

Name:	 UPES UNIVERSITY WITH A PURPOSE
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, December, 2022

Course: Intellectual Property Litigation
Program: B.Sc.LL.B
Course Code: CLBS5002

Semester: IX
Time: 03 hrs.
Max. Marks: 100

Section-A
(5Qx2M=10Marks)

S. No.	Fill in the blanks	Marks	CO
Q 1	The tenure of Copyright protection in India is _____	2	CO1
Q2	The Intellectual Property Appellate Board was abolished in the year _____	2	CO1
Q3	Three kinds of trademark are suggestive marks, _____ and _____	2	CO4
Q4	A product or service specific to a certain geographical location entails which IPR -	2	CO4
Q5	Infringement of unregistered trademark constitutes the offense of _____	2	CO2

SECTION B
(4Qx5M= 20 Marks)

Q6	Idea “Per se” is not copyrightable”. Elucidate	5	CO1
Q7	Explain the differences between Assignment and Licensing of IPR.	5	CO3
Q8	Discuss the procedure for the grant of patent under Patents Act, 1970.	5	CO3
Q9	Discuss the Absolute grounds for Refusal of registration of Trademarks in India.	5	CO1

SECTION-C
(2Qx10M=20 Marks)

Q10	“Patent protection is necessary to preserve adequate economic incentives for invention and innovation.” Elaborate.	10	CO3
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Q11	<p>Discuss the registrability of following marks stating the law of distinctiveness of marks:</p> <p>(i) Himalaya for mineral water;</p> <p>(ii) Janta for slippers,</p> <p>(iii) Simla for cigarettes.</p>	10	CO2
<p>SECTION-D</p> <p>(2Qx25M=50 Marks)</p>			
Q12	<p>“A melody is the outcome of the sounds created when different instruments, such as a lute, flute, timbale, harp and drums are played in harmony. The notes of the instruments which are loud and resonating have to be controlled so that the sound of the delicate instruments can be heard. But it has to be kept in mind that at proper times the sound of the drums drowns out the sound of all other instruments under a deafening thunder of the brilliant beating of the drums. Thus, it is possible that the melody of a statute may at times require a particular Section, in a limited circumstance, to so outstretch itself that, within the confines of the limited circumstance, another Section or Sections may be muted.”</p> <p>In light of the above answer the following-</p> <p>Q1. What was the issue in the famous DU Photocopy case?</p> <p>Q2. Elaborate on the exceptions to copyright infringement specifying the one provided under Sec 52 of the Copyright Act.</p>	<p>10</p> <p>15</p>	CO3
Q13	<p>Fajaj Auto limited invented and patented Digital Twin Spark Ignition (DTSi) technology to be used in their motorbikes. It had applied for a patent application for the technology in the year 2002 and was granted a patent in 2005. The same was unauthorizedly used by BBS Motor Company.</p>	25	CO4

In 2007, Plaintiff filed a case before the Madras High Court against Defendant for infringement of the patent and sought a permanent injunction for the same under Section 108 of the Act. The Plaintiff also filed for a temporary injunction while the suit for permanent injunction was pending in the HC. Simultaneously, a second suit was filed by Defendant under Section 106, claiming that the infringement claim filed by the Plaintiff was baseless as they had made improvements and changes to the patented article. The HC granted the Plaintiff a temporary injunction and instructed Defendant that they could execute pending orders but could not take any new orders for vehicles using this technology. However, the injunction was vacated after a plea from the Defendant which led Plaintiff to file an appeal before the Supreme Court of India (SC).

In light of the above facts decide whether Defendant had actually infringed the patent even though it had in fact made improvements and changes to the patented article, citing relevant provisions and case laws.