

Reg. No. :

Name :

**Tenth Semester B.A. LL.B./B.Com. LL.B./B.B.A. LL.B.
(Five Year Integrated) Degree Examination, July 2019**

Paper I : TRADE IN INTELLECTUAL PROPERTY

Time : 3 Hours

Max. Marks : 80

PART – I

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

Write notes on :

1. 'Dramatic work'.
2. 'Government work' for the purpose of copyright.
3. Biological diversity.
4. Trade secret.
5. National Register of Plant Varieties.
6. 'Inventive step' in relation to patents.
7. 'Deceptively similar' mark.
8. Traditional knowledge.

(5 × 2 = 10 Marks)

P.T.O.

PART – II

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

9. What are 'patents of addition'?
10. How is the cancellation of registration of a design effected?
11. Explain the concept of 'passing off'.
12. Service mark.
13. Explain the effect of acquiescence in the use of a registered trade mark.
14. What are the powers and functions of the National Biodiversity Authority?

(4 × 4 = 16 Marks)

PART – III

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

15. The plaintiff holding a registered design for a ball point pen approaches the court against the defendant arguing that the defendant's pens were an identical duplication/fraudulent imitation of the plaintiff's design. The defendant argues that there is no novelty in the plaintiff's design. If the court finds that there is no novelty in the plaintiff's design, can it cancel the registration granted to the plaintiff?
16. There is an outbreak of Nipah virus in various parts of South India and the patent holder of the invention providing antibodies, which acts as a cure against the virus, does not produce the same in India. Can the Indian Government issue a compulsory license for the manufacture of the patented invention in the instant case?
17. Shyam visits his friend in the village and sees him using an iron bucket, coir rope and an iron pulley system to irrigate the fields. After coming back home, Shyam develops the same system using a plastic bucket, nylon rope and an aluminium pulley. Can Shyam get a patent for his system under the Indian law?

18. Gyaan attends a live music concert and records on his mobile phone, the songs played there. Thereafter, he offers these recordings over the internet for a price. Is Gyaan in violation of the rights of the performers of the live music concert? Gyaan claims that the work is his original depiction of a real time event. Decide.
19. Sangita, a poor student, photocopies a copyrighted work prescribed as essential reading in her syllabus, for the purpose of her studies. Is she liable for infringing the copyright of the original authors?

(4 × 6 = 24 Marks)

PART – IV

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

20. What amounts to a 'false trade description' in the case of the Trade Marks Act, 1999?
21. What is a 'trade mark'? How does it differ from a 'certificate trade mark' and a 'well known trade mark'?
22. Elucidate the works in which a copyright can subsist.
23. Explain the opposition proceedings to grant of patents.
24. Explain the importance of and the role played by Copyright Societies.

(3 × 10 = 30 Marks)