

Reg. No. :

Name :

Tenth Semester B.A. LL.B/B.Com. LL.B./B.B.A. LL.B/LL.B (5 Year Integrated) Degree Examination, April 2023

Paper I : TRADE IN INTELLECTUAL PROPERTY

Time : 3 Hours

Max. Marks : 80

PART – I

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

Write notes on:

1. Industrial applicability
2. WIPO
3. Certification marks
4. Assignment of copyright
5. Traditional knowledge
6. Farmer's variety
7. Piracy of registered design
8. Revocation of patent

(5 × 2 = 10 Marks)

P.T.O.

PART – II

Answer **any four**. Each question carries **4** marks.

1. What do you mean by deceptive similarity of trademarks?
2. Briefly discuss about compulsory licensing of patented inventions.
3. Copyright office and Copyright board
4. National Biodiversity Authority
5. Copyright in registered designs
6. Qualifying conditions for protection of breeder's rights under the UPOV.

(4 × 4 = 16 Marks)

PART – III

Answer **any four**. Each question carries **6** marks.

1. A multinational agribusiness corporation of the United States of America files a patent application with the European Patent Office (EPO) for a method for controlling fungi on plants by the aid of hydrophobic extracted Neem oil. A legal opposition to these patents was filed by an Indian activist claiming that the fungicidal effect of hydrophobic extracts of Neem seeds was known and used for centuries on a broad scale in India, both in Ayurvedic medicine to cure dermatological diseases and in traditional Indian agricultural practice to protect crops from being destroyed by fungal infections. Decide.
2. A multinational pharmaceutical company having patent over an anti-cancer medication which is due to expire in the year 2019 comes up with a Beta Crystalline form of the same drug and seeks patent for it. They say the new form gets easily absorbed into the blood stream making it more effective than the earlier form. The patent Office refuses patent. Aggrieved by the decision of the Patent Office, they move the High Court. Decide.

3. A is the registered copyright owner of a fantasy crime thriller series which he authored in English. B, a publishing house translates the same into three local languages and publishes it. A files a suit for infringement against the publishing house. B claims that it was a translated version where in they have put in 'originality of thought and expression, while translating it and hence it would not amount to infringement. Decide.
4. The plaintiff own a trademark cosmetic range titled 'Lakme' and spends huge amounts on advertising the same. The plaintiff holds good market share for cosmetics in India. The plaintiff comes to know that the defendants have been selling cosmetic products under the brand name 'Likeme.' He files a suit against the defendants for infringement of his trademark. Decide.
5. Kumar Glass Works — had registered their designs for diamond shaped glass sheets (pictured above left) under the Designs Act, 2000 and were granted a certificate of registration for the same. They therefore acquired the sole right to manufacture and market the glass sheets in the design that was registered in their names. Aravind Glass Works however started marketing his glass sheets with the same design. The designs that were formed on the glass sheets were formed by engraved rollers which were developed by a German Company which had licensed all Indian rights to the former. Kumar Glass Works approaches the court for infringement of their registered design. The respondents claim that the design was already published by the German Company which engraved it in the rollers. Hence the appellants could not claim design rights over the same. Decide.

(4 × 6 = 24 Marks)

PART – IV

Answer any three. Each question carries 10 marks.

1. Elaborate on the criteria of patentability as provided in the Indian Patent Law.
2. Discuss the responsibility of WTO in safeguarding IPR internationally.

3. Elaborate on the main features of the law relating to protection of original literary, artistic, dramatic musical and artistic works in India.
4. Discuss in detail about the role, functions and powers of the National Biodiversity Authority in India.
5. What are the essential requirements for the registration of design under the Designs Act, 2000?

(3 × 10 = 30 Marks)

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