

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

(2) Answer question **2** and **4** with reference to some illustrations wherever required.

1. Answer the following questions in not more than **two sentences** :— 20
 - (a) What is a certification trade mark ?
 - (b) What is meant by patent ?
 - (c) Define an Inventive step.
 - (d) What is the period of assignment of copyright ?
 - (e) Who can apply for the registration of a geographical indication ?
 - (f) Who is a registered user under the Trade Marks Act, 1999 ?
 - (g) What is meant by a priority date u/s 11 of the Patents Act, 1970 ?
 - (h) State the works in which copyright subsists.
 - (i) What are the reliefs available in a passing off action ?
 - (j) Which designs cannot be registered ?

2. Write short notes on any **four** of the following :— 20
 - (a) Anton Pillar Order
 - (b) Patents of addition
 - (c) Collective Mark
 - (d) Copyright Societies
 - (e) Patent protection for micro-organisms
 - (f) Prohibition of registration of certain geographical indications.

3. Attempt any **two** with reasoned answers :— 12
 - (a) The Government starts the manufacture of a drug by a process which is not the same as the one by which Glaxo, the patentee, manufactures the same drug. The drug manufactured by the Government is distributed in Public Health Centers. Glaxo files a suit against the Government for infringement.
 - (i) What will be the fate of the suit ?
 - (ii) What provisions of the Patent Act will the court rely upon in passing the order ?
 - (iii) Will the result be different if the process of manufacture was the same ?
 - (b) A proprietor of an unregistered Trade Mark brings a suit for infringement against the proprietor of registered Trade Mark, who is merely exercising his right to use the mark.
 - (i) Is the suit maintainable ?
 - (ii) Can the proprietor of a registered Trade Mark be guilty of infringement when using his own mark ?
 - (iii) What remedy is available to the proprietor of the unregistered Trade Mark ?
 - (c) "X" is the author of a play in which the copyright subsists. The drama club of Ideal High School, stage the play in the school gathering. No fee is charged for attending the same. X files a suit against the school.
 - (i) Will X succeed ?
 - (ii) What is the defense available to the school ?
 - (iii) Which provision of the Copyright Act is applicable to this case ?

4. Answer any **four** of the following :— 48
 - (a) Discuss the procedure for the registration of trade marks. What are the effects of registration ?
 - (b) Who can file a suit for the infringement of a trade mark ? What are the defenses available to the defendant ? What reliefs can the court pass in a suit for infringement ?
 - (c) Discuss the grounds for a pre-grant and post-grant opposition to the grant of patent.
 - (d) What is anticipation ? Discuss the various ways in which a patent may be anticipated.
 - (e) When is a copyright infringed ? State and discuss the exceptions thereto ?
 - (f) Discuss the rights of broadcasting organization and performers.