

End Semester/Reappear (Semester V) Examination December 2022

Programme: LL.B

Course: Intellectual Property Rights

Course Code: 24D.302

Enrollment No: \_\_\_\_\_

Full Marks: 70

Time: 3 Hrs.

### Section I

1. Short Answer type questions. Answer any four.

4 x 5 = 20

- Define literary work and give its examples.
- What do you mean by assignment of copyright?
- Discuss in brief the functions of trademarks.
- What is 'Right of Priority' under the Paris Convention, 1883?
- Discuss in brief the subject matter of patents.
- What is the economic importance of protection of a design?

### Section II

Long Answer type questions. Answer any three.

3 x 10 = 30

- Author of work has been given special rights under the Copyright Act, 1957 which are independent of author's copyright. Critically examine the scope of those rights.
- Define trademark. What do you mean by 'graphical representation' of mark under the Trade Marks Act, 1999?
- What are the criteria of patentability? Whether complete disclosure is necessary for grant of patent in India? Comment.
- Define revocation of patents and discuss in brief the different grounds of revocation of patents under the Patents Act, 1970.
- Differentiate between copyright protection and design protection and discuss in detail the procedure for registration of industrial designs under the Designs Act, 2000.

### Section III

Application based questions. Answer any one.

1 x 20 = 20

- "Mere application of skill, labour, and judgment is not sufficient for copyright protection. It is the minimum modicum of creativity required in a work and it should be the determining factor for originality under copyright." In Indian context, examine above sentence with the help of relevant case laws.
- If a non-registered trademark is in use for a long time and has become 'well-known' to a substantial segment of people in the country, then what kind of protection would be available to such a trademark under the Trade Marks Act, 1999? Comment.
- Discuss in detail the intellectual property protection available to the design of product, which is aesthetic aspect of a product. Whether the same protection is also available to the technical aspect of product. Comment.