

**S.D.E**

**JANJIRA: APRIL/MAY - 2010**

**SUBJECT : LAW RELATING TO TRADE MARKS AND INDUSTRIAL DESIGN**

Day : *Monday*  
Date : *31.05.2010*

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.
- Civil remedies against piracy
  - Distinctiveness
  - Combination of designs
  - Bowden wire case
  - Meaning and essentials of Industrial Designs.
  - Provision of service marks under GATS agreement of WTO
- Q.2** Explain in detail the characteristic, function and classification of Trade Marks and also discuss the law relating to certification Trade Mark with the help of case law.
- Q.3** Write a detailed note on the nature of assignment and transmission under the Trade Mark Act, 1999.
- Q.4** Explain the procedure for registration of Trade Mark and industrial Design in India.
- Q.5** Discuss the major differences between TRIPS recommended Trade Mark law and the Indian Trade Mark law. Examine the changes are recommended by TRIPS to bring Indian law in consonance with international standards.
- Q.6** Enumerate the different legal remedies available for infringement of Trade Mark. Do you think these remedies are adequate and efficacious to curb infringement?
- Q.7** State briefly the provisions of Design Act, 2000 relating to registration and cancellation of design.
- Q.8** Explain in brief:-
- Common law Trade Mark
  - Use of foreign Trade Mark in India
- Q.9** Explain the Lacarno agreement also mentions whether the India has ratified, and if yes, what changes are made in the concerned law pertaining to design.
- Q.10** Define the term 'piracy of design' and also discuss the penalties for the piracy of registered design.

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**JANJIRA : APRIL / MAY – 2010**  
**SUBJECT: LAW RELATING TO COPY RIGHT**

Day: *Saturday*  
Date: *29-05-2010*

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 others carry **12** marks each.

- Q.1** Write short notes on **ANY FOUR** of the following:
- a) Computer Software and Programmes
  - b) Infringement in Literary work
  - c) Anton Pillar Order
  - d) Copyright Board
  - e) Prohibited Geographical Indications
  - f) Term in copyright in photograph
- Q.2** Critically evaluate the nature, scope and Characteristic of Copyright Law
- Q.3** Discuss in detail the provisions relating to right to remuneration for Broadcasting and Communication to the public under WIPO Performance and Phonogram Treaty, 1996.
- Q.4** Examine the special provisions concerning cinematographic work with the help of provision of Berne Convention.
- Q.5** "Copyright is kind of personal movable property. It can be transferred by a testamentary disposition or by the operation of law as in case of other properties". Comment.
- Q.6** "The protection of copyright given to an owner or licensee is not absolute it is subject to certain exception and restrictions". Explain.
- Q.7** Discuss in detail the provision of TRIPS agreement which deals with the minimum standard in respect of copyrights.
- Q.8** Explain in detail:
- i) Author an Ownership of copyright
  - ii) Doctrine of 'Fair dealing'
- Q.9** Explain the different legal remedies available for infringement of Geographical indications.
- Q.10** Explain the relationship between the copyright and computer software.

**S.D.E**

**JANJIRA : APRIL / MAY – 2010**  
**SUBJECT: LAW RELATING TO PROTECTION**  
**AND RECOGNITION OF PATENT**

Day: *Friday*  
Date: *28.05.2010*

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 others carry **12** marks each.

- Q.1** Write short notes on **ANY FOUR** of the following:
- a) History of Indian patent system
  - b) Nuclear Patent
  - c) Acceptance of complete specification
  - d) Exclusive Marketing Rights
  - e) Patent offices and Register of patent
  - f) WTO and Patent
- Q.2** Define patent. Explain in detail the salient feature of Patent Act 1970.
- Q.3** "The Controller is a major functionary empowered to administer the patent Act". Comment.
- Q.4** Explain the procedure for Acquisition of Patents under Patent Act, 1970.
- Q.5** "A patent is recognized as a species of property and can be transferred from the original patentee to any other person by the assignment or by operation of law". Comment.
- Q.6** Define Bio-technology patents. Explain the treaties and conventions applicable as well as their impact on Indian Bio-technology Patent System.
- Q.7** "The Rights of Patentee are not absolute they are subject to many limitation and restriction". Explain.
- Q.8** Explain in detail:
- i) The Criteria for naming inventor in an application for patent
  - ii) Special provision for Foreign application
- Q.9** Evaluate the provisions relating to revocation of patents with the help of latest case laws.
- Q.10** Write a detail note on Product patenting of Drug and Pharmaceutical in Indian

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JANJIRA: APRIL/MAY – 2010

**SUBJECT : INTELLECTUAL PROPERTY LAW – EVOLUTION, CONCEPT AND KINDS**

Day : *Thursday*  
Date : *27-05-2010*

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.
- Turmeric case
  - IPR commission report
  - Gramophone co of India Ltd V. Super Cassetts Industries
  - Anton pillar order
  - Exclusive marketing rights
  - Neem case
- Q.2** Explain the role of judiciary in protection of intellectual property rights in India.
- Q.3** Copyright is a kind of intellectual property. Elucidate with reference to international conventions.
- Q.4** Patent Co-operation Treaty provides a facilitating mechanism for filing of patent and is not a patent granting system-Elucidate.
- Q.5** Discuss in detail the provision for renewal, rectification and restoration of geographical indications and authorized user.
- Q.6** Enumerate the provision of effective and expeditious procedures for the multilateral prevention and settlement of disputes between governments with the help of TRIPS.
- Q.7** Write a detailed note on EEC approach towards intellectual property.
- Q.8** Explain in brief:-
- Patent law Treaty
  - Berne convention for literary and artistic works.
- Q.9** Define the term biotechnology and also explain the various types and the legislations covered there under.
- Q.10** "WIPO is an international organization to protect intellectual property world wide". Explain this with details of WIPO.

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