

<b>Name:</b>	 <b>UPES</b> UNIVERSITY WITH A PURPOSE
<b>Enrolment No:</b>	

**UNIVERSITY OF PETROLEUM AND ENERGY STUDIES**  
**End Semester Examination, December, 2021**

**Course:** Intellectual Property Rights [Hons 1]  
**Program:** BTECH LLB(CL)  
**Course Code:** CLCB5001

**Semester: IX**  
**Time: 3 hours**  
**Max. Marks: 100**

**SECTION A [TOTAL MARKS 10]**

S. No.		Marks
	Multiple choice questions	
1.	Computer programs per se are protected as a. Trademark b. Patent c. Artificial intelligence d. Copyright	2 [CO1]
2.	The design should be___under the Indian Design Act, 2000 a. New or original b. Innovative c. Distinctive d. All of the above	2 [CO1]
3.	Economic rights to performers for their performances fixed in audio-visual fixations were given in which international agreement? a. Berne Convention b. Beijing Treaty c. Marrakesh Treaty d. WIPO Copyright Treaty	2 [CO1]
4.	Which one of the following cannot be registered as a trade mark?  a. The mark is an image. b. The mark is made up of letters and numbers. c. The mark is made up of a symbol with no words or letters. d. The mark represents the natural or technical shape of the goods	2 [CO1]

5.	<p>Petition for revocation of a patent shall be filed at:</p> <ol style="list-style-type: none"> <li>IPO Kolkata</li> <li>IPAB</li> <li>High Court</li> <li>All of the above</li> </ol>	2 [CO1]
<b>SECTION B [TOTAL MARKS 20]</b>		
6.	Explain the economic rights accorded to the Copyright holder of an artistic work.	5 [CO2]
7.	Define Geographical Indication as per TRIPS and Indian legislation mentioning the various requirements for protection under the relevant Act. Give few examples of Geographical Indications.	5 [CO2]
8.	Explain the concept of PHOSITA under the Patent Act of 1970 with the help of relevant provisions and case laws.	5 [CO2]
9.	Discuss the technological protection measures provided under the Copyright Act of 1957.	5 [CO2]
<b>SECTION C [TOTAL MARKS 20]</b>		
10.	The interplay of rights between the authors of the underlying work in a film and the producer of film has been a cause of disagreement in several disputes. How has this dispute being addressed by the legislature. Critically analyze the legislative amendments and the case laws.	10 [CO3]
11.	What is the effect of Registration of Trademark? Can the proprietor of unregistered Trademark file a suit for infringement? If no, then what is the remedy left to him?	10 [CO3]
<b>SECTION-D [TOTAL MARKS 50]</b>		
12.	Company, Bravla Ltd has a patent in India for a process to manufacture a drug that cures malaria. There is a severe epidemic of malaria in some regions in India. Bravla is however unable to supply the required volume of the drug in India during this crisis. A company, Highthel Ltd approaches Bravla Ltd for a licence to manufacture the wonder drug to supply during the crisis period. However the negotiations for a license fail. What options does Highthel now have, if it still wishes to make the drug and supply it in India? Explain.	25 [CO4]
13.	Gracy has what she thinks is a great idea for a new business. She would like to rent portable mp3 players at health clubs and golf resorts. The mp3 players would be preloaded with music, so that people who did not bring along their own players could	25 [CO4]

<p>still listen to music while they were exercising or golfing. Each player would have 5000 songs on it, and the mp3 players do not allow further copying of the songs loaded on the player. Gracy purchased authorized copies of Compact Discs of all of the music she would like to use. She would like to know whether she needs any further copyright permissions to conduct her business in India, and if so, what kind of permissions and what the easiest way of getting them would be.</p>	
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