

IPR-12/5/12

Con. 3348-12.

(3 Hours)

MR- 4235

[Total Marks : 100

N.B. (1) There are no sections in the question paper.

(2) Answer questions 2 and 4 with reference to some illustrations wherever required.

1. Answer the following questions in not more than two sentences:- (20)

- 65-53
- 12
12
24
6
54
- a) What is a certification trade mark?
 - b) Define "Invention".
 - c) Who is a person interested under the Patents Act, 1970?
 - d) What is a well-known trade mark?
 - e) Who is a registered proprietor in respect of a geographical indication?
 - f) What is a priority date u/s 11 of the Patents Act?
 - g) What is the distinction between a suit for passing off and a suit for infringement?
 - h) What are the various types of Intellectual Property Rights?
 - i) What is the period of assignment of copyright?
 - j) What are the qualifications for becoming a patent agent?

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

- a) Collective Mark
- b) Copyright Board
- c) Anton Pillar Order
- d) Patents of addition
- e) Specification
- f) Geographical Indication

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

a) Doctor & Co. manufactures a product under that trade mark FIXON which is not registered. T.Rex & Co. subsequently registers the mark FIXON in its name and starts to use it. Doctor & Co file a suit for infringement of their trade mark.

- i) Is the suit maintainable? NO.
- ii) Can a registered proprietor of trade mark be guilty of infringement? No. Simdal Industries vs Nirmal Tubes Pvt Ltd.
- iii) What remedy is available to Doctor & Co.?
Suit for Passes at / At Profit.

[TURN OVER

- b) "X" who is employed by Newton & Co. in the research and development department. X, while working in the laboratory of the company, invents a new machine. Newton & Co. apply for the patent.
- i) Is the application maintainable? *Yes*
 - ii) Can X oppose the application? *No*
 - iii) What would be the defense of Newton & Co. *Art 27*
- c) Mr. "P" writes a play "Hum Hindustani" about national integration. "Q" a film producer takes the basic theme of the play and makes a movie out of it. P files a suit for infringement of copyright.
- i) Will P succeed?
 - ii) What is the principle on which the court will rely?
 - iii) State the leading case on which this problem is based.

4. Answer any four of the following:—

(48)

- a) What is the procedure for the registration of trade marks and what is the effect of registration?
- b) Discuss the powers of the Controller in granting compulsory licenses. What are the terms and conditions on which such license may be granted?
- c) What is a convention application? What are the special and supplementary provisions relating to convention applications under the Patents Act?
- d) Explain the concept of copyright and state the various rights which are comprised in copyrights.
- e) Discuss the provisions of the Copyright Act in relation to copyright societies.
- f) What is meant by the term "Intellectual Property Rights"? What is the justification for the protection of Intellectual Property Rights?