



Reg. No. :

Name :

**Tenth Semester B.A.LL.B/B.B.A.LL.B/B.Com.LL.B. (Five Year Integrated)
Degree Examination, August 2018
Paper – I : TRADE IN INTELLECTUAL PROPERTY**

Time : 3 Hours

Max. Marks : 80

PART – I

Answer **any five** questions. **Each** question carries **2** marks.

Write notes on :

1. Patentable invention.
2. Certificate trade mark.
3. 'Original' in relation to a design.
4. 'Design' as defined under the relevant statute.
5. 'Farmer' as defined under relevant statute on farmer's rights.
6. 'Artistic work' for the purpose of copyright.
7. 'Performer' for the purpose of copyright.
8. Register of Trademarks. **(5×2=10 Marks)**

PART – II

Answer **any four** of the following. **Each** question carries **4** marks.

1. What amounts to a permitted use in relation to a registered trade mark ?
2. Register of Patents.



3. Explain the legal regulation of the transfer of any biological resource or knowledge associated there to, coming within the purview of the National Biodiversity Authority.
4. What are the researcher's rights available under the Protection of Plant Varieties and Farmers' Rights Act, 2001.
5. What are the designs that are prohibited from being registered in India ?
6. What are the conditions for assignment of a trade mark otherwise than in connection with the sale of goodwill of a business ? **(4×4=16 Marks)**

PART – III

Answer **any four** of the following. **Each** question carries **6** marks.

1. Arul, a textile designer, gives a confidential order to Jyothi, the owner of a textile mill, to manufacture cloth as per his design. Due to a miscommunication, Jyothi manufacturers more cloth than what Arul had ordered and sells the excess to Murugan to offset her loss. Murugan uses the cloth to come out with his brand of shirts. Would the prior sale of shirts by Murugan using the cloth originally designed by Arul affect Arul's subsequent application for the registration of the design and his claim of copyright on the design ?
2. Anpat gets a patent for a chemical drug and delivery system solely to be used for curing common cold in human beings. A year later, tests reveal that its continued use for more than a week results in blood cancer to the user. Can the patent be revoked on the ground that the invention is not useful ?
3. Anmol is an Indian farmer who has purchased seeds of a registered plant variety for cultivation in his fields. Anmol wants to use a portion of his harvest to re-sow his fields in the next season as well as to sell some to his neighbour for a profit. Will Anmol be infringing the law if he does what he wants to do ?



4. Blessy, who takes coaching classes for college students, prepares course packs containing photocopies of relevant portions of copyrighted works for her students. Is she liable for infringing the copyright of the original authors ?
5. A huge quantity of coal is mined from Ravi's village by Coal Company Ltd. Ravi wants to use the provisions of the Biological Diversity Act, 2002 to claim for his villagers, by way of a benefit sharing arrangement with the company, a portion of profits earned from the use of coal by Coal Company Ltd. Ravi has approached the National Green Tribunal with his plea. Decide. **(4×6=24 Marks)**

PART – IV

Answer **any three** of the following. **Each** question carries **10** marks.

1. Explain the meaning of 'copyright' in relation to various works.
2. What is meant by assignment of copyright ? Explain the mode for assignment of copyright.
3. Explain the remedies available for the infringement of a trade mark.
4. Explain the concept of 'anticipation' and elucidate its importance in relation to patents.
5. Explain the recognition and protection afforded to 'performer's rights'.
(3×10=30 Marks)

PART – II

Answer any four of the following. Each question carries 6 marks.

1. What amounts to a permitted use in relation to a registered trade mark ?
2. Register of Patents