

S.No. : 148

BCL 1003

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Following Paper ID and Roll No. to be filled in your Answer Book.

**PAPER ID : 9350**

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## Integrated LL.B. Examination, 2019

(Special Carry Over Paper)

### INTELLECTUAL PROPERTY RIGHTS LAW

*Time : Three Hours]*

*[Maximum Marks : 100*

**Note :-** Attempt all questions.

#### SECTION - A

1. Attempt all parts of the following :  $8 \times 3 = 24$

Define the following :

- (a) Copyleft
- (b) Performer's Rights
- (c) Prior Art
- (d) Patenting of Nuclear Weapon
- (e) Olfactory Marks

*/ P. T. O.*

- (f) Phonetic Similarity
- (g) Functional Design
- (h) Piracy

### SECTION – B

2. Attempt any two of the following :  $2 \times 6 = 12$
- (a) 'Copyright protects expression not the idea.' Elucidate the statement in the light of caselaws.
  - (b) What is infringement of patent? What issues are taken in to consideration while adjudicating a case of patent infringement? Analyse with relevant cases.
  - (c) An Indian Liquor Company which specializes in manufacturing and blending of liquors markets a new liquor as Indian Scot. Shall it be hit by Geographical Indication Act, 1999? Discuss with relevant cases.
  - (d) What is a design? What are criterion of protection to a design under Design Act, 2000?

### SECTION – C

**Note :-** Attempt all questions from this section.

$8 \times 8 = 64$

3. Attempt any two parts from each question.
- (a) What is copyright? What is the term of copyright?
  - (b) What amendment has been brought to copyright Act by 2012 and 2017 amendemnt? Will this amendment result in better copyright protection?
  - (c) What is fair use? Discuss certain fair use with the help of relevant case laws.
4. Attempt any two parts from each question.
- (a) What is claim specification in the process of patenting? Explain
  - (b) What are the criterion of patenting? What do you understand by state of the art? Analyse with the help of relevant cases.
  - (c) Critically examine the Novartis judgment of Indian Supreme Court.

5. Attempt any two parts from each question.
- (a) 'The question whether a trade name is likely to deceive or cause confusion by its resemblance to another already registered is a matter of first impression and one for decision in each case and has to be decided by taking an overall view of all the circumstances. The standard of comparison to be adopted in judging the resemblance is from the point of view of a man of average intelligence and imperfect recollection' Elaborate the statement with relevant cases.
- (b) What are the various criminal remedies available for infringement of trademark? Discuss in brief with the help of relevant cases.
- (c) A five star hotel ROXX named a section of its Hotel in the city as the 'Darjeeling Lounge'. Darjeeling Tea Board objects its being violation of GI. Critically examine with help of relevant provisions and case laws.

6. Attempt any two parts from each question.
- (a) How a design is registered and how a design is cancelled under Design Act, 2000?
- (b) Discuss in brief the protection extended to original designs under Designs Act, 2000.
- (c) What remedies are available in cases of piracy of design?

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