

HONS. 06/05/19

B.A. LL.B., (Hons.) DEGREE SIXTH SEMESTER EXAMINATIONS, MAY 2019

INTELLECTUAL PROPERTY RIGHTS

Time: 3 Hours

Maximum Marks: 50

Part-A

Write Short notes on any 2 of the following (2 x 5 = 10)

1. Protection of varieties of plants in India
2. Conditions for registration of a Geographical Indication
3. *Amarnath Sehgal v. Union of India*, 2005 (30) PTC 253 (Del)
4. Labour Theory of Intellectual Property Rights
5. The importance of intellectual property rights in modern commercial context

Part- B

Write essays on any 3 of the following (3 x 10 = 30)

1. Clarify the concept of 'Idea-Expression' dichotomy in copyrights with the help of legal authorities and case laws.
2. What are the rights of patentees under the Indian legal system?
3. "In recent times, trademark, goodwill and brand protection has become an essential part of corporate strategy." Elucidate. Explain the significance of trademarks in commerce.
4. Define Designs under the Designs Act, 2000. Are they considered as industrial property? Explain the scope of protection of designs as an intellectual property right.
5. With special reference to cases of Basmati, Neem and Turmeric, explain your position regarding the soundness of protection of community knowledge and traditionally evolved intellectual property.

Part- C

Answer any 2 of the following (2 x 5 = 10)

1. Mr. A discovered a new island in the Pacific. He wants to patent a new variety of microorganism endemic to the island. Do patent laws permit patenting of microorganisms? Will Mr. A succeed in his attempt?
2. A newly established software company B Ltd. reverse engineered a product marketed by a well-established company D Ltd., for which the latter has registered for protection under the Semiconductor Integrated Circuit Layout Design(SICLD) Act, 2000. Can B Ltd. market their product in India, as a competitor to the product of D Ltd.? Explain your position with relevant provisions and case laws.
3. A community that has traditionally produced a unique textile product, which has acquired the status of a registered Geographical Indication in India, has slowly receded from producing or marketing the same. A textile company wants to produce and market the product and seeks permission from the community, who refused to involve or associate with such proposed production. Advise the company.