

HONS.07/15/03

B.A. LL.B., (Hons.) DEGREE SEVENTH SEMESTER EXAMINATIONS, NOVEMBER 2016

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. "India is best characterized as a technologically proficient developing country. Therefore, the rigid categorisations of developed *versus* developing countries and the attendant IP norms that they are meant to encompass may not strictly apply to India. India will need to evolve new norms that leverages its technological proficiency and yet is conscious of large segments of the population that count as poor and underprivileged for whom access to important IP goods such as pharmaceuticals will be crucial". Do you agree? Substantiate your answer with specific justifications.
- II. Explain the criteria of patentability in India. In your opinion, is it comparable to the global standards of the same? If not, what are the points of divergence?
- III. Explain the legal framework of protection of trademarks. In your opinion, is it adequate in India?
- IV. What do you understand by Industrial Designs? How are they protected in India? With the help of relevant case laws, draw out the scenario of legal protection of the same.
- V. 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". Explain the contours of such rights of creators.
- VI. Write short notes on ANY TWO of the following
 - a) Spring Board Doctrine
 - b) Protection of Plant varieties in India
 - c) Significance of TKDL

PART- B

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

(2 x 5=10)

- VII. M/s ABT Ltd. is a Delhi-based corporation in the business of designing, manufacturing, and selling semiconductor chip products used in computer graphic displays. M/s XYZ Ltd. is a competitor in the same business, and has sales almost 30 times that of M/s ABT Ltd. ABT alleges that XYZ has introduced pirated chips at lower prices in an attempt to recapture its lost market, such pirated chips being copies of two of ABT's chips. Advice M/s ABT Ltd. as to potential remedies.

(Turn over)

- VIII. Mr. X is an American National. He is a Mechanical Engineer and is the President and Managing Director of Meta Overseas S.A. located in Spain. After extensive experimentation, an improved Fodder Production Unit (hereinafter referred to as the FPU) capable of using solar energy to create a unit that was capable of producing grass throughout the year. Mr. X applied for grant of patent in India in relation to the FPU. His patent application is pending in India. Technical details of the FPU are contained in catalogues which illustrate it by technical drawings and other specifications. The drawings are original artistic work and Mr. X is the owner of Copyright in the drawings. He entered into an agreement with M/s. Sun Energy Ltd, creators of thermal panel, to create a model for submission at Patent Office, which contained a confidentiality clause. Later M/s Sun Energy Ltd., marketed a similar unit in India. What remedies, if any, are available to Mr. X.
- IX. M Doll Makers wants to market a doll that resembles Ms. Betty, a film star in India, but were unable to acquire her permission to do so. They however, marketed a new range of dolls called Belle, which closely resemble Ms. Betty. Advice Ms. Betty of remedies available, if any.
