

INTELLECTUAL PROPERTY LAW

Time: 3 Hours

Maximum Marks: 50

PART-A

Answer ANY FOUR questions. Each question carries TEN marks

(4 x 10 = 40)

- I. "Countries have laws to protect intellectual property for two main reasons- to give statutory expression to the moral and economic rights of creators and the rights of the public to access such creations; second is to promote creativity and the dissemination and application of its results and to encourage fair trading". With particular reference to the types of intellectual property rights and their evolution, elucidate this statement.
- II. What are the criteria for registration of a trade mark? Is such registration compulsory for claiming rights under the Trademarks Act 1999?
- III. Define patentability. With the help of relevant statutory provisions and case laws, elucidate the criteria of such patentability in India.
- IV. What do you understand by idea-expression dichotomy? Explain the different tests evolved by the courts to determine the degrees of such dichotomy through case laws.
- V. Define Industrial Designs. Explain its significance in the modern era of commerce. How is the scope of such rights protected in India?
- VI. Write short notes on ANY TWO of the following:-
 - a. *Novartis AG v. Union of India and Ors*, AIR 2013 SC1311
 - b. Passing off in Geographical Indications
 - c. Trade Secret as an intellectual property

PART-B

Answer ANY TWO questions. Each question carries FIVE marks

(2 x 5 = 10)

- VII. M/s Desi Industries launched a range of beauty products in market and followed aggressive marketing strategies for the same. Five multinational companies (MNC) have now filed a case against M/s Desi Industries on account of their advertisements, which they claim amount to generic disparagement of their cosmetic products- namely sunscreens. The impugned advertisements claim generally that 'all sunscreens marketed by all MNCs' contain chemicals that will cause cancer, whereas products of M/s Desi Industries, containing only herbal ingredients, are safe. Analyze the possible outcomes of this case.
- VIII. Luxury jewellery brand M/s B Ltd have been renowned for their tiny jewelled brooches in the shape of insects- with golden wings, and jewelled bodies and eyes set with precious stones. They recently launched a pin shaped like a dragon-fly, but limited the numbers to 30 only though there was huge demand for the same- these were to be sold off through auction. M/s B Ltd have now filed a case of infringement against M/s R Ltd. citing that the latter are now engaged in selling jewelled pins in the shape of a dragon fly, though admittedly different from their own. Advice M/s R Ltd. as to defences, if any.
- IX. Seeportal is an online video-sharing website, which while is free to users, charges the advertisers at the site. While it has an internal policy on uploading of content which specifies age-appropriateness and other factors related to its use, often users upload content over which they do not own copyright. Examine the liability of Seeportal, if any, in case of potential charges of unauthorized communication of copyrighted work to the public.
