


<b>Name:</b> <b>Enrolment No:</b>			
<b>UPES</b> <b>End Semester Examination, May 2024</b>			
<b>Course: Intellectual Property Laws</b> <b>Program: BA/ BBA / B Com LLB (Hons.).</b> <b>Course Code: CLCC4007</b>		<b>Semester: VIII</b> <b>Time : 03 hrs.</b> <b>Max. Marks: 100</b>	
<b>Instructions: All Questions are compulsory</b>			
<b>SECTION A</b> <b>(5Qx2M=10Marks)</b>			
S. No.		Marks	CO
Q 1	Which major areas of Intellectual Property does the Paris Convention cover?  a) Patents and Copyright only b) Geographical indications, utility models, and service marks only. c) Patents, trademarks, industrial designs, and more. d) Trade secrets, geographical indications, and service marks only.	2	CO1
Q 2.	Which of the following is true regarding trademark registration in India? a) Registration is mandatory to obtain trademark protection b) Registration is optional, but it provides stronger protection than an unregistered mark c) Only Indian citizens or companies can register a trademark in India d) Trademark registration is valid for 10 years and cannot be renewed	2	CO1
Q 3	What is the primary purpose of granting Geographical Indication (GI) status to a product?  a) To restrict the product's distribution to a specific geographical area.	2	CO1

	<p>b) To ensure that the product's quality and reputation are linked to its geographical origin.</p> <p>c) To allow producers to exploit their reputation and know-how freely.</p> <p>d) To encourage competition among producers regardless of geographical origin.</p>		
Q 4	Define Comparative Advertisement in trademarks.	2	CO1
Q 5	What do you mean by the publication of a patent application?	2	CO1
<b>SECTION B</b> <b>(4Qx5M= 20 Marks)</b>			
Q 6	Differentiate between Collective marks and GI.	5	CO2
Q 7	Describe the procedure for filing of designs in India.	5	CO2
Q 8	Discuss concept of compulsory licensing under Patents.	5	CO2
Q 9	How is a trade mark determined to be a "well-known trade mark" under s11? Elucidate.	5	CO2
<b>SECTION-C</b> <b>(2Qx10M=20 Marks)</b>			
Q 10	When the expression is the idea, and vice-versa, and there is only one way to express the underlying idea, the idea will merge with the expression as to make them indistinguishable. Consequently, the expression becomes non-copyrightable. Analyse the above statement with relevant case laws.	10	CO3
Q 11	<i>Distinctive marks invariably contain the best chances of success. However, if proprietors are not careful with its usage and promotion, such marks run the risk of becoming generic.</i> Considering the statement, elucidate the concept of spectrum of distinctiveness with relevant examples.	10	CO3
<b>SECTION-D</b> <b>(2Qx25M=50 Marks)</b>			
Q12	<p>Discuss the law relating to ownership of copyright in the following cases:</p> <p>(i) Ramesh was walking around Gateway of India with his wife in the evening when the Sun was about to set. He requests a bystander, Sumit, to click a photograph of the ,two of them with Gateway of India in the background together with the setting Sun and hands over his camera to Sumit who clicks the photo and gives · back the camera. Ramesh says</p>	25	CO4

	<p>thank you to Sumit. Would it make a difference if he was paid Rs. fifty for clicking? [10 marks]</p> <p>(ii) Monika is a freelance journalist. Being commissioned by the Hindustan Times, she writes an article on the theme of 'Corruption in LIC' for a sum of Rs. 20000. [10 marks]</p> <p>(iii) A book written by a teacher, who is permanent employee of Delhi University, on intellectual property laws in the night and early morning hours.[ 5 marks]</p>		
Q 13	<p>X' invented vapour form of the drug 'GLICINE'. The drug is available in the market in tablet form as a generic drug, used for treatment of Diabetes. The vapour form 'GLICINE' could be taken with the help of inhaler and was easy to use. It had the same effect as that of tablet 'GLICINE'. 'X' applied for a patent for "Vapour form Glicine". 'Y' opposed the application on the grounds that it is a non patentable invention. Decide referring to relevant provisions and precedents.</p>	25	CO4