Roll No.												

PRESIDENCY UNIVERSITY

BENGALURU

End - Term Examinations – December 2025

Date: 17 – 12- 2025 **Time:** 01:00pm – 04:00pm

School: SOL	**Program:** BA.LLB, BBA.LLB, B.COMLLB	
Course Code: LAW2054	**Course Name:** Intellectual Property Rights Law	
Semester: V	**Max Marks**: 100	**Weightage**: 50%

CO - Levels	**CO1**	**CO2**	**CO3**	**CO4**	**CO5**
Marks	**10**	**30**	**25**	**20**	**15**

Instructions:

(i) Read all questions carefully and answer accordingly.

(ii) 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 duration of protection granted to a registered GI in India?	**2 Marks**	**L2**	**CO1**
2.	What is the term of a patent in India?	**2 Marks**	**L2**	**CO1**
3.	State whether the following statement is true or false, with a reason: "A private company can register a GI in its own name."	**2 Marks**	**L2**	**CO1**
4.	What is the term of copyright protection for literary works in India?	**2 Marks**	**L2**	**CO1**
5.	What is the rationale behind refusing patents to a specific category of inventions under Section 4 of the Patent Act, 1970.	**2 Marks**	**L2**	**CO1**
6.	Name two types of inventions that are not patentable in India.	**2 Marks**	**L2**	**CO2**
7.	Who owns the copyright in a work created by an employee during the course of employment?	**2 Marks**	**L2**	**CO2**
8.	What is the significance of a GI tag for rural artisans?	**2 Marks**	**L2**	**CO2**
9.	Who owns the copyright in a work created by an employee during the course of employment?	**2 Marks**	**L2**	**CO2**
10.	What is the main objective of the Biological Diversity Act, 2002?	**2 Marks**	**L2**	**CO2**

Part B

Answer the Questions. **Total Marks 80M**

11.	**a.**	Two companies collaborate to develop AI-based logistics software. After a fallout, one company uses the jointly developed code in its own independent project. Explain how ownership of trade secrets should be determined in joint collaborations.	**3 Marks**	**L4**	**CO5**
	b.	Discuss the remedies available for unauthorized use of jointly developed trade secrets.	**3 Marks**	**L4**	**CO5**
	c.	Suggest key clauses that should be included in collaboration agreements to prevent disputes.	**4 Marks**	**L4**	**CO5**
		Or			
12.	**a.**	A foreign pharmaceutical company patents a formulation derived from turmeric, claiming it as a new wound-healing discovery. An Indian research institute challenges the patent. Explain how traditional knowledge can be used as prior art to challenge such patents.	**4 Marks**	**L4**	**CO3**
	b.	Discuss the role of the Traditional Knowledge Digital Library (TKDL) in preventing biopiracy.	**3 Marks**	**L4**	**CO3**
	c.	Evaluate whether India's current legal framework sufficiently protects traditional medicinal knowledge.	**3 Marks**	**L4**	**CO3**

13.	**a.**	A journalist writes an article while working for a newspaper. The newspaper publishes the article, but later sells the rights to a third party without informing the journalist. Discuss who owns the copyright and whether the journalist has any recourse.	**10 Marks**	**L4**	**CO2**
		Or			
14.	**a.**	A distributor imports patented medical devices from a country where the patentee sells them at a lower price and sells them in India without permission. The patentee claims infringement. Analyze whether the doctrine of patent exhaustion applies to international imports under Indian law.	**4 Marks**	**L4**	**CO3**
	b.	Discuss the implications of Kapil Wadhwa v. Samsung Electronics for this situation.	**3 Marks**	**L4**	**CO3**

	c.	Evaluate whether India should adopt a clear statutory position on international exhaustion in patents.	**3 Marks**	**L4**	**CO3**

15.	**a.**	Ravi, a sales manager at Alpha Tech Ltd., downloads a list of clients and pricing strategies before resigning to join a competitor. Alpha Tech alleges misappropriation of trade secrets. Discuss whether Ravi's actions constitute breach of confidentiality.	**5 Marks**	**L4**	**CO5**
	b.	How courts determine whether customer lists qualify as trade secrets.	**5 Marks**	**L4**	**CO5**
		Or			
16.	**a.**	A software engineer, Arjun, signs an employment contract containing a clause preventing him from working for any competitor for two years after leaving the company. Six months later, he joins a rival firm. Examine whether such a clause is enforceable in India and its relevance to protection of trade secrets.	**10 Marks**	**L4**	**CO5**

17.	**a.**	During the registration process for "Kashmiri Saffron," a local entrepreneur files an opposition claiming that the product name has become generic. Explain the procedure for opposition under the GI Act.	**5 Marks**	**L5**	**CO4**
	b.	Discuss how the Registrar determines whether a term is generic.	**5 Marks**	**L5**	**CO4**
	c.	Suggest how the applicants can defend the distinctiveness of "Kashmiri Saffron."	**5 Marks**	**L5**	**CO4**
		Or			
18.	**a.**	During a sudden outbreak of a rare respiratory virus, the Government of India identifies a patented inhalation drug as essential for treatment. The patent holder refuses to license it voluntarily, claiming insufficient production capacity in India. Explain whether the government can issue a compulsory licence under Section 92.	**5 Marks**	**L5**	**CO3**
	b.	Differentiate between a compulsory license under Section 84 and a government-notified license under Section 92.	**5 Marks**	**L5**	**CO3**
	c.	Discuss how TRIPS flexibilities support such measures.	**5 Marks**	**L5**	**CO3**

19.	**a.**	Meera was employed with BioNutra Pvt. Ltd. as a formulation scientist. After leaving, she starts her own firm using similar product compositions learned during her employment. The company sues for trade secret misappropriation. Analyze the legal remedies available to the employer.	**7 Marks**	**L5**	**CO5**
	b.	Discuss whether Meera's use of her experience amounts to misuse of confidential information.	**8 Marks**	**L5**	**CO5**
		Or			
20.	**a.**	A distributor imports patented medical devices from a country where the patentee sells them at a lower price and sells them in India without permission. The patentee claims infringement. Analyze whether the doctrine of patent exhaustion applies to international imports under Indian law.	**7.5 Marks**	**L5**	**CO3**
	b.	Evaluate whether India should adopt a clear statutory position on international exhaustion in patents.	**7.5 Marks**	**L5**	**CO3**

21.	**a.**	A trader in Delhi sells silk sarees labelled as "Mysore Style Silk" that are machine-made and not produced in Mysore. He argues that customers understand these are "replicas" and not genuine Mysore Silk. Examine whether this constitutes infringement of the GI "Mysore Silk."	**8 Marks**	**L5**	**CO4**
	b.	Distinguish between "infringement" and "passing off" in this context.	**6 Marks**	**L5**	**CO4**
	c.	Discuss the burden of proof and potential defences available to the trader.	**6 Marks**	**L5**	**CO4**
		Or			
22.	**a.**	A student resells e-books purchased from an authorized platform to others by transferring the files directly. The publisher argues that such resale is illegal and violates copyright. Can the doctrine of exhaustion apply to digital goods like e-books under Indian law?	**8 Marks**	**L5**	**CO2**
	b.	Discuss the key difference between physical and digital copies in determining exhaustion.	**6 Marks**	**L5**	**CO2**
	c.	Suggest how Indian copyright law could evolve to address the issue of digital exhaustion.	**6 Marks**	**L5**	**CO2**