



# PRESIDENCY UNIVERSITY

BENGALURU

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## End - Term Examinations – MAY 2025

Date: 29-05-2025

Time: 09:30am – 12:30pm

School: SOL	Program: BA,LLB, BBA,LLB, B.COM,LLB (Hon's)	
Course Code : LAW3019	Course Name: INTELLECTUAL PROPERTY RIGHTS-I	
Semester: VI	Max Marks: 100	Weightage: 50%

CO - Levels	CO1	CO2	CO3	CO4	CO5
Marks	10	10	30	30	20

### Instructions:

- Read all questions carefully and answer accordingly.
- Do not write anything on the question paper other than roll number.

### Part A

Answer ALL the Questions. Each question carries 2marks.

10Q x 2M=20M

1.	What is the core idea behind the labour theory justification for intellectual property rights?	2 Marks	L	CO1
2.	In personality theory, is the economic value of the work the main reason for protection? Why or why not?	2 Marks	L	CO1
3.	How does utilitarian theory justify time-limited intellectual property rights?	2 Marks	L	CO1
4.	What is the "three-step test" introduced by the Berne Convention regarding exceptions to rights?	2 Marks	L	CO1
5.	How do the WIPO Internet Treaties address the issue of technological protection measures (TPMs)? Are TPMs recognized in India?	2 Marks	L	CO1
6.	Briefly define the essential features of a collective mark.	2 Marks	L	CO3
7.	Who is the first owner of copyright in a literary work as per Copyright Act, 1957.	2 Marks	L	CO2
8.	How does the Labour theory justify the protection of works under intellectual property laws.	2 Marks	L	CO1
9.	Explain the rationale for excluding generic names from Geographical Indication registration in India.	2 Marks	L	CO4
10.	Why are GIs considered collective intellectual property rights rather than individual rights?	2 Marks	L	CO4

## Part B

### Answer the Questions.

**Total Marks 80M**

<b>11.</b>	<b>a.</b>	A journalist publishes an article detailing a series of events surrounding a political scandal. A blogger then republishes the article online, without permission, but with slight changes in the wording. The journalist claims that the blogger is infringing on her copyright. What does "originality" mean in the context of journalistic work under Indian copyright law?	<b>3 Marks</b>	<b>L</b>	<b>CO2</b>
	<b>b.</b>	How does the idea-expression dichotomy apply to journalistic articles?	<b>4 Marks</b>	<b>L</b>	<b>CO2</b>
	<b>c.</b>	How would the court assess the case of copyright infringement, especially in terms of the originality of the article and the blogger's alterations?	<b>3 Marks</b>	<b>L</b>	<b>CO2</b>

**Or**

<b>12.</b>	<b>a.</b>	A company that produces organic food products registers a certification mark to guarantee the organic nature of its products. A competitor starts selling products with a similar certification mark, but their products do not meet the organic standards. How can the use of a certification mark by the competitor mislead consumers?	<b>3 Marks</b>	<b>L</b>	<b>CO3</b>
	<b>b.</b>	What steps should the owner of the certification mark take to prevent the competitor from using the mark?	<b>4 Marks</b>	<b>L</b>	<b>CO3</b>
	<b>c.</b>	What penalties or legal actions can be pursued if the competitor continues to misuse the certification mark?	<b>3 Marks</b>	<b>L</b>	<b>CO3</b>

<b>13.</b>	<b>a.</b>	A luxury watch brand, "Chronotime," is recognized globally. A small Indian company applies to register a clothing brand using the same name "Chronotime." What are the criteria for determining whether a mark is "well-known"? Substantiate your answer with relevant cases.	<b>3 Marks</b>	<b>L</b>	<b>CO3</b>
	<b>b.</b>	Can the Registrar refuse registration of the clothing brand based on "Chronotime" being a well-known watch brand?	<b>4 Marks</b>	<b>L</b>	<b>CO3</b>
	<b>c.</b>	Does the difference in goods (watches vs. clothing) matter in such cases?	<b>3 Marks</b>	<b>L</b>	<b>CO3</b>

**Or**

<b>14.</b>	<b>a.</b>	A co-authored book is published by two academics. Later, one of them claims sole authorship and seeks to prevent the other from publishing it independently. How is joint authorship defined under Indian copyright law?	<b>3 Marks</b>	<b>L</b>	<b>CO2</b>
	<b>b.</b>	Can one joint author publish the work without the consent of the other? Substantiate your answer with relevant case laws.	<b>4 Marks</b>	<b>L</b>	<b>CO2</b>
	<b>c.</b>	What are the remedies available to the aggrieved co-author?	<b>3 Marks</b>	<b>L</b>	<b>CO2</b>

15.	a.	A mural by artist Amarnath Sehgal was installed in a government building but later removed and damaged. He sued, claiming violation of his moral rights. Who is the author of a commissioned artistic work under Indian law?	3 Marks	L	CO2
	b.	Are moral rights alienable under Indian Copyright Law?	4 Marks	L	CO2
	c.	Discuss the relevant cases wherein the principles with respect to moral rights have been discussed.	3 Marks	L	CO2
<b>Or</b>					
16.	a.	How does the Indian model of compulsory licensing under copyright compare with the TRIPS Agreement?	5 Marks	L	CO2
	b.	Critically evaluate whether India's compulsory licensing law offers a model for other developing countries.	5 Marks		

17.		The music label refuses to pay a singer royalties for a song that has gone viral on streaming platforms, claiming their contract assigned all rights. Is the singer entitled to royalties under Indian copyright law? Can the label avoid paying royalties through a full assignment clause? Discuss with the help of relevant sections and case laws.	15 Marks	L	CO2
<b>Or</b>					
18.		A startup seeks to register a clothing brand under the mark “ <b>Naked Truth</b> ”. The Registry objects under Section 9(2)(c), calling the mark “immoral” and against public order. What constitutes “contrary to morality or public order” under Indian trademark law? How should trademark law reconcile freedom of expression with public morality? Discuss with the help of relevant examples and cases.	15 Marks	L	CO3

19.		A news channel broadcasts a video clip from a documentary film (with the broadcaster’s logo removed), as part of a report on wildlife trafficking. The filmmaker claims infringement. Does using a copyrighted film clip without permission constitute infringement? Can the channel rely on Section 52(1)(a)(ii) (fair dealing for reporting current events)? Evaluate with reference to <i>Civic Chandran v. Ammini Amma</i> and any relevant judicial reasoning.	15 Marks	L	CO2
<b>Or</b>					
20.		A startup launches a line of energy drinks under the name “RedForce” with similar packaging to “Red Bull.” Red Bull GmbH files an infringement suit. What constitutes infringement under Section 29 of the Trade Marks Act, 1999? Does similarity in packaging and trade dress strengthen the claim of infringement?	15 Marks	L	CO3

<b>21.</b>		<p>A university professor uses copyrighted images and short video clips from films in PowerPoint slides for a publicly available recorded lecture on YouTube. The copyright owners object. Does using such content in an online lecture constitute infringement?</p> <p>Can the professor claim fair dealing for teaching purposes under Section 52(1)(i)?</p>	<b>20 Marks</b>	<b>L</b>	<b>CO2</b>
<b>Or</b>					
<b>22.</b>		<p>Two entities claim rights to the trademark “Sunline”—one has been using it regionally since 1995, and the other obtained registration in 2005. The latter sues for infringement. What is the concept of “honest concurrent use” under Indian trademark law? Can prior use be considered a valid defense?</p>	<b>20 Marks</b>	<b>L</b>	<b>CO3</b>