

48004

23/9/14

THREE YEAR LL.B. DEGREE EXAMINATION, SEPTEMBER 2014.

Fourth Semester

Paper IV — INTELLECTUAL PROPERTY LAWS

Time : Three hours

Maximum : 100 marks

(No additional sheet will be supplied)

PART A — (6 × 4 = 24 marks)

(Short answer questions)

Answer any SIX questions.

Each question carries 4 marks.

1. Honest Concurrent Use
- ~~2.~~ Berne Convention
- ~~3.~~ Functional Design
4. Anton Pillar Order
- ~~5.~~ Relinquishment of Copy right
- ~~6.~~ WIPO
7. Restoration of lapsed Patent
- ~~8.~~ Service Mark
- ~~9.~~ Ownership of Copy right.

PART B — (2 × 18 = 36 marks)

(Essay type questions)

Answer any TWO questions.

Each question carries 18 marks.

- ~~10.~~ Define Trade Mark. Explain the procedure for assignment of Trade Mark under the Trade Marks Act, 1999.
- ~~11.~~ What is Copy right? On what works does the Copy right subsist?
12. What is the procedure for acquisition of Patent under the Patent Act, 1970?
- ~~13.~~ What is infringement? What are the remedies in case of infringement of Trade Mark, Copy right and Patent?

PART C — (2 × 20 = 40 marks)

(Case comment type questions)

Answer any TWO Questions.

Each question carries 20 marks.

14. A wrote a novel using his pen name. The novel becomes so popular. B copied it and wrote a story for cinema which is also a hit. A wants to sue B. Advise A.
15. A citizen of a foreign country which does not grant the citizens of India the right to make a patent application in that country, makes an application to the patent office in Delhi. The Controller accepts the application. Is the Controller's decision lawful? If so give reasons, If not explain why?
16. A liquor company used a trade mark "Officers Choice". If some other liquor company applied for registration of "Officer's Special" as a trade mark in respect of the similar liquor. What are the chances of its registration?
17. X, a registered proprietor of a design alleges that Y is unauthorisedly making use of the said design and gaining. Advise Y to defend the allegation.