

Subject : Law of Trademarks & Industrial Designs

Day : Thursday

Date : 24/11/2016



Time : 02.30 PM TO 05.30 PM

Max Marks : 80 Total Pages : 1

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) Features of good Trade Mark
 - b) Doctrine of Honest and Concurrent users
 - c) Well-known Trade Mark
 - d) Utility of Trade Mark
 - e) Prior use in Design
 - f) Combination of Designs
- Q.2** Trade mark is essentially a product of competitive economy where more than one person competed for the manufacture of the same product which necessitated the marking of each manufacturer's goods by a symbol which distinguished similar goods made by others. Discuss the functions of Trade Mark.
- Q.3** Registration gives the registered proprietary of the Trade Mark the exclusive right to use of the Trade Mark in relation to the goods or services in respect of which the trade mark is registered and to obtain relief in case of its infringement. Comment and explain the procedure of Registration under Trade Marks Act, 2000.
- Q.4** A registered Trade Mark will be infringed if a person in the course of Trade, in relation to the same goods for which the mark is registered, uses without authority the same mark or a deceptively similar mark. Elucidate the essentials and different forms of infringement of Trade Mark.
- Q.5** Write notes on:
- a) Civil and Criminal Remedies
 - b) Relief in case of Infringement
- Q.6** Explain in detail the procedure for assignment and licenses of Trade Mark.
- Q.7** In a passing-off action fraud is not a necessary element therefore absence of intention to deceive can not be a defence. Discuss the concept of passing-off under Trade Mark Act, 1999.
- Q.8** The main purpose of a design is to ensure that the features that are applied to the article must appeal to the eye. Enumerate the statement and state the salient features of Designs Act, 2000.
- Q.9** "The Registration of a Design excludes all persons from using the design including the Government". Discuss the procedure and importance of Registration of a Design under Designs Act, 2000.
- Q.10** Write a note with reference to Designs Act, 2000:
- a) Offences and Penalties
 - b) Piracy of registered designs

Subject : Law Relating to Copy Right

Day : Wednesday

Date : 23/11/2016



Time : 02.30 PM TO 05.30 PM

Max Marks : 80 Total Pages : 1

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) Meaning of 'Copyright'
- b) Works in which Copyright Subsists
- c) Author of Computer Generated Work
- d) Limitations to the Copyright
- e) Anton Piller Order
- f) Rights of Broadcasting Organization.

Q.2 Discuss the salient features, aim and objectives of the Copyright Act, 1957.

Q.3 Define 'Author' & 'Owner'. Discuss the provisions relating to 'Authorship' and 'Ownership' of copyright under the Copyright Act, 1957.

Q.4 "Register of copyright is prima facie evidence of the particulars entered therein and shall be admissible in all courts" Comment and discuss the advantages of registration of Copyright.

Q.5 "A Fair dealing with a literary, dramatic, musical or artistic work for the purpose of research or private studies or criticism or review of the copyrighted work shall not constitute an infringement of copyright" Comment.

Q.6 Define 'Jurisdiction'. Enumerate the different legal remedies available for infringement of copyright.

Q.7 Explain in detail the types of Licenses i.e. Voluntary & Compulsory licences.

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

- a) Period of validity and Geographical Indications of Goods
- b) Duration, Renewal, Removal and Restoration of Registration
- c) Offences and Penalties under the Geographical Indication Act

Q.9 Define 'Geographical Indications'. Discuss the provisions of TRIPS Agreement and Indian position pertaining to it.

Q.10 "International Law had great impact on development of copyright in India" Comment.

Subject : Law of Copyright & Geographical Indications

Day : Wednesday

Date : 23/11/2016



Time : 02.30 PM TO 05.30 PM

Max Marks : 80 Total Pages : 1

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) Meaning and nature of Copyright
- b) Author and owner of Copyright
- c) Concept of Infringement
- d) Performer Rights
- e) Broadcasting Rights
- f) Salient features of Copyright (Amendment) Act, 2012

Q.2 "The copyright bargain; a balance between protection for the artist and rights for the consumer." Discuss the basic aim and objectives of the Copyright Act, 1957.

Q.3 "Copyright also confers negative right to owner of the copyright." Discuss the rights of the owner.

Q.4 "In assignment the ownership of rights is transferred to the assignee." Discuss Sections 30 and 31 of the Copyright Act, 1957.

Q.5 Elaborate the powers and duties of Copyright Board.

Q.6 "Cinematograph film includes any work of visual recording on any medium produced through a process from which a moving image may be produced by any means and includes a sound recording accompanying such visual recording." Comment and discuss the provisions relating to cinematograph films.

Q.7 "The right of copyright holder needs to be protected, but some draconian remedies that have been suggested would create more problems than they would solve." Comment.

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

- a) Status of Geographical Indication in India
- b) Infringement of Geographical Indication
- c) Preference and Indicators.

Q.9 Discuss the liabilities of the Internet Service Provider for copyright infringement.

Q.10 "Geographical Indication of goods are define as that aspect of industrial property which refer to the geographical indication referring to a country or to a place situated therein as being the country or place of origin of that product." Comment.

Subject : Law Relating to Protection & Recognition of Patent

Day : Tuesday

Date : 22/11/2016



Time : 02.30 PM TO 05.30 PM

Max Marks : 80 Total Pages : 1

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) Powers of Controller
 - b) Patent Search
 - c) Provisional Specification
 - d) Patent Publication
 - e) Government use of Patents
 - f) Landmark cases relating to Invention
- Q.2** Elaborate the history and salient features of the Indian Patent System.
- Q.3** "Indian patent law is a landmark in the industrial development of India. The basic philosophy of the law is that patent granted to encourage inventions and to ensure that these invention are worked on commercial sale without undue delay". Discuss & explain the patentable invention.
- Q.4** Define 'Specification' and explain the types of specifications under the Patent Act, 1970.
- Q.5** "Intellectual Property Appellate Board (IPAB) has appellate jurisdiction against the decision of the controller pertaining to refusal of patent application". discuss the powers and duties of the Intellectual Property Appellate Board" (IPAB).
- Q.6** Define 'licence'. Explain the provisions regarding 'provisional' & 'compulsory' licensing.
- Q.7** Explain the rights and duties of patentee under the Patent Act,1970
- Q.8** Write a note on **ANY TWO** of the following:
- a) Patent of addition
 - b) Mode of Assignment and its effects
 - c) Revocation of Patent
- Q.9** "The process of patenting involves conducting Prior Art Search to distinguish the invention". Comment and discuss the procedure for obtaining patent.
- Q.10** Discuss the procedure and various remedies against infringement of patent.

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Subject : Intellectual Property - Evolution, Concept and Kind

Day : Monday

Date : 21/11/2016



Time : 02.30 PM TO 05.30 PM

Max Marks : 80 Total Pages : 1

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) Concept of 'Property'
- b) Patent Rights
- c) Need and Importance of IP Management
- d) Commercialization of IP
- e) Development of IP and Traditional knowledge
- f) Types of Innovation

Q.2 "Intellectual property is assuming a greater importance with the rise of knowledge economic." Comment and discuss the importance of intellectual property.

Q.3 "The object of copyright is encouraging authors; composers, artists to create the original work by rewarding them with the exclusive right for a specific period to reproduce the works for publishing and selling them to public." Comment and discuss the objectives of copyright.

Q.4 State and explain the objectives, scope and effects of the Trade Related to Intellectual Property Rights (TRIPs).

Q.5 "Budapest is an international convention governing the recognition of deposits in officially approved culture collection for the purpose of patent application in any country that is signatory to the convention." Discuss the statement with the basic objectives of the Budapest Treaty.

Q.6 Examine the salient features of the Lacarno Agreement which consists of classification of Industrial designs.

Q.7 Critically evaluate the EEC approach of Intellectual property from international perspective.

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

- a) Bio-Piracy and IPR
- b) Aim and Objects of Trademark Law Treaty
- c) Objectives of Madrid Protocol.

Q.9 Evaluate the role played by the Universal Copyright Convention in promotion and protection of Copyright.

Q.10 Elaborate the features of the Paris Convention on Industrial Property. Explain the provisions pertaining to pharmaceutical products with the help of TRIPS