 - a. Berne Convention for the Protection of Literary and Artistic Works
 - b. Directive 2001/29/EC on the harmonization of certain aspects of copyright and related rights in the information society (INFOSOC)
 - c. WIPO Copyright Treaty (WCT)
8. **The Copyright exceptions and limitations must be found in**
 - a. Article 5 of the infosoc directive?
 - b. Article 2 of the infosoc directive?
 - c. Article 7 of the infosoc directive?
9. **What contract gives the employee no protection over its work?**
 - a. A contract of service (just an employee contract)
 - b. A contract of services (freelancer)
 - c. A work made for hire (WFH)
10. **Which of following would not gain copyright protection?**
 - a. A DVD
 - b. An unrecorded speech
 - c. A handmade hat
11. **Find an essential characteristic of parody:**
 - a. expression of humour or mockery;
 - b. harm the personality rights of the creator;
 - c. mention the source of the parodied work.
12. **Choose international convention which introduced concept of moral rights:**
 - a. Berne Convention for the Protection of Literary and Artistic Works;
 - b. International Covenant on Social, Cultural and Economic rights;
 - c. Universal Declaration on Human rights.
13. **Choose rights of author which can be assigned to another person:**
 - a. Moral rights of the Author;
 - b. Economic rights of the Author;
 - c. Granted rights of the Author.
14. **The three-step test belongs to the sphere of:**
 - a. Limitation of Copyright;
 - b. Economic rights;
 - c. Licences agreement.
15. **Choose correct types of License Agreements:**
 - a. exclusive and non-exclusive licences;
 - b. full the limited licenses;
 - c. personal and non-personal licenses.
16. **The leading copyright convention is:**
 - a. The Berne Convention
 - b. The Vienna Convention on the Law of Treaties
 - c. The International Covenant on Civil and Political Rights

17. What does the «non-exclusive licence» mean?

- a. grant the licensee the right to use the result of an intellectual activity or means of individualisation, with the licensor not retaining the right to issue licences to other persons
- b. grant a licensee the right to use the result of an intellectual activity or means of individualisation, with the licensor retaining his right to issue licences to other persons
- c. a work made up of a fixed series of interrelated images (accompanied or not accompanied by sound) and intended for visual and audio (if accompanied by sound) perception using the relevant technical apparatus

18. A claim for infringement of the copyright in a work cannot be brought by...

- a. the assignee
- b. the holder of the exclusive licence
- c. non-exclusive licensees

19. What are the main criteria for patentability?

- a. novelty and industrial applicability
- b. novelty and inventive step
- c. novelty, inventive step and industrial applicability

20. Copyright infringement occurs if...

- a. the protected work is used without the consent of the author or right-holder
- b. the exclusive right to the result of an intellectual activity or means of individualisation is transferred to the new right holder
- c. the claimant registered the technical solutions contained in the documentation as a utility model

21. What is a non-exclusive license?

- a. The license is provided with restriction of everybody including the issuer of the license.
- b. The copyright is capable of continuing to be used by the copyright owner and is capable of administering the license to other groups
- c. The license is given to the licensee without any transfer of funds, but must acknowledge the original owner

22. What is an open access license?

- a. Allows any individual person to contact the original licensee to attain a license free of charge.
- b. Restriction free access to copyrighted material provided by a subscription
- c. database of copyrighted material that can be accessed for free.

23. What must the defence of parody under copyright law be 'clearly relatable' to?

- a. The original material produced by a separate individual
- b. The person who created the parody's beliefs
- c. To a public interest

24. What are economic rights?

- a. Economic rights are those rights which help the author to commercially exploit his creation.
- b. Economic rights which relate to protection of personality of the author and integrity of this work, and similar matters.
- c. Economic Rights are those which related to the rights of the author to enter their works into the public economy for purchase.

25. What are Moral rights?

- a. Moral rights are those rights which help the author to commercially exploit his creation.
- b. Moral rights which relate to protection of personality of the author and integrity of this work, and similar matters.
- c. Moral Rights are those which related to the rights of the author to create work that represents their thoughts

26. According to the Berne Convention, what is "Compensated Limitation?"

- a. Usually mirrors uses or practices that are not considered part of the legitimate scope of the authors proprietary grant.
- b. Usually suggests that the copyright owner is not entitled to control whether the work is used, but is always entitled to remuneration as part of the copyright incentive scheme.
- c. Works published with the consent of their authors, whatever may be the means of manufacture of the copies.

27. Rights of employees' intellectual rights belong to who, in common law systems such as the United Kingdom/United States?

- a. The employer benefits from its employees' intellectual creations – the employer is the initial owner of the employees intellectual property rights produced in the course of the employment.
- b. An employer, is generally not deemed the first holder of the intellectual property right-those rights are linked to individual persons. and are assigned by law or contract.
- c. Employees do not have intellectual rights.

28. What treaty did the InfoSoc Directive 2001/29/EC implement in the harmonisation of copyright?

- a. TRIPS Treaty 1995.

- b. Berne Convention 1886.
- c. WIPO Treaty 1996.

29. What are “related rights” in copyright?

- a. Everyone else who has contributed to the making of the copyrighted material e.g. sound recorders, broadcasters etc.
- b. Rights to earn money from your creative work.
- c. Include the right to attribution, the right to have work published anonymously and the right to the integrity of the work.

30. Which of the following is NOT an Economic Right? (something you can give or deny people permission to)

- a. Reproduction.
- b. Attribution.
- c. Distribution.

31. What does the symbol © means?

- a. It is a warning from the holder of a right of exploitation that the use of the work is subject to exclusive rights.
- b. It means that the product was made in the European Union.
- c. It refers to the economic rights of the author of the work

32. Where does the term copyright come from?

- a. Continental Law
- b. Anglo-Saxon Law
- c. Anglo-American Law

33. The rights of Intellectual Property are by their own nature:

- a. of territorial character
- b. of European character
- c. of International character

34. The first international treaty on the subject of Copyright was:

- a. The World Intellectual Property Organization (WIPO)
- b. The Spanish Intellectual Property Law of 1996
- c. The Bern Convention of 1886

35. What are the works that can be protected by copyright?

- a. The subject-matter of copyright comprises all original literary, artistic or scientific works expressed in any mode or form, whether tangible or intangible, known at present or that may be invented in the future.
- b. The subject-matter of copyright comprises all original literary, artistic or scientific works expressed just in the Spanish language, just known at present.

- c. The subject-matter of copyright comprises all legal and regulatory provisions, judgments and orders issued by the courts and decisions issued by public authorities.

36. What is the object of the Berne convention as regards to copyright protection?

- a. To protect creative ideas of the authors
- b. To establish the scope of protection for literary and artistic works
- c. To establish the scope of protection for industrial property

37. Which of the following statements is false?

- a. Berne convention don't protect artistic and literary works
- b. Photographs are protected under copyright law
- c. Trade secrets considered as one of the types of intellectual property

38. What is parody?

- a. Information arranged in certain manner (database) and protected under The WIPO Copyright Treaty
- b. An imitation of the style of a particular writer, artist, or genre with deliberate exaggeration for comic effect
- c. Reproduction of whole authors work without changing it

39. What is patent?

- a. a sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin
- b. A structured set of data held in a computer, especially one that is accessible in various ways
- c. An exclusive right granted for an invention, which is a product or a process that provides, in general, a new way of doing something, or offers a new technical solution to a problem

40. What rights of the authors are not protected in the US?

- a. Economic rights
- b. Moral rights
- c. Economic and moral rights

41. When The Berne Convention was held?

- a. 1996
- b. 1896
- c. 1886

42. What does Copyright protect?

- a. patents for inventions, industrial designs (aesthetic creations related to the appearance of industrial products),

- b. trademarks, service marks, layout-designs of integrated circuits, commercial names and designations
- c. literary, artistic, musical, scientific or didactic work, whether published or unpublished

43. How long does the Copyright last in EU?

- a. Author's life + 100 years
- b. Author's life + 70 years
- c. 70 years

44. What does fair use apply for?

- a. Commercial purposes
- b. Uncommercial purposes
- c. Commercial purposes with the author's license

45. Which conditions does Parody have to fulfil?

- a. Differences with the original + humoristic way
- b. Differences with the original + non-commercial purpose
- c. and B) corrects

46. Claims the owner of the copyright can make before the court:

- a. Recognition of the authorship & prohibition of the use of his copyrighted work;
- b. Reward of damages & the seizure of copies of copyrighted material;
- c. All of the abovementioned;

47. The calculation of damages in case of breach of copyright depends on?

- a. the number of copies the infringer already sold to the public;
- b. the licensing fee of the copyrighted material in the specific area;
- c. solely on the decision of the Court;

48. The posting of a hyperlink on a website to works protected by copyright and published without the author's consent on another website does not constitute a "communication to the public" if:

- a. the person does not seek financial gain and has no knowledge of the illegality of those works;
- b. the person has no knowledge of illegality and after being warned, deletes the hyperlink not more than in 15 day time;
- c. the person has no knowledge of the illegality, provides a list of all the web users who clicked on the hyperlink to the owner of copyright and deletes the hyperlink straight afterwards;

49. The beginning of copyright protection is:

- a. from the registration of copyright in the National Registry;

- b. from the first official publication of the work to the public;
- c. from the moment copyrighted work can be materialized;

50. Copyright in the EU lasts:

- a. 70 years;
- b. author's lifetime + 70 years;
- c. author's lifetime;

51. Which of these moral rights of the author is NOT part of the right of paternity?

- a. the right to publish the work
- b. the integrity of the work
- c. the right to indicate the author's name on the work

52. What is the legal definition of the infringement of the right to indicate the author's name on the work?

- a. identity theft
- b. plagiarism
- c. piracy

53. When it is available to put someone's work in the public domain?

- a. when you got permission from the author/owner of the copyright
- b. right after the decease of the author
- c. when the work does not have the copyright mark (©) on it

54. Which of the following can NOT be protected by copyright?

- a. child art such as drawings
- b. a collection of newspapers
- c. an original idea

55. Which of the following is not considered a copyright infringement?

- a. education purpose in class by the teacher
- b. using only one sentence of an essay written by a student
- c. uploading a copyrighted work to social media