

N.B.: (1) There are no **sections** in the questions paper.

(2) Answer question No.2 and 4 with reference to some illustrations wherever **required**.

1. Answer the following in not more than **two** sentences :-

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- (a) State in which 'works' copyright subsists ?
- (b) What amount to infringement of patent?
- (c) Define a 'Registered user' under Trade marks Act, 1999 ?
- (d) Who can apply for registration of Design?
- (e) What are not inventions under the patents Act?
- (f) What is period of Assignment of copyright?
- (g) Define 'Collective Trade Mark'.
- (h) What do you understand by the term 'Biotechnology' ?
- (i) What do 'Geographical Indication' U/section 2(e) means?
- (j) Why, according to you there should be protection of Intellectual Property Rights?

2. Write short notes on any **four** of the following :-

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(a) process patent

- (b) Copyright Board
- (c) Anton Pillar Injunction
- (d) Patent Co-operation Treaty
- (e) Author's Special Rights
- (f) Compulsory Licences.

3. Attempt any **two** with reasoned answers :-

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- (a) A Actress named 'Britney', wants to apply for registration of her personal name "BRITNEY" as a trademark for "Beauty Salon".

Will the mark be regarded as distinctive ? Why ?

- (b) Aneel applies for a patent in respect of an invention and the same is granted by the patent office in India in the Year 2000.

(i) How long Aneel can have the Exclusive right in respect of the invention?

(ii) Can Aneel take an action for Infringement against a manufacturer who is making the invention in foreign country? Why?

(ii) Can Aneel get a patent in UK in respect to the same invention, if he applies in 2002 ? Why ?

- (c) Dr. Nishant has written a book on Intellectual Property Rights. The Book has been published by leading Publisher Butterworths.

(i) Who is the author of the work ?

(ii) A students from Law College quoted from this Book in their LL.B. Exam. will this amount to infringement? Why?

(iii) One Mr. Raj made 10 photocopies of this Book and distributed among his friends. Will this amount to infringement? Why?

4. Answer any **four** out of the following :-

(a) What is a trademark? What are the qualities of a good trade mark? Explain the trade marks which cannot be registered.

(b) Who can oppose grant of patent and on what grounds? What is the procedure for opposing a patent?

(c) Distinguish between (i) Passing off and Infringement Action of Trademark.

(ii) Write short note on 'fair use'.

(d) Define the term Intellectual property. Explain the main features of this property .

be in detail the acts which do not constitute an infringement of copyright under the copyright Act, 1957.

- (f) Discuss the grounds for refusal of registration of a trademark under the Trademarks Act, 1999.

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