Roll No.												

PRESIDENCY UNIVERSITY

BENGALURU

End - Term Examinations – December 2025

Date: 24- 12-2025 **Time:** 09:30am – 12:30pm

School: SOL-PG	**Program:** LLM	
Course Code : PGL3040	**Course Name**: Advanced Intellectual Property Rights	
Semester: I	**Max Marks**: 100	**Weightage**: 50%

CO - Levels	**CO1**	**CO2**	**CO3**	**CO4**	**CO5**
Marks	**8**	**46**	**14**	**`12**	**20**

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.	A company files a patent for a device combining three known technologies, each disclosed separately in earlier publications. The Controller rejects the application for lack of inventive step. Identify the patent law principle involved.	**2 Marks**	**L1**	**CO1**
2.	Define the exclusive right is violated when a café plays copyrighted music without a licence?	**2 Marks**	**L1**	**CO1**
3.	Define moral rights under Copyright Act, 1957?	**2 Marks**	**L2**	**CO2**
4.	An application is filed to register the mark "SUPER FAST DELIVERY" for logistics services and is refused by the Registrar. Identify the ground on which registration is likely to be denied.	**2 Marks**	**L2**	**CO2**
5.	A generic pharmaceutical company conducts bio-equivalence testing on a patented drug before the expiry of the patent term and is accused of infringement. State the statutory defence available to the generic manufacturer.	**2 Marks**	**L3**	**CO3**
6.	Discuss statutory provision allows teachers to use copyrighted material for educational purposes?	**2 Marks**	**L4**	**CO4**
7.	Discuss requirement is not satisfied if a patent merely combines known technologies disclosed in prior art?	**2 Marks**	**L3**	**CO3**

8.	A community considers documenting its traditional medicinal knowledge in official databases to prevent third parties from obtaining patents over it. Identify the type of protection such documentation provides.	**2 Marks**	**L2**	**CO2**
9.	Define the distinction between idea and expression under the Copyright Act, 1957?	**2 Marks**	**L1**	**CO1**
10.	A traditional handloom product receives protection due to its association with a specific region and established reputation. Identify the relevant form of intellectual property protection.	**2 Marks**	**L1**	**CO1**

Part B

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

11.	**a.**	A start-up files a patent for a drone-based crop-monitoring system. An agricultural journal had earlier published a similar concept, but without specific technical parameters. The Patent Office rejects the application for lack of inventive step. Discuss whether the rejection is valid.	**10 Marks**	**L2**	**CO2**
		Or			
12.	**a.**	A life-saving drug's patent is held by a multinational corporation, but its price is unaffordable for most patients in India. A domestic pharma company files for compulsory licensing citing high cost, unmet public demand, and insufficient working of the patent in India. The patentee argues that they import sufficient quantities and offer patient-assistance programmes. Analyse how the Controller would decide this application with reference to Sections 84 and 92.	**10 Marks**	**L2**	**CO2**

13.	**a.**	Critically examine the grounds for grant of compulsory licences under Section 84 of the Patents Act, 1970. Discuss the statutory requirements relating to reasonable requirements of the public, affordability, and working of the patent in India, with reference to judicial and administrative decisions.	**10 Marks**	**L3**	**CO3**
		Or			
14.	**a.**	A pharma company applies for a patent for a new crystalline form of an already patented anti-viral drug, claiming higher bioavailability and lower toxicity. A generic manufacturer opposes on grounds of Section 3(d), alleging evergreening. Analyse how courts determine "enhanced efficacy" and whether the applicant can succeed.	**10 Marks**	**L3**	**CO3**

15.	**a.**	A farmer modifies a patented tractor engine part to improve fuel efficiency and uses it only on his own land. The manufacturer sues for infringement claiming the patent covers "any modification." Discuss whether personal, non-commercial modifications constitute infringement along with relevant case laws.	**10 Marks**	**L4**	**CO4**

Or					
16.	**a.**	A teacher scans multiple chapters from a copyrighted textbook and uploads them on the class WhatsApp group for exam preparation. The publisher issues a copyright notice. Discuss whether this constitutes fair dealing for educational purposes and how Indian courts interpret the scope of Section 52(1)(i).	**5+5 Marks**	**L4**	**CO4**

17.	**a.**	Discuss the challenges posed by digital technologies and artificial intelligence to traditional copyright concepts. Examine whether AI-generated works qualify for copyright protection under Indian law and analyse the issues relating to authorship and ownership in such works.	**10+5 Marks**	**L2**	**CO2**
Or					
18.	**a.**	Critically evaluate India's experience with compulsory licensing by analysing key cases such as *Natco v. Bayer*. Discuss whether India has adopted a pro-public health or pro-patentee approach and assess the impact of compulsory licensing on pharmaceutical innovation.	**5+10 Marks**	**L2**	**CO2**

19.	**a.**	Critically examine the concept of originality under the Copyright Act, 1957. Using appropriate judicial precedents, analyse how Indian courts distinguish between protectable expression and unprotectable ideas. In your answer, discuss whether originality requires novelty and how the "modicum of creativity" standard has evolved in Indian copyright jurisprudence.	**10+5 Marks**	**L2**	**CO2**
Or					
20.	**a.**	A senior research scientist resigns from a pharmaceutical company and joins a direct competitor within one month. Shortly thereafter, the competitor launches a drug with formulation parameters strikingly similar to those developed by the former employer. The employment contract contained confidentiality obligations but no post-employment non-compete clause. The former employer alleges trade secret misappropriation. Analyse the legal framework governing protection of trade secrets in India, the relevance of contractual and equitable remedies, and the balance between protection of confidential information and employee mobility.	**15 Marks**	**L2**	**CO2**

21.	**a.**	A foreign company is granted a patent abroad for a turmeric-based wound healing composition. Indian researchers challenge the patent citing long-standing traditional use. Discuss how traditional knowledge can be used to oppose or revoke patents and the international challenges involved. Support the answer with the analysis of the relevant landmark judgement.	**15+5 Marks**	**L5**	**CO5**
		Or			
22.	**a.**	A State Government collaborates with private entities to commercialise traditional medicinal formulations developed and preserved by indigenous communities through generations. After commercial success, disputes arise regarding ownership of the traditional knowledge and unequal sharing of profits, with communities alleging lack of consent and inadequate benefit-sharing. The State claims to act as a trustee in public interest, while the private company asserts exclusive commercial rights under its agreement with the Government. Analyse the legal framework governing protection and commercial exploitation of traditional knowledge in India. Examine the roles and obligations of the State, local communities, and private entities under the Biological Diversity Act, access and benefit-sharing principles, and constitutional safeguards, and assess whether existing laws adequately prevent misappropriation.	**10+10 Marks**	**L5**	**CO5**