


Name:			
Enrolment No:			
<b>UNIVERSITY OF PETROLEUM AND ENERGY STUDIES</b> <b>End Semester Examination, April-May 2024</b>			
<b>Course: Law of Industrial Designs and ICL</b> <b>Semester: VIII</b> <b>Program: B.A.LL.B./ B.ComLL.B//B.B.A.LL.B (I.P.R.)</b> <b>Time : 03 hrs.</b> <b>Course Code:CLIR4006</b> <span style="float: right;"><b>Max. Marks: 100</b></span>			
<b>Instructions: Attempt all questions.</b>			
<b>SECTION A</b> <b>(5Qx2M=10Marks)</b>			
S. No.	Answer the following questions by filling the blanks	Marks	CO
Q 1	The very first act enacted in pre-independent India on Design Protection was _____.	<b>02</b>	<b>CO1</b>
Q2	The essential criteria for layout-design registration includes _____, not commercially exploited, inherently distinctive and capable of _____.	<b>02</b>	<b>CO1</b>
Q3	Cancellation of designs registration is provided under Section _____.	<b>02</b>	<b>CO1</b>
Q4	An appeal from the decision of the Controller of Designs is to lie to _____.	<b>02</b>	<b>CO1</b>
Q5	Penalty for infringement of layout design is provided under Section _____.	<b>02</b>	<b>CO1</b>
<b>SECTION B</b> <b>(4Qx5M= 20 Marks)</b> <b>Maximum word limit-400</b>			
Q6	Draw a distinction between Patent laws and SICLD law based on the objective of the two IP's.	<b>05</b>	<b>CO2</b>
Q7	“Functionality and quality of the design, may be present in a design however only as ancillary aspects”. Justify.	<b>05</b>	<b>CO2</b>
Q8	What is the term of protection for a copyright under the Design Act? How can the term of protection be extended and for how long?	<b>05</b>	<b>CO3</b>
Q9	Justify the relevance of the SICLD 2000 to protect IP.	<b>05</b>	<b>CO3</b>
<b>SECTION-C</b> <b>(2Qx10M=20 Marks)</b>			

<b>Maximum word limit-500</b>			
Q10	<p>Mahesh is a highly acclaimed and celebrated artist and creative designer who, being inspired from the French, created a Monalisa inspired wool beret (a hat/cap). He applied for copyright registration under the provisions of the Designs Act 2000. Anticipating very high sales, he produced about 200 copies of the same however only 20 of those were sold.</p> <p>Decide the registrability of the design as the Controller of Patents and Designs considering the above facts.</p>	<b>10</b>	<b>CO3</b>
Q11	<p><i>“The difference between affording protection to a mark as TM and as a design lies not in the subject matter but in the purpose of protection”.</i></p> <p>Elucidate with relevant case law/s.</p>	<b>10</b>	<b>CO4</b>
<b>SECTION-D</b> <b>(2Qx25M=50 Marks)</b> <b>Maximum word limit-750</b>			
Q12	<p>Raghav has filed for a suit for infringement of its registered TM ad for passing off in relation to the word mark as well as shape mark “Montu Blanc” which is a range of pens. He asserts that he has been manufacturing this high quality range of pens since the last 100 years and has gained extensive reputation for the same. He alleges that Mahesh has infringed its rights in respect of the registered TM by applying the design of the pens to his own line of writing instruments under the trademark “Chotu blank” which has been registered under the Designs Act.</p> <p>Decide, providing relevant arguments from both sides, provisions and case laws, whether this infringement of TM or design or both will hold good and the fate of the suit.</p>	<b>25</b>	<b>CO4</b>
Q13	<p>Aditya, a novice designer has created unique looking micro-chips to be utilized in small electronic devices. Unaware of the market and any business sense he approaches his advisor and friend Gaurav to show him the design and get his opinion. Gaurav, on seeing the same and being well-aware of the market demand suggests Aditya to drop this and work on something better which has some utility.</p> <p>Aditya after almost 2 months of contemplation decides to take Gaurav’s advise and starts working on a different layout design. He communicates the same to Gaurav as well. Gaurav, on this pretext starts to work on the</p>		<b>CO4</b>

	<p>layout design which Aditya had initially designed and begins selling the same.</p> <p>Aditya, unaware of this scenario goes back to his initial layout design and begins selling the same. It is only when he begins the registration process of the chip, he finds out that Gaurav has been using the same and thus files for an infringement suit against Gaurav.</p> <p>a. Arguing from both ends decide what will be the fate of the registration of this layout design?</p> <p>b. Can Gaurav avail the defense of Good faith?</p> <p>c. The fate of the infringement suit?</p>	<p><b>10</b></p> <p><b>5</b></p> <p><b>10</b></p>	
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