



**UNIVERSITY OF PETROLEUM & ENERGY STUDIES
DEHRADUN**

End Semester Examination – December, 2017

Program/course: B.TECH.,LL.B.(ET&IPR)(HONS.)

Subject: IP Litigation

Code : LLBL 653

No. of page/s: 3

Semester – XI

Max. Marks : 100

Time: 3 Hrs

Part A: Short answer (2 X5 =10)

- A. Write a short note on the enforcement mechanism in the light of 2005 amendment of the IPA?
- B. Relief of delivery up with regards to remedy for patent infringement.
- C. Relief in case of groundless threat of Patent infringement.
- D. State the jurisdiction in the cases of Patent Infringement. What avenues of appeal are available for a judgment debtor with respect to Patent Infringement?
- E. State the jurisdiction and venue for filing a suit regarding Trademark Infringement. Whether acquiescence can be presented as a defense in matters related to trademark infringement?

Part B: Conceptual (10X2 = 20)

- A. Write a note Civil Litigation Cycle with focus on IP practice.
- B. What is the difference between Civil Remedies and Criminal remedies with reference to IP litigation? How do you determine the remedy to be used? Highlight the elemental

requirement of setting the criminal law to motion with reference to Trademark Infringement.

Part C: Analytical (10X2 = 20)

- A. Seeking Interlocutory injunction in matters pertaining to designs and seems to be a common affair with reference to the IP Litigation. But, the perception of the Courts towards the same has changed. What factors do you think are the most important ones to be presented in front of the Court so to get the said relief?
- B. Any endeavor towards seeking the criminal remedies in matters related to copyright and trademark infringement, which is confined to the Copyright Act alone, exhibits the myopic vision of the lawyer.

What is your opinion on the above mentioned statement? Bolster the strength of your arguments with reasons.

Part D: Problem Based

- A. Mr. Krishnam has approached you to seek your opinion on the question of power of the Court in India regarding
- (a) Partially invalidating a patent &
 - (b) Transforming it into a utility model.

Give your opinion regarding the above mentioned two points with reference to Indian Judicial System. (10 Marks)

- B. (a) Mr. Ishan has asked for your help in terms of preventive litigation approach so that he doesn't have to face any legal challenges in future. (10 Marks)

(b) Mr. Ishan has also got to know about the trademark Infringement in relation to his own work of creativity. He has come to you to take your advice regarding the same. What options are available with him? (10 Marks)

C. Miss Ashwini is a patent holder; she seeks to enforce her rights in India owing to the infringement of her rights. What options are open to her? She wants to get apprised with the loopholes or shortcomings of the Patent Litigation in India(if any) and to what extent Alternative Dispute resolution(ADR)methods are available and relied upon in India so to resolve patent disputes? (20 Marks)



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Part A: Short answer (2 X5 =10)

- A. Is there a provision of relief in matters pertaining to frivolous and groundless threats of patent infringement?
- B. What is relief of delivery up in context of patent infringement?
- C. Significant changes have been introduced in Patent Legal Framework post 2005. Comment
- D. In matters pertaining to Trademark Infringement, where can the suit be filed?
- E. What all remedies are available in matters pertaining to Patent Infringement?

Part B: Conceptual (10X2 = 20)

- A. Intellectual Rights Practice involves a complex Civil Litigation Cycle. Comment
- B. What factors would you consider while deciding between Civil and Criminal Remedies. With reference to Trademark infringement and criminal remedies, what is the first essential requirement that needs to be complied with?

Part C: Analytical (10X2 = 20)

- A. What factors do you think are the most important ones to be presented in front of the Court so to get the important relief of Interlocutory injunctions?

- B. Any endeavor towards seeking the criminal remedies in matters related to copyright and trademark infringement, which is confined to the Copyright Act alone, exhibits the myopic vision of the lawyer.

What is your opinion on the above mentioned statement? Bolster the strength of your arguments with reasons.

Part D: Problem Based

- A. Miss Sukanya is a patent holder; She seeks to enforce his rights in India in the light of infringement. What options are open to her? She wants to get apprised with the loopholes or shortcomings of the Patent Litigation in India and to what extent Alternative Dispute resolution (ADR) methods are available and relied upon in India so to resolve patent disputes? (20 Marks)

B. Mr. Tota Puri has approached you to seek your opinion on the question of power of the Court in India regarding

- (1) Partially invalidating a patent &
(2) Transforming it into a utility model. (10 Marks)

- C. Mr. Ishan has got to know about the trademark Infringement in relation to his own work of creativity. He has come to you to take your advice regarding the same. What options are available with him?

Ishan has also asked for your help in terms of preventive litigation approach so that he doesn't have to face any legal challenges in future. (20 Marks)