

18/6/19.

SEM - X

IPR.

optional paper.

18/6/19

(3 Hours)

(Total Marks : 100)

Please check whether you have got the right question paper.

- N.B.:**
- 1) All questions are **compulsory**.
  - 2) Cite relevant case laws wherever necessary
  - 3) **Figures to right indicate full marks**

1. Answer in two to three sentences each. (20)

- a) What is Copyright?
- b) What is provisional specification?
- c) Who is an author?
- d) Define the term "capable of industrial application".
- e) Who can apply for a trademark registration?
- f) What is an artistic work?
- g) Explain the term Invention.
- h) Explain "Government Work".
- i) What is service under the Trademarks Act, 1999?
- j) Define the term "collective mark".

2. Write short notes on **any four** of the following: (20)

- a) Patents of addition
- b) Permitted Use
- c) Budapest Treaty
- d) Work in which Copyright subsists.
- e) Significance of trademark registration.
- f) Copyright Societies.

3. Attempt **any two** with reasoned answers:

(12)

- a) Venugopal is a manufacturer of tennis racquets and wants to use the name "Rocket" as his trademark. He applies for a trademark registration to the Registrar of Trademarks.
  - i. Will Venugopal succeed to register the name "Rocket" as a trademark for his goods?
  - ii. State and explain the provisions of the law involved.
- b) Kamyra Drugs make a herbal tea for cold and cough treatment using traditionally well-known actives.
  - i. Will they be able to get a patent for the herbal tea in India?
  - ii. What are the steps for filing a patent application in India?
- c) A film producer makes a cinematographic adaptation of a book without consent of the author.
  - i. Is he permitted to do so under the Copyright Act, 1957?
  - ii. What is copyright infringement?

4. Answer **any four** of the following:

(48)

- a) Which are the rights of Broadcasting Organizations and of Performers?
- b) What is Passing Off? Distinguish between Infringement and Passing Off.
- c) What is non-patentable subject matter?
- d) Copyright is a bundle of rights. Elaborate.
- e) Explain the procedure for registration of Trademarks.
- f) Write a note on Opposition of patents.

(3 Hours)

(Total Marks : 100)

Please check whether you have got the right question paper.

Sem - X

N.B. :

- 1) All questions are compulsory
- 2) Cite relevant case laws wherever necessary
- 3) Figures to right indicate full marks

1. Answer in two to three sentences each. (20)

- a) Who is an author?
- b) What are the contents of a complete specification?
- c) Explain the meaning of "cinematograph film" under the Copyright Act, 1957.
- d) Define the term "Invention" and "Inventive step".
- e) What is a trademark?
- f) What is meant by "work" under the Copyright Act, 1957?
- g) What is the "Patent Cooperation Treaty"?
- h) What is service under the Trademarks Act, 1999?
- i) Who can apply for a patent under the Patents Act, 1970?
- j) Define the term "transmission".

2. Write short notes on any four of the following:- (20)

- a) False trade description
- b) Work in which Copyright subsists
- c) Revocation of patents
- d) Permitted Use.
- e) Functions of a Trademark.
- f) World Trade Organization.

3. Attempt any two with reasoned answers:- (12)

- a) M/s Wonder Drugs, a pharmaceutical company, discovers that the ester of their blockbuster drug used in treating tuberculosis has better anti-TB efficacy. They decide to file a patent application in India.
  - 1) Will they get a patent in India? Explain
  - 2) What is non-patentable subject matter?
- b) Banita wants to use the name "Peacock" as her trademark for her new line of soaps. She applies for the registration of the mark to the Registrar of Trademarks.
  - i) Will Banita succeed to register the name "Peacock" as the trademark of her goods?
  - ii) State and explain the provisions of the law involved.

- c) A singer enthral the audience with her voice and singing ability.
- 1) State the technical term which would define the singer and her singing.
  - 2) Explain any two of the singer's rights.

4 Answer any four of the following:-

(48)

- a) Which are the rights of Broadcasting Organizations and of Performers?
- b) What are the grounds for refusal of registration of a trademark? Discuss.
- c) Explain the process of Publication and Examination of patents.
- d) Explain the process for registration of Copyrights.
- e) What are the grounds for Opposition to grant of a patent?
- f) Explain the advantages of registration of Trademarks