

Roll No.
SAP ID



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, July 2020
Open Book – Through Blackboard Learning Management System

Course: Intellectual Property Law
Programme: B.A. LL.B. Energy Law
Time: 03 hrs.

Semester: VIII
Course Code: LLBL401
Max. Marks: 100

Instructions:

As this examination is in open-book format, the students are expected to demonstrate a very high degree of Academic Integrity and not copy contents from resources referred. Instructors would look for understanding of the concept by the students and any similarity found from resources online/ offline shall be penalized in terms of deduction of marks and even cancellation of paper in requisite cases. The online examination committee of the School would also look for similarity of two answer scripts and if answer scripts of two or more students are found similar, both the answer scripts shall be treated as copied and lead to cancellation of the paper. In view of the aforesaid points, the students are warned that they should desist from using any unfair means.

All Questions are Compulsory
Answer each question in not more than 500 words

S. No.		Marks	CO
1	<p><i>“If goodwill or reputation in the particular jurisdiction (in India) is not established by the plaintiff, no other issue really would need any further examination to determine the extent of the plaintiff’s right in the action of passing off that it had brought against the defendants.”</i> In light of this statement discuss trans-border reputation and law relating well known trademarks in India. Cite relevant case laws.</p>	20	CO 4
Ans.			
2	<p>Mr Iyer created a beautiful piece of painting in the year 1952 which was kept in one of the lobbies of Parliament. The painting was prepared especially for depicting the spirit of Preamble of the Constitution of India. The government acquired all the rights in the painting and consideration was paid to Mr Iyer. Thereafter the painting was removed and dumped in store room and some parts were mutilated and lost its aesthetic and market value. Answer the following:</p> <p>Whether Mr. Iyer has any right over the painting after giving all rights over the painting to government for consideration? If yes, then what remedy does Mr. Iyer has against Government?</p>	20	CO 1
Ans.			
3	<p><i>“In an infringement action, the main function of the court is to construe the claims which are alleged to have been infringed, without reference to the body of the specification, and to refer to the body of the specification only if there is any ambiguity or difficulty in the construction of the claims in question.”</i> In light of this statement, discuss various rules related to claim interpretation in patent infringement lawsuits. Also briefly discuss the grounds for challenging patent validity.</p>	20	CO 3

Ans.			
4	“Infringement of copyright can be by way of primary acts such as direct copying, indirect copying etc.” Analyze the statement highlighting the relevant provisions and relevant case laws. Also explain the test for infringement and the exceptions of Fair Use under Copyright Act of 1957.	20	CO 3
Ans.			
5	Write a short note on requirement of novelty or originality for registration of Design under the Designs Act, 2000. Also discuss the designs which are not registrable under the Designs Act.	20	CO 2
Ans.			

I,, understand that submitting work that isn't my own may result in failure in this paper and I may also be subject to Disciplinary Proceedings as per the Academic Integrity policy of the University.

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