

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. "Intellectual property is a power tool for economic development and wealth creation that is not yet being used to optimal effect in all countries, particularly in the developing world." Do you agree with this statement? Substantiate your position with particular reference to India and its stand on intellectual property rights.
- II. Explain the criteria for patentability in India. In your opinion, is it comparable to the global standards of the same?
- III. Clarify the 'Idea-Expression' dichotomy in copyrights with the help of legal authorities and case laws.
- IV. Define geographical indications. What amounts to infringement of geographical indications? Discuss the remedies available against the same in India.
- V. Answer ANY TWO of the following (2 x 5 = 10)
- (a). Traditional knowledge
(b). Protection of intellectual property rights over plant varieties in India
(c). Dilution of Trade Marks
- VI. Answer ANY TWO of the following (2 x 5 = 10)
- (a). Integrated Circuit Designs as intellectual property.
(b). Trade Secrets.
(c). Protection of Industrial Designs

PART- B

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

(2 x 5=10)

- VII. Dr. Z, a biologist, as part of an Antarctic expedition, came across a new plant species till then unknown to mankind. From later experiments, he also isolated a novel chemical from the plant, but has not yet discovered any use for the said chemical compound. He wants to obtain patent for the plant as well as the chemical. Advice Dr. Z.
- VIII. B Ltd. manufactures and markets golf balls and clubs. As a part of launch of their premium high-end-quality products, they want to incorporate the golf balls and clubs of their 'premier' series with the smell, appearance and colour of lemon. Would they succeed in obtaining trademark for the above characteristics in India?
- IX. Mr. X and his community have traditionally conserved a particular variety of wild turmeric as part of their religious and cultural customs. Also, they have traditionally developed a hybrid variety of turmeric that has been successfully proven to be pest-resistant. Advice Mr. X as to all of his rights under the Protection of Plant Varieties and Farmers Rights Act, 2001