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6 SEM LLB OP 4 IPL/HRL (N)

2017

(June)

LAW

Paper : 6·4

(Optional)

(i) Intellectual Property Law

(ii) Humanitarian and Refugee Law

(New Course)

Full Marks : 80

Time : Three hours

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

(i) Intellectual Property Law

1. Find the Correct Answer : $1 \times 10 = 10$

(i) Intellectual Property is

(a) Natural Right

(b) Property Right

(c) Exclusive Right

(d) All of the above

- (ii) Prospect theory of patents is given by
- (a) Edmend Kitch
 - (b) Bentham
 - (c) Hegel
 - (d) Aristotle
- (iii) IPC is
- (a) International patent classification
 - (b) Indian patent classification
 - (c) Indonesian patent class
 - (d) None of the above
- (iv) Patent rights can be revoked by
- (a) Controller of patents and design
 - (b) Government
 - (c) High Court
 - (d) All of the above.
- (v) Trademark law Protects :
- (a) Only brand names
 - (b) Word, letter, numeral that distinguishes goods of one undertaking from others
 - (c) Functional feature of goods
 - (d) Both (a) and (b)

(vi) Domain name facilitates

- (a) Commerce
- (b) E-Commerce
- (c) Trade
- (d) All of the above

(vii) In India, Copyright is a

- (a) Statutory right
- (b) Private right
- (c) Common law right
- (d) All of the above

(viii) Software comes under

- (a) Artistic work
- (b) Literacy work
- (c) Cinematographic film
- (d) All of the above

(ix) Geographical Indication is

- (a) Private right
- (b) Community right
- (c) Public good
- (d) All of the above

(x) Industrial design right can be

- (a) Licensed
- (b) Sale
- (c) Assigned
- (d) All of the above

2. Answer in short : **(any five)** 2×5=10

- (a) Explain the term PCT highlighting its advantages.
- (b) Describe the contents of complete specification.
- (c) Define the terms 'Collective Trademark' and 'Certification Trademark'.

(d) What are the special rights of an author under the Copyrights Act, 1957 ?

(e) State in brief the prohibitions to registration of geographical indications ?

(f) How are lapsed Designs restored ?

3. What are the current legal provisions relating to Intellectual Property Rights in India ?

12

Or

Discuss the role of WIPO, WTO and TRIPS in the protection of Intellectual Property Worldwide.

4. Explain with case law the various inventions which are not patentable as per the Indian Law.

12

Or

Explain the provisions of law relating to compulsory licenses.

5. ABC Ltd brought into market a play toy named as 'Dancing Teddy' which dances and sings. Though it became very popular, yet there were some problems relating to the mechanical part of the toy.

XYZ Ltd. came up with a similar toy named as 'Singing Bear' which can sing and dance and all the defects of 'Dancing Teddy' was solved by the toy named 'Singing Bear'.

Keeping in view the above, answer the following citing relevant legal provisions :

- (i) Can XYZ Ltd claim trademark protection for 'Singing Bear' ?
- (ii) Will the act of XYZ Ltd amount to infringement of trademark ? If so, how ?

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Or

Discuss the grounds for refusal to registration with reference to relevant sections and case laws.

6. Discuss with leading case laws the meaning of copyright and the works in which copyright subsists as per law.

12

Or

Explain the statutory exceptions under section 52 relating to infringement of copyright.

7. Explain the procedure of registration of Industrial Designs. 12

Or

With the help of leading case laws explain the Indian position on 'The Geographical Indication of Goods (Registration and Protection) Act, 1999.