


Name:			
Enrolment No:			
UPES End Semester Examination, December 2023			
Course: IP Litigation Program: BA/BBA/BCOM/BSC LLB(IPR) Course Code: CLBS 5002		Semester: IX Time : 03 hrs. Max. Marks: 100	
Instructions:			
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q 1	Define deceptive similarity in Trademarks.	2	CO1
Q 2	What is the difference between registered user and registered proprietor?	2	CO1
Q 3	What are the possible grounds for pre grant opposition in case of a patent?	2	CO1
Q 4	Define secondary meaning in the case of a trademark.	2	CO1
Q 5	What are the rights of an exclusive licence of a copyright?	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q 6	Discuss the grounds of revocation of a patent.	5	CO2
Q 7	Describe the civil remedies available in an action for trademark infringement.	5	CO3
Q 8	Explain substantive similarity in an action for infringement of a literary work.	5	CO2
Q 9	Identify the courts that have jurisdiction in the matters related to copyrights and trademarks in India.	5	CO2
SECTION-C (2Qx10M=20 Marks)			
Q 10	Analyze any two recent trademark infringement cases of India clearly outlining the relevant principle of law applied by the Court in arriving at its decision.	10	CO3
Q 11	Analyze any two recent copyright infringement cases of India clearly outlining the relevant principle of law applied by the Court in arriving at its decision.	10	CO2
SECTION-D (2Qx25M=50 Marks)			

Q 12	<p>Statement of question : Provide detailed and well-reasoned responses to each question, citing relevant legal principles, statutes, and case law applicable to intellectual property litigation in India. Consider the perspectives of both parties involved and the broader implications for the pharmaceutical industry and public health.</p> <p>Scenario: ABC Pharma, a pharmaceutical company based in India, recently launched a new drug named "MediCure" for the treatment of a rare medical condition. XYZ Biotech, another Indian pharmaceutical company, claims that ABC Pharma has infringed upon their patent for a similar drug named "HealAll," which they obtained five years ago. XYZ Biotech alleges that ABC Pharma's MediCure is substantially similar to HealAll, and as a result, they have suffered financial losses.</p> <p>Questions:</p> <ol style="list-style-type: none"> 1. Patent Infringement <ul style="list-style-type: none"> • Identify and explain the key elements that ABC Pharma needs to consider in assessing whether they have infringed upon XYZ Biotech's patent for HealAll. • What legal remedies are available to XYZ Biotech if they can prove patent infringement by ABC Pharma? 2. Defensive Strategies <ul style="list-style-type: none"> • If you were the legal counsel for ABC Pharma, what legal defenses could you present to counter XYZ Biotech's claims of patent infringement? Provide a detailed analysis of at least three possible defenses. • Explain the significance of prior art in defending against patent infringement allegations and how it might apply in this case. 3. Compulsory Licensing and Public Interest <ul style="list-style-type: none"> • In the context of intellectual property litigation, discuss the concept of compulsory licensing. Under what circumstances can ABC Pharma argue for compulsory licensing of XYZ Biotech's patent for HealAll? • Analyze the potential impact of granting compulsory licensing on public interest and access to the medication in question. What factors should the court consider in balancing the interests of both parties and the public? 	25	CO4
Q 13	Statement of Question: Provide detailed and well-reasoned response to the below mentioned question, citing relevant provisions of Indian copyright law, notable case law, and any international agreements that may be applicable. Consider the nuances of copyright law in the context	25	CO4

of the entertainment industry and explore the potential implications for both Artistic Expressions Ltd. and SoundScape Music.

Scenario: Artistic Expressions Ltd., an Indian entertainment company, recently released a blockbuster film titled "Echoes of Eternity." Subsequently, SoundScape Music, an independent music production company, alleges that Artistic Expressions Ltd. has used a musical score in the film that closely resembles a composition owned by SoundScape Music. SoundScape claims copyright infringement and demands damages for the unauthorized use of their musical work.

Questions:

1. Copyright Infringement

- Identify and explain the fundamental elements of copyright infringement in the context of music compositions in India.
- What legal remedies are available to SoundScape Music if they can establish that Artistic Expressions Ltd. has indeed infringed upon their copyright?

2. Fair Use

- As legal counsel for Artistic Expressions Ltd., discuss the concept of "fair use" in copyright law. Can the film "Echoes of Eternity" claim fair use as a defense against SoundScape Music's copyright infringement allegations?

3. Moral Rights and Attribution

- Explore the concept of moral rights in copyright law. How might moral rights apply to the creators of the musical composition, and what impact could this have on SoundScape Music's case?
- Discuss the significance of attribution in copyright law and its potential relevance to the dispute. How could issues related to attribution affect the outcome of the litigation?