

28857

JANJIRA (2015 COURSE): SUMMER – 2016
SUBJECT : LAW OF TRADEMARKS & INDUSTRIAL DESIGNS

Day : **Thursday**
Date : **19-05-2016**

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 all other questions carry **12** marks each.

- Q.1** Write short notes on **ANY FOUR** of the following:
- a) Service marks
 - b) Significance of Trade Mark
 - c) Collective Marks
 - d) Shape, size and colour as Trade Mark
 - e) Unregistered Design
 - f) Design as Industrial Property
- Q.2** A Trade Mark is a visual symbol that distinguishes the goods or services of one enterprise from those of the competitors. Discuss meaning, concept and historical background of Trade Marks.
- Q.3** A Registered Trade Mark can be protected perpetuity subject only to the conditions that it is used and renewed periodically and the registered proprietor takes prompt action against infringers. Examine the basic principles of registration of trade marks.
- Q.4** In cases of infringement of Trade Mark an injunction must follow. The grant of injunction also becomes necessary if it prima-facie appears that the adoption of the mark was itself dishonest. Comment with relevant cases.
- Q.5** Write notes on:
- a) Distinctive mark
 - b) Descriptive mark
- Q.6** Discuss in detail the provision related with Assignment and Licensing of Trade Mark under Trade Marks Act, 1999.
- Q.7** The passing-off action depends upon the principle that nobody has a right to represent his goods as the goods of somebody. Elucidate the concept of passing-off under Trade Marks Act, 1999.
- Q.8** Products that are viewed friendly and which psychologically entice a consumer are said to be well designed. State and explain the essentials of Design under Design Act, 2000.
- Q.9** The Design Act refers only to the piracy of registered design which in substance is same as infringement of the copyright in the Design. Elaborate the concept of piracy of registered design.

28856

JANJIRA : SUMMER 2016 (2015 COURSE)

SUBJECT : LAW OF COPYRIGHT AND GEOGRAPHICAL INDICATIONS

Day : Wednesday
Date : 18-05-2016

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 **COMPUSLROY**.
- 2) Q. No. 1 carry 20 marks and all other question carries 12 marks each.

Q.1 Write short notes on any **FOUR** of the following:

- a) Definition of 'Copyright'
- b) Term of Copyright
- c) Salient features of Copyright (Amendment) Act, 2012
- d) Literary Work
- e) Sound Recording
- f) Posthumous Work.

Q.2 "The Copyright provides the protection to the expression of the ideas as envisaged under the Copyright Right Act, 1957." Comment and discuss the basic objectives of the Copyright Act.

Q.3 Discuss the procedure for registration of Copyrights.

Q.4 Define 'Assignment.' Explain the Sections 18 and 19 of the Copyright Act, 1957.

Q.5 Elaborate the copyright privileges of Broadcasting organization and of performers in India.

Q.6 "The author of work is generally the first owner of copyright. This is however subject to certain exceptions." Elaborate these exceptions were the author of work is not the first owner of copyright.

Q.7 Enumerate the different remedies available for infringement of copyright. Do you think these remedies are adequate and efficacious to curb infringement?

Q.8 Write a note on any **TWO** of the following:

- a) Potential benefits of Geographical Indication
- b) Opposition to registration of Geographical Indication
- c) Renewal and duration of Geographical Indication.

Q.9 Define 'ISP'. Enumerate the liabilities of Internet Service Provider's for copyright infringement?

Q.10 "Geographical Indication is a sign used on products that have a specific geographical origin and possess qualities or reputation that are due to that origin." Discuss the basic concept of geographical indication.

28855

JANJIRA (2015 COURSE): SUMMER-2016
SUBJECT: LAW RELATING TO PROTECTION AND RECOGNITION OF PATENT

Day: Tuesday
Date: 17.05.2016

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 all other questions carry 12 marks each.

- Q.1 Write short notes on ANY FOUR of the following:
- a) Novelty
 - b) Industrial Application
 - c) Ways of Transfer of Rights
 - d) Grant and Selling of Patents
 - e) Restoration of Patent
 - f) Patent Agent
- Q.2 Discuss the historical background of Indian Patent System.
- Q.3 "Invention means a new product or process involving an inventive step and capable of industrial application". Discuss the nature and scope of patent law in India.
- Q.4 Discuss the types of specifications under the Patent Act, 1970.
- Q.5 Discuss the power and responsibilities of Intellectual Property Appellate Board (IPAB) .
- Q.6 "The Patent processing includes the steps like Patent Search, patent drafting, Patent application filing, Process design, etc". Discuss the procedure for obtaining for patent.
- Q.7 "A Patent is a statutory grant conferring monopoly right on the guarantee for a definite period subject to certain conditions" Discuss this statement with the rights of patentee.
- Q.8 Write a note on ANY TWO of the following:
- a) Powers of Controller
 - b) Revocation of Patent
 - c) Non -Patentable Invention
- Q.9 "An Assignment of a patent, mortgage, licence or the creation of any other interest in a patent will not be valid unless it is in writing and registered with the Controller of Patents". Comment and discuss the registration procedure of assignment & licence.
- Q.10 Discuss the types of infringement of patent& elaborate the doctrine of pith and marrow.

28854

JANJIRA : SUMMER 2016 (2015 COURSE)
SUBJECT : INTELLECTUAL PROPERTY LAW – EVOLUTION, CONCEPT AND
KINDS

Day : Monday
Date : 16-05-2016

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 **COMPUSLROY**.
- 2) Q. No. 1 carry 20 marks and all other question carries 12 marks each.

Q.1 Write short notes on any **FOUR** of the following:

- a) Evolution of Intellectual Property
- b) Aim and Objectives of Trademark Law Treaty
- c) Classification of Property
- d) WIPO and Role of Internet Service Provider
- e) Musical work and IPR
- f) PCT and Patent rights

Q.2 "Intellectual Property is the primary means of wealth creation in the society; goods and services created through intellectual property add on the wealth of the inventors, entrepreneurs, benefiting the whole society in the process." Comment and discuss the importance of intellectual property.

Q.3 "The author of the work is generally the first owner of copyright." Elaborate with exceptions.

Q.4 Critically evaluate the provisions of the Trade Related aspects of Intellectual Property Rights (TRIPS) pertaining to Intellectual Property Rights.

Q.5 "Intellectual property is a creation of human mind and his 'Unfair Trade Practices' are associated with it." Discuss the statement with the help of provisions of United Nation related with Unfair Trade Practice of IPR.

Q.6 "International Union for Protection of New Varieties of Plants (UPOV) Organization is an intergovernmental organization to provide and promote an effective system of plant variety protection, with the aim of encouraging the development of new varieties of plants, for the benefit of the society." Comment.

Q.7 "International law had great impact on the growth of intellectual property rights in India." Explain the basic need for harmonization of Intellectual Property.

Q.8 Write a note on any **TWO** of the following:

- a) Need for Harmonization of Intellectual Property
- b) History of Berne Convention
- c) Most Favoured Nation Treatment.

Q.9 "Universal Copyright Convention as compared to Berne Convention had wider acceptability among the nations and copyright in one country was valid in all member countries" Discuss

Q.10 Examine the salient features of the Locarno agreement which consists of classification of Industrial designs

Day: Wednesday
Date: 18-05-2016

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 **COMPUSLORY**.
- 2) Q.No.1 carries 20 marks and other questions carry 12 marks each.

Q.1 Write a short notes on ANY FOUR of the following:

- a) Definition of 'Copyright'
- b) Performer Rights
- c) Copyright Board
- d) Copyright Society
- e) Internet and Copyright Law
- f) Geographical Indication and TRIPS

Q.2 Enumerate the salient feature of the Copyright Act, 1957. what changes have been incorporated in 1994 and 1999.

Q.3 Discuss the various rights of the author and owner under the Copyright Act,1957.

Q.4 "An Appeal will lie against a decision of the registrar of the copyright, the copyright board, magistrate in criminal proceeding and judges in infringement suits" Discuss the procedure for filling an appeal against decision of the registrar.

Q.5 Explain the doctrine of 'fair use' with help of caselaws.

Q.6 "The Owner of copyright work has 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 infringement of the copyrights" Comment and discuss the types of remedies available under the Copyright Act,1957.

Q.7 "Compulsory Licence can be granted against radio broadcasting station" Comment & Discuss the necessary circumstance for grant of 'Compulsory licence'.

Q.8 Write a detailed note on ANY TWO of the following:

- a) Geographical Indications which are not Registerable
- b) Registration as Authorized User
- c) Penalty for applying Geographical Indication

Q.9 Explain the meaning of 'Geographical Indication' and discuss the salient features of the Paris Convention relating to Geographical Indication.

Q.10 Examine the role and powers of the World Intellectual Property Organization (WIPO) in protecting copyright.

JANJIRA : SUMMER - 2016 (Old Course)
SUBJECT : LAW RELATING TO TRADE MARKS & INDUSTRIAL DESIGN

Day : Thursday
Date : 19-05-2016

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

N.B.

- 1) Attempt any **SIX** questions including Q.1 which is **COMPULSORY**.
- 2) Q.1 carries 20 marks, and all other questions carry 12 marks each.

Q.1 Write short notes on **ANY FOUR**:

- a) Associate mark
- b) Trade description
- c) Deceptively similar
- d) Functions of trademark
- e) TRIPS
- f) Definition of Design

Q.2 No person shall be entitled to institute any proceeding to prevent, or to recover damages for, the infringement of an unregistered trademark. Explain the statement with exceptions.

Q.3 Critically evaluate the right and obligation of trademark holder under Trade Mark Act, 1999.

Q.4 An Article is distinguished not only by its utility but also by its visual appeal which usually play an important role in shaping the buyers preference for the article." Explain with the help of cases.

Q.5 Write a note on principles of Registration of Trade Marks.

Q.6 Explain the salient features of registered design under Design Act, 2000.

Q.7 Discuss the importance of trademark in trade at international level.

Q.8 Write note on:
a) Hague agreement
b) Locarno Agreement

Q.9 The object of designs Act is to see that the originator of profitable designs is not deprived of the reward by others applying it to their goods without his permissions. Explain.

Q.10 Explain the process of registration of design under Designs Act, 2000.

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Date : 17-05-2016

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Max. Marks : 80

N.B.

- 1) Attempt any **SIX** questions including Q.1 which is **COMPULSORY**.
- 2) Q.1 carries 20 marks, and all other questions carry 12 marks each.

Q.1 Write short notes on **ANY FOUR**:

- a) Dolly case
- b) Product patent
- c) Complete specification
- d) Food and pharmaceutical patent
- e) PCT
- f) Nuclear patent

Q.2 Define the term invention. Discuss the inventions which are not patentable.

Q.3 Patentee has certain rights, but also has certain obligations towards society". Justify.

Q.4 Explain the concept of patent, product patent and process patent, with suitable examples.

Q.5 Explain the concept of biotechnology patent and mention the arguments made for and against of the same.

Q.6 Discuss when compulsory license can be issued by the register and also explain the factors taken into consideration while issuing the compulsory licenses.

Q.7 Discuss the role of international instrument to harmonize the laws relating to patent.

Q.8 Explain the development of Indian patent law.

Q.9 The procedure for obtaining a patent in India starts with the filing of application for patents and ends with grant and sealing of patents. Explain.

Q.10 Write notes on:

- a) Defenses available against infringement of patent
- b) Paris Convention