

Con. 1759-11.

IPR

April 2011

MT-6254

(3 Hours)

[Total Marks : 100

- N.B. : (1) There are **no** sections in the question paper.
(2) Answer Question Nos. **2** and **4** with reference to some illustrations wherever **required**.

1. Answer the following in **not** more than **two** sentences : 20
 - (a) What is meant by the term 'goods' under the Copyrights Act, 1957 ?
 - (b) What is an 'International application' under the Patents Act, 1970 ?
 - (c) Define 'well-known' Trade Mark.
 - (d) What is meant by the term 'publication' under the Copyright Act, 1957 ?
 - (e) What is a Patent of Addition ?
 - (f) What are the various types of Intellectual Property ?
 - (g) What do you mean by Deceptive Similarity ?
 - (h) State the difference between Product patent and Process patent under the Patents Act, 1970.
 - (i) Why is it necessary to protect the Intellectual Property Rights ?
 - (j) Who is the first owner of a work ?
2. Write short notes on any **four** of the following :- 20
 - (a) Fair use
 - (b) Copyright in case of Literary, Dramatic or Musical Work.
 - (c) Passing Off (Trade Mark Act)
 - (d) Copyright Societies
 - (e) Mareva Injunction
 - (f) Specification.
3. Attempt any **two** with reasoned answers :- 12
 - (a) Mr. Khana forms brilliant idea about how a beautiful girl can madly fall in love with a crazy boy on which a beautiful and thought provoking story can be written. He communicates it to Mr. Jacob. Jacob appreciates the idea given to him by khana. Jacob clothes the idea in the form of a book, which he publishes in his own name. Khana claims that the original idea belongs to him.
 - (i) Can khana claim a joint ownership over a Copyright in the book so to claim royalty in the book ? If Yes/No Why ?
 - (ii) State the leading case law related to the above facts.
 - (b) Yuvraj has been granted a patent by the Indian Patents Office on 31st December, 2008 :-
 - (i) For how long will Yuvraj have the patent over his Invention ?
 - (ii) If Virat wants to challenge the patent, in which Court has he to file a suit ?
 - (iii) Can Yuvraj get a patent in Ireland in respect of the same invention, if he applies in 2009 ? Why ?
 - (c) Toyota cars wants to Register the trademark "T" for their New Launch of cars. The Controller General of Patents, Designs and Trademarks has refused to grant trademark on the plea that it sounds similar to the trademark of Tata Motors '8' i.e. 'T'.
 - (i) Is the stand of the Controller correct ?
 - (ii) Can there be any other ground of refusal ?
 - (iii) What are the remedies available against the refusal ?
4. Answer any **four** out of the following :- 48
 - (a) What is a Patent ? What is the object of the Patent Law ? What are the rights and obligations of a Patentee ?
 - (b) What does not amount to an Infringement of a Copyright ?
 - (c) Explain the process of Registration of Trademarks under the Trademarks Act, 1999.
 - (d) Who can oppose grant of patent and on what grounds ? What is the procedure for opposing a patent ?
 - (e) Discuss the various rights which Copyright protects. Explain the concept of Copyright ?
 - (f) Discuss and compare the salient features of Trademarks, Patents, Designs and Copyright as Intellectual property.

[TURN OVER