

6 SEM LLB (N) OP IPR/HRL 4

2018

(June)

LAW

(Optional)

Paper : 6·4

- 1. Intellectual Property Rights**
- 2. Humanitarian and Refugee Law**

(New Course)

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

1. Intellectual Property Law

1. Answer the following questions :

1×10=10

- (i) The compulsory licence in respect of a patent is granted after the expiration of _____ years from the date of grant of a patent subject to certain conditions.

- (ii) State the main features of TRIPs Agreement.
- (iii) State the defences which cannot be pleaded by the defendant that he adopted the plaintiff's mark without knowledge of existence of plaintiff's trade mark.
- (iv) Name the Regulatory Authorities established under the Copyright Act.
- (v) What do you mean by Piracy of a Registered Design?
- (vi) Write the *three* rights which are conferred on a patentee under the Indian Patents Act, 1970.
- (vii) The registration of trade mark requires to be renewed for successive period of _____.
- (viii) Name the different kinds of Assignment under the Patents Act.
- (ix) What is a trade secret?
- (x) What do you mean by PCT?

2. Answer in short : *(any five)*

2×5=10

(a) State with reasons in brief whether the sentences are true **or** false :

(a) A patent obtained in India provides protection to the patent worldwide.

(b) The author of a literary work has no moral rights after the assignment of the Copyright.

(c) A trade mark may not distinguish the goods of one manufacturer or trader from similar goods of other manufacturers or traders.

(d) Under the Copyright Act, 1957, no action for the infringement of copyright can be brought unless the copyright is registered.

(e) A foreigner can apply for registration of a design under the Designs Act.

3. What do you mean by the term Specification? Discuss the important elements of the Complete Specification.

4+8=12

Or

Discuss the rights of a Patentee. What are the limitations and exceptions imposed by the Act in the exercise of the said rights ?
6+6=12

4. Discuss the principles which forms the basis of the Trade Mark Law. Explain the absolute grounds for refusal of registration.
8+4=12

Or

What do you mean by the term Trade Mark ? Discuss the essential elements and functions of a Trade Mark.
4+8=12

5. What is Intellectual Property Right ? Is there any difference between Intellectual Property Right and Industrial Right ? List out the subject matters protected by IPR under the World Intellectual Property Organization.
4+4+4=12

Or

What is TRIPs agreement ? Describe the role of World Intellectual Property Organisation (WIPO) in Intellectual Property Rights.
6+6=12

6. Discuss in details the statement 'Copyright is protection in form and not in idea', highlighting the subject matter of Copyright and the works in which copyright exist.

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Or

Define the term Copyright and discuss the nature of the rights conferred by it to the author of a work.

4+8=12

7. What is a Geographical Indication ? How is it different from a trade mark ? Discuss the prohibition imposed by law of registration of certain Geographical Indications.

4+4+4=12

Or

What is a design under the Designs Act, 2000 and state what is not a design ? When is a design capable of registration ? Discuss in brief the procedure for registration of a design under the Designs Act.

4+2+6=12