

JANJIRA: Oct, Nov-2010

SUBJECT : INTELLECTUAL PROPERTY LAW – EVOLUTION, CONCEPT AND KINDS

Day : Monday
Date : 06-12-2010

Time : 2:30 P.M. TO 5:30 P.M.
Max. Marks : 80

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- N.B.** 1) Answer any six questions including Q. No.1 which is **compulsory**.
2) Q. No. 1 carries 20 marks and all other questions carry 12 marks each.
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- Q.1** Write short notes on **ANY FOUR** of the following.
- The Rome convention for the protection of performers
 - Changes made in Patents Amendment Act, 2002
 - Springboard Doctrine
 - UPOV convention
 - Broadcasting rights
 - Information Technology and IPR system
- Q.2** Give a brief account of historical development of intellectual property rights and also explain in detail the nature and scope of intellectual property.
- Q.3** Comment on the disadvantages of intellectual property rights with special emphasis on 'Commercial exploitation' and 'monopoly'.
- Q.4** Explain the salient features of Berne convention for the protection of literary and artistic works.
- Q.5** Explain the doctrine of 'Fair use' with suitable examples.
- Q.6** Explain World Intellectual Property Organization (WIPO) role in the resolution of domain name disputes.
- Q.7** Discuss in detailed the patentability and non patentability with some issues and controversies in pertaining to biotechnology.
- Q.8** Explain in brief:-
- Limitation on copyrights protection
 - The essential requirements for the registration of design
- Q.9** Write a detailed note on essential ingredients of infringement and the remedies available in case of infringement of intellectual property rights.
- Q.10** Critically evaluate the EEC approach of intellectual property and also discuss the principle of territoriality limits of intellectual property rights.

JANJIRA : Oct. Nov. 2010

SUBJECT : LAW RELATING TO PROTECTION AND RECOGNITION OF PATENT

Day : Tuesday
Date : 07-12-2010

Time : 2.30 P.M. TO 5.30 P.M.
Max. Marks : 80

N. B.:

- 1) Attempt any **SIX** questions, including Q. No. 1 is **COMPULSORY**.
 - 2) Q. No. 1 carries 20 marks and other questions carry 12 marks.
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- Q. 1** Write short notes on any **FOUR** of the following:
- a) Industrial Application of Patent
 - b) Invention
 - c) Provisional Specifications
 - d) Patent law Treaty
 - e) Patent Examination
 - f) Termination of Compulsory Licenses.
- Q. 2** Discuss the historical background, salient features, nature and scope of Indian patent system.
- Q. 3** Explain the rights and obligations of Patentee and Co-owner of patents.
- Q. 4** Discuss the procedure for obtaining patent and special provisions for foreign application.
- Q. 5** Explain and compare the provision for patentability of computer related inventions in India and USA.
- Q. 6** 'Bio-technology patents have seen a new dawn in the wake of the WTO regime'. Elucidate.
- Q. 7** Explain in detail the nature, scope and aim of patent Co-operation Treaty. Discuss the procedure for filing as patent applications to protect invention in each of its contracting states.
- Q. 8** Write note on the following:
- a) Grant and sealing of patents.
 - b) Provisions relating to revocation of patents.
- Q. 9** Discuss the principle of Reciprocity as applicable to patent laws with the help of legal provisions.
- Q. 10** Enumerate the provisions relating to product patent for the Indian pharmaceutical Sector under TRIPS regime.

JANJIRA : Oct . Nov - 2010
SUBJECT : LAW RELATING TO COPY RIGHT

Day : Wednesday
Date : 08-12-2010

Time : 2.30 P.M. To 5.30 P.M.
Max. Marks : 80

N. B.:

- 1) Attempt any **SIX** questions including Q. No. 1 which is **COMPULSORY**.
- 2) Q. No. 1 carries 20 marks and other questions carry 12 marks.

- Q. 1** Write short notes on any **FOUR** of the following:
- a) Neem case
 - b) Anton Pillar Order
 - c) Criminal remedies against infringement of copyright
 - d) Copyright society
 - e) Eastern Book Company v/s O. B. Module
 - f) Battle for Basmati
- Q. 2** 'Copyright is not a single right but a bundle of rights which can be exploited independently'. Discuss.
- Q. 3** State the salient features of WIPO Phonograms and Performer Treaty 1996. Explain the provisions relating to rights of performers and producers of phonogram.
- Q. 4** Enumerate the different legal remedies for infringement of copyright.
- Q. 5** Discuss the provisions relating to Broadcasting and other wireless communication of broadcast by wire or analogous instruments under the Berne Convention.
- Q. 6** Define Geographical Indication. Discuss and distinguish between appellation of origin and geographical indication and their registration under Libson Agreement.
- Q. 7** "The owner of the copyright may assign the copyright to another person either wholly or partially and either for the whole term of the copyright or any part of it". Comment.
- Q. 8** Explain in detail:
- a) Infringement of rights and its remedies under Geographical Indication.
 - b) Registrations of geographical Indication.
- Q. 9** Evaluate the Doctrine of 'Fair Use' with help of latest case laws.
- Q. 10** Explain the historical background of TRIPS. Evaluate the TRIPS provisions relating to Geographical Indication.

JANJIRA: Oct. Nov. 2010

SUBJECT : LAW RELATING TO TRADE MARKS AND INDUSTRIAL DESIGN

Day : Thursday
Date : 09-12-2010

Time : 2.30 P.M. To 5.30 P.M.
Max. Marks : 80

- N.B.** 1) Answer any six questions including Q. No.1 which is **compulsory**.
2) Q. No. 1 carries 20 marks and all other questions carry 12 marks each.
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- Q.1** Write short notes on **ANY FOUR** of the following.
- Registered User
 - Trade Marks registry
 - Effects of Registration
 - Well Known Trademark
 - Remedies for Infringement of Trademark
 - Honest and concurrent
- Q.2** Define trade description and also explain the function, need and emergence of trade mark law in India.
- Q.3** 'The Appellate Board shall not be bound by the procedure laid down in the code of civil procedure, 1908 but shall be guided by principles of natural justice'.
- Q.4** 'Patents, registered designs and copyright are protected only for a limited period. On the other hand, in general, a registered-trade mark can be protected in perpetuity subject only to the conditions that it is used and renewed periodically and the registered proprietor takes prompt action against infringers'. Discuss.
- Q.5** 'Trade Marks Act, 1999 does not define the categories of marks registrable or the requisites for registration of a mark'. Comment and explain provisions relating to it.
- Q.6** Define Industrial Design and explain the brief provision relating to it under the design act of 2000.
- Q.7** Define the terms 'fraudulent and obvious imitation' and also critically evaluate the judicial remedy for infringement of registered design with the help of Design Act, 2000.
- Q.8** Explain in brief:-
- TRIPS Agreement and WTO
 - Trade Mark and Lacarno convention
- Q.9** 'Passing off is a form of tort. The law of passing off, based on common law, has remained substantially the same over more than a century though its formulation has changed over the time. The object of this law is to protect the goodwill and reputation of a business from encroachment by dishonest competitors'. Discuss.
- Q.10** Explain the Paris convention for protection of industrial property with respect to trade marks. State the provision for registration of a foreign mark in India.

JANJIRA : OCT / NOV - 2010
SUBJECT: LAW RELATING TO PROTECTION
AND RECOGNITION OF PATENT

Day : Thursday
Date : 02/12/2010



Time : 10.00 a.m. to 1.00 p.m.
Max Marks : 80

N.B.:

- 1) Attempt **ANY SIX** questions including **Q. No. 1** which is **COMPULSORY**.
 - 2) **Q. No. 1** carries **20** marks and others carry **12** marks each.
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- Q.1** Write short notes on **ANY FOUR** of the following:
- a) Product Patent
 - b) Obligation of Patentee
 - c) Exclusive Marketing Rights
 - d) Grant and sealing of patents
 - e) Patent Law Treaty
 - f) Patent in nuclear power
- Q.2** "The fundamental principle of patent law is that a patent granted only for an invention which must be new and useful". Comment.
- Q.3** Explain in detail the object and scheme of TRIPS agreements with respect to the patent.
- Q.4** Critically evaluate the term 'specification and claims' with the help of case laws.
- Q.5** 'A patent is a statutory grant conferring monopoly right on the guarantee for a definite period subject to certain condition'. Comment with the help of landmark cases.
- Q.6** 'A patent may be transferred by patentee to another person' Discuss and explain the relevant provisions under Patent Act, 1970.
- Q.7** Write a detail note on Use of inventions for purposes of government and acquisition of inventions by central government.
- Q.8** Explain in detail:
- i) Biotechnology Patent
 - ii) Food and Pharmaceutical Patent
- Q.9** "The Patent is entitled to give license of right for making use of the patent to any person in accordance with the procedure prescribed in the Patent Act, 1970" Comment

JANJIRA : OCT / NOV - 2010
SUBJECT : LAW RELATING TO COPY RIGHT

Day : Friday
Date : 03/12/2010



Time : 10.00 a.m. to 1.00 p.m.
Max Marks : 80

N. B.:

- 1) Attempt any **SIX** questions including Q. No. 1 is **COMPULSORY**.
 - 2) Q. No. 1 carries 20 marks and other questions carry 12 marks.
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- Q. 1** Write short notes on any **FOUR** of the following:
- a) Reprography
 - b) Qualification for copyright subsistence
 - c) Folk Art
 - d) Duration of copyright
 - e) Abridgement of Literary work
 - f) Basmati rice
- Q. 2** Explain the meaning, characteristic, features and the primary function of copyright law.
- Q. 3** Enumerate the provisions of WIPO Phonograms and Performers Treaty 1996 relating to the protection of rights of performers and producers of phonogram.
- Q. 4** Discuss the provisions pertaining to broadcaster's rights under the Copyright Act 1957 with the help of latest case laws.
- Q. 5** Examine the salient features of Berne Convention. Distinguish it from the Universal Copyright Convention.
- Q. 6** Explain the meaning of Geographical Indication. Discuss the salient features of Paris Convention relating to Geographical Indication.
- Q. 7** "The owner of Copyright work has the exclusive right to do certain acts in respect of the work; if any person does any of these acts without authority he will be committing an infringement of the Copyright". Explain in detail.
- Q. 8** Write note on the following:
- a) Voluntary Licenses
 - b) Compulsory Licenses
- Q. 9** Discuss the salient features of Geographical Indication of Goods (Registration and protection) Act, 1999 along with the distinction between "Geographical Indication" and "Collective Marks".
- Q. 10** "The Agreement on Trade related aspects of Intellectual Property Rights (TRIPS) in an international agreement administered by the World Trade Organisation (WTO) that sets down minimum standard for many forms of Intellectual property regulation as applied to nationals of other WTO members". Comment.

JANJIRA: OCT / NOV - 2010

SUBJECT : INTELLECTUAL PROPERTY LAW – EVOLUTION, CONCEPT AND KINDS

Day : Wednesday

Date : 01/12/2010



Time : 10.00 a.m. to 1.00 p.m.

Max Marks : 80

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- N.B.** 1) Answer any six questions including Q. No.1 which is **compulsory**.
2) Q. No. 1 carries 20 marks and all other questions carry 12 marks each.
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- Q.1** Write short notes on **ANY FOUR** of the following.
- Property rights for physical and for intellectual products
 - Motive of intellectual property rights
 - Importance of Geographical Indication
 - Known how
 - Copyright Society
 - Good Trade Mark
- Q.2** “WIPO is an international organization to protect intellectual property world wide”. Explain this with details of WIPO.
- Q.3** Explain the need for protection of intellectual property rights and discuss the measures taken by judiciary in this regards.
- Q.4** ‘Intellectual property is not an absolute right certain reasonable restrictions are imposed on them’. Explain the extent of rights and the limitations imposed on it.
- Q.5** “The Intellectual property rules and practices had a great impact on the development of drugs and vaccines in developing countries that are needed by poor people”. Discuss.
- Q.6** Critically evaluate the TRIPS provision related to enforcements, acquisition and maintenance of intellectual property rights.
- Q.7** Enumerate the new forms of intellectual property that have been brought about with the advancement of internet.
- Q.8** Explain in brief:-
- International Organizations related to intellectual property rights
 - International Conventions related to intellectual property rights
- Q.9** ‘Research and Development is always related to scientific, technological and artistic growth in a country’. Explain in detail intellectual property laws relating to Research and Development in India with the help of latest case laws.
- Q.10** Elucidate the important aim object features and establishment of EEC with reference to intellectual property rights.

JANJIRA: OCT / NOV - 2010

SUBJECT : LAW RELATING TO TRADE MARKS AND INDUSTRIAL DESIGN

Day : Saturday



Time : 10.00 a.m. to 1.00 p.m.

Date : 04/12/2010

Max Marks : 80

- N.B.** 1) Answer any six questions including Q. No.1 which is **compulsory**.
 2) Q. No. 1 carries 20 marks and all other questions carry 12 marks each.

- Q.1** Write short notes on **ANY FOUR** of the following.
- Object of Trade Mark Law
 - Jurisdiction of Trade Marks offices
 - Well known Trade Marks
 - Rights of Proprietor of Design
 - Lacarno Agreement
 - Cancellation of registration of a design
- Q.2** "A Trade Mark is a visual symbol in the form of a word, a device, or a label applied to articles of commerce with a view to indicate to the purchasing public that they are the goods manufactured or otherwise dealt in by a particular person as distinguish from similar goods manufactured or dealt by other person". Comment.
- Q.3** Discuss and distinguish between infringement and passing of Trade Mark under Trade Mark Act, 1999 with the help of latest case laws.
- Q.4** Examine and Elaborate the Articles of the TRIPS Agreement relating to requirement for protection of Industrial Design and Trade Mark.
- Q.5** Discuss the salient features of Paris convention relating to protection of Marks registered in one country of the Union in the other countries of the Union.
- Q.6** "The designs act refers only to the piracy of registered design which in substance is the same as infringement of the copyright in the design". Discuss
- Q.7** Critically evaluate the rights and obligation of Trade Mark holder under Trade Mark Act, 1999.
- Q.8** Explain in brief:-
- Doctrine of Unjust Enrichment / Misappropriation
 - Doctrine of Fiduciary Relationship
- Q.9** Explain the provisions relating to the register of the Design and also distinguish between Trade Mark and Design.
- Q.10** Describe in details the powers of the controller under the Designs Act, 2000.