

Reg. No. :

Name :

**Tenth Semester B.A. LL.B/B.Com. LL.B/B.B.A. LL.B. (Five Year Integrated)
Degree Examination, April 2025**

**Paper I : TRADE IN INTELLECTUAL PROPERTY
(2011–2019 Admission)**

Time : 3 Hours

Max. Marks : 80

PART – A

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

Write notes on :

1. Non-obviousness.
2. TRIPS.
3. Service Marks.
4. Adaptation under copyright law.
5. Trade Secrets.
6. Extant variety.
7. Biological diversity.
8. Surrender of patents.

(5 × 2 = 10 Marks)

PART – B

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

9. Difference between passing off and infringement of trademarks.
10. Non-patentable inventions under the Indian Patents Act.

P.T.O.

11. Registration of copyrights in India.
12. Convention on Biological Diversity (CBD).
13. Designs which cannot be registered.
14. Objectives of the Protection of Plant Varieties and Farmers Rights Act, 2001.

(4 × 4 = 16 Marks)

PART – C

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

15. A and B filed for patent application with the Indian Patent Office with provisional specification on the same date for the same invention. However 'A' completes the invention files the complete specification before 'B' though the latter also filed the same within the time allowed. Examine the status of patent application filed by both 'A' and 'B' and decide as to who will be granted patent.
16. The appellant is a publisher of a well known journal known as Supreme Court Case (SCC) in which they publish the judgments of the Supreme Court. Respondents launched a software package entitled 'The Laws' and 'Jurix'. The appellants alleged that not only the judgments that they publish in the journal are copied by the respondents but also the head-notes, case comments, editorial notes and short-notes. Decide.
17. 'X' is registered proprietor of trademark 'M-SEAL'. 'Y' adapted and used mark 'SM-SEAL' with all essential characters of trademark 'M-SEAL'. Can 'Y' be restrained from using the Mark? Decide.
18. Company A claimed that it was marketing 'Amur Amla Hair Oil' in bottles having a distinctive design - a semi circular shoulder with a curvaceous back and front panel converging taperly into each other. They claimed the shape and configuration of the bottle to be unique, novel and original and had registered the same under the Designs Act, being valid until February, 2020. The green cap put over the bottle was also registered under Designs being valid until June, 2020. They also contended that these bottles had the trademark 'Amur' embossed at the bottom. Company A alleged that the respondent was manufacturing plastic bottles which were an imitation of 'Amur' bottles and also alleged to carry the 'Amur' trade mark embossing at the bottom. Respondent claims the allegation to be false and frivolous. Decide as to what remedy can be given to the Appellant.

19. Two expatriate Indians in U.S.A are granted U.S. Patent on use of Turmeric in wound healing. The claim covered "a method of promoting healing of a wound by administering turmeric to a patient afflicted with wound". This patent also granted them the exclusive right to sell and distribute turmeric. India challenges the patent grant at the USPTO on the ground that turmeric has been "a classic grandmother's remedy", applied to cuts of children as an anti-parasitic agent, used as a blood purifier and in treating the common cold for generations. It is also used as an essential ingredient in many Indian dishes. It is part of our traditional knowledge. So, the question was how could someone get an exclusive right to sell and distribute turmeric? Decide.

(4 × 6 = 24 Marks)

PART – D

Answer any **three**. Each question carries **10** marks.

20. Elaborate on the concept of 'fair use' under the Copyright law.
21. What is compulsory licensing in patent law? How important is it especially in the pharmaceutical sector?
22. How important is the Designs Act, 2000 in registration and protection of industrial designs in India? Also briefly examine the process of registration of an industrial design in India.
23. Discuss the salient features of the Protection of Plant Varieties and Farmers Rights Act, 2001.
24. What are the rights of a registered trademark owner in India? What are the remedies available to a trademark owner in case of the use of a deceptively similar mark by a competitor?

(3 × 10 = 30 Marks)