

INTELLECTUAL PROPERTY LAW

Time: 3 Hours

Maximum Marks: 50

PART- A

Answer **ANY FOUR** of the following. Each question carries **TEN** marks.

(4 x 10=40)

- I. "The intersection between human rights and intellectual property points to a new development- the need to articulate 'maximum standards' of protection of intellectual property rights". Comment. Substantiate your answer with relevant authorities.
- II. According to World Intellectual Property Organization, "Copyright is a legal term used to describe the rights that creators have over their literary and artistic works". Elucidate the scope of such rights of creators.
- III. What are Geographical indications (GIs)? Explain whether GIs are considered as industrial property. With the help of examples from India, examine how far the Geographical Indications of Goods (Registration and Protection) Act, 1999 has been successful in the protection of this class of intellectual property rights?
- IV. "There exist three implicit exceptions to patent eligibility- laws of nature, physical phenomena and abstract ideas" [*Harvard Law Review* (2013) 810]. Is this statement correct in the Indian context? Cite relevant provisions and case laws.
- V. How may Trademarks be diluted? Do statutory provisions enable the owner of trademarks to enforce their rights against such dilution in India? Give specific instances.
- VI. Write short notes on **any two** of the following:-
 (a) Protection of Plant Varieties in India
 (b) Traditional Knowledge as Intellectual Property
 (c) Protection of Semiconductor-related inventions

PART- B

Answer **ANY TWO** of the following. Each question carries **FIVE** marks.

(2 x 5=10)

- VII. A photographer Mr. X is the copyright holder of a photograph called 'Gerbils'. This picture was used in a stamp to commemorate the celebration of Animals Day, and copyright for that purpose alone was transferred to the Postal Service Department by Mr. X. A sculptor, Mr. Y, on seeing this stamp and using that image, without permission from Mr. X or the Postal Department, created a sculpture that was titled 'Mischievous of Gerbils'. The sculpture was displayed for sale with an accompanying note criticizing the political thoughts behind the use of the picture in the stamp. Mr. X has now sued Mr. Y for copyright infringement. Advise Mr. Y as to his defences, if any.
- VIII. Mr. S, a scientist has invented a device and has duly filed complete specification for the same. However, a rival has filed an objection stating that the patent cannot be granted as Mr. S had presented the details of his invention at a scientific conference before the date of filing the specification, which was later verified as correct. Discuss the possible outcome of Mr. S's application and clarify the legal position.
- IX. Yuvraj Dhoni and Virat Dravid are among the most popular football players in India. An online game maker used virtual creations in their likeness and launched a wrestling game, and titled it 'Game Catch Twenty', without using their names or any other allusions to them. Has he infringed on any IP rights of Mr. Dhoni and Mr. Dravid, if he has not acquired the prior consent of the players?