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**PRESIDENCY UNIVERSITY
BENGALURU**

SCHOOL OF LAW

MID TERM EXAMINATION

Winter Semester: 2021 - 22

Course Code: LAW 303

Course Name: Intellectual Property Rights

Program & Sem: B.A LL.B, BB.A LL.B, B.COM LL.B, VIII Sem

Date: 12/May/2022

Time: 01:30 PM – 03:00 PM

Max Marks: 60

Weightage: 30%

Instructions:

- (i) Read the all questions carefully and answer accordingly.
- (ii) Attempt all the questions

Part A [Memory Recall Questions]

Answer all the Questions. Each question carries ONE mark.

(10Qx 1M= 10M)

- 1. Which of the following section consist of Moral Rights under Indian Copyright Act, 1957?** (C.O.No.1) [Knowledge]
 - a) Section 56
 - b) Section 57
 - c) Section 58
 - d) Section 60
- 2. What is the full form of WIPO** (C.O.No.1) [Knowledge]
 - a) Work Intellectual Property Rights
 - b) World Intellectual Property Organisation
 - c) World Intellectual Property Rights
 - d) World Intelligent Property Organisation
- 3. The term of the copyright under TRIPS for Literary Work: -** (C.O.No.1) [Knowledge]
 - a) 50 Years
 - b) 25 Years
 - c) Life time of author plus 60 years
 - d) Life time of author plus 50 years
- 4. Copyright is _____** (C.O.No.1) [Knowledge]
 - a) Positive Right
 - b) Negative Right
 - c) Both A & B
 - d) Neither A Nor B
- 5. Who is the author of cinematography film?** (C.O.No.1) [Knowledge]
 - a) Producer
 - b) Director
 - c) Actor
 - d) Composer

6. Which of the following explains the subject matter of Copyright? (C.O.No.1) [Knowledge]
- e) Section 13
 - f) Section 17
 - g) Section 57
 - h) Section 14
7. Berne Convention was first established in the year: - (C.O.No.1) [Knowledge]
- a) 1886
 - b) 1883
 - c) 1887
 - d) 1884
8. Which of the following is the landmark judgment of Idea and Expression Dichotomy? (C.O.No.1) [Knowledge]
- a) Fiest Publication v. Rural Telephone Service Co.
 - b) Donoghue v. Allied Newspaper Ltd.
 - c) University London Press v. University Tutorial Press
 - d) Baker v. Selden
9. Choose the correct code for the following statement being correct or incorrect.
Statement I- IP is a category of property that includes intangible creation of human intellect. Statement II- IPR includes Trade secret and Semi-Conductor
- a) Both Statement I and II are Correct
 - b) Statement I is correct; Statement II is false
 - c) Statement II is correct; Statement I is false
 - d) Both Statement I and II are Incorrect
- (C.O.No.1) [Knowledge]
10. Who is the first owner of a Musical Work?
- a) Producer
 - b) Composer
 - c) Singer
 - d) Lyricist
- (C.O.No.1) [Knowledge]

Part B [Thought Provoking Questions]

Answer all the Questions. Each question carries FIFTEEN mark. (2Qx15M=30M)

11. Critically evaluate the word "Property" under Intellectual Property Rights and explain the different types of theories related to IPR. (C.O.No.1) [Comprehensive]
12. Joint authorship of a copyrightable work is when two or more persons contribute enough to the work to be the author of that work. In light of this statement discuss the concept of "Joint Authorship" under Indian Copyright Act, 1957 with special reference to the case of Najma Heptulla vs M/s Orient Longman Ltd. (C.O.No.2) [Comprehensive]

Part C [Problem Solving Questions]

Answer all the Questions. Each question carries TWELVE mark. (1Qx20M=20M)

13. Aman prepares the question of Mathematics for B.Sc. (Mathematics) for Delhi University Raj published the question papers of premium years including paper of Aman in a booklet. The University files a suit of copyright infringement against Raj. Raj contends that the University is not the first owner of copyright in question papers. Decide referring to the legal provisions under the Copyright Act, 1957 and judicial precedents. (C.O.No.2) [Application]



**PRESIDENCY UNIVERSITY
BENGALURU**

SCHOOL OF LAW

END TERM EXAMINATION

Even Semester: 2021-2022

Course Code: LAW 303

Course Name: Intellectual Property Rights

Program & Sem: B.A.LL.B (Hons.)/B.COM. LL.B
(Hons.)/B.B.A.LL.B (Hons.)

Date: 30th June 2022

Time: 1.00 PM to 04.00 PM

Max Marks: 80

Weightage: 40%

Instructions:

- (i) *Read the all questions carefully and answer accordingly.*

Part A [Memory Recall Questions]

Answer all the Questions. Each question carries TWO marks. (10Qx 2M= 20M)

- Q.NO. A Copyright will be issued for the work related to? (C.O.No.1) [Knowledge Level]
a) Movie b) Music c) Novel d) All of the Above
2. As per Indian Copyright Law, Fair use does not mean____. (C.O.No.3) [Knowledge Level]
a) Use for research b) Use for review
c) Use for non-commercial purposes d) Use for commercial purposes
3. What is the term of Performers Right? (C.O.No.3) [Knowledge Level]
a) Life of Performer b) 60 Years c) 50 Years d) 25 Years
4. Which Section of the Copyright Act contains the powers of the Police to seize infringing copies?
(C.O.No.2) [Knowledge Level]
a) Section 32 b) Section 64 c) Section 40 d) Section 58
5. Write a short note on Assignment of Trademark. (C.O.No.2) [Knowledge Level]
6. Mr. Khan assigned his right to translate his work in Punjabi language to Mr. Raj. The right assigned orally. What is the mode of transmission made by Mr. Khan?
(C.O.No.2) [Application Level]
a) License b) Assignment c) All of the above d) None of the above
7. Author in case of a Sound Recording is _____ (C.O.No.2) [Knowledge Level]
a) The composer b) The producer c) The singer d) The Director
8. **Which of the following is the benefit of getting Geographical Indication.**
(C.O.No.4) [Knowledge Level]
I) It helps consumers to get quality products of desired traits.
II) Legal protection to the products
III) Promotes the economic prosperity of the producers of GI tagged goods
a) Only I b) Only II c) Only III d) All of the above
9. Write a short note on types of licenses in copyright. (C.O. No.2) [Knowledge Level]
10. Which Section of the Trademark Act defines the meaning of Trademark?
(C.O.No.3) [Knowledge Level]
a) Section 2 (1) (qq) b) Section 2 (1) (za)

Part B [Thought Provoking Questions]**Answer all the Questions. Each question carries FIVE marks.****(4Qx10M=40M)**

Q. NO.11 In the June, 2021 the government of India commissioned Ms. Jahnvi to design a mural sculpture for the decoration of a public building in Mumbai, for public display for the celebration of the event "Azadi ka Hind Mahotsav". Cast in bronze, it was a work of massive scope, representing several years of Jhanvi's creative effort. It was to make a substantial contribution to the artist's celebrity, ultimately attaining the status of a modern national treasure of India. In March, 2022 the Indian government decided to remove the mural from the place where it was on display. The sculpture was taken to a warehouse. In the process of moving and storage, the mural was badly damaged and some pieces. Disappointed with his efforts, labor and skill being wasted he filed the suit in the Bombay High Court. Discuss the rights Jahnvi can claim in this suit?

(C.O.No.4) [Comprehension Level]

Q.NO.12 "Intellectual property" refers to creations of the mind. With the development in various IP the need for international conventions was recognized which lead to the formation of TRIPs. What is TRIPS Agreement? Outline the main three features of the TRIPS Agreement.

(C.O.No.3) [Knowledge Level]

Q.NO.13 "A" was a producer of a ghee under the trademark "Gowardhan Ghee". Another entrepreneur started a ghee company with the name as "Cowardhan Ghee". Considering the two trademark. Decide if there is any infringement.

(C.O.No.2) [Comprehension Level]

Q.NO.14 Define Geographical Indication and explain the conditions and registration of geographical indication.

(C.O.No.2) [Knowledge Level]

Part C [Problem Solving Questions]**Answer the Question. The question carries TWENTY marks.****(1Qx20M=20M)**

Q.NO.15 Mohan is a famous playwright and a theatre director. In 2008 he wrote and directed a play titled "Fear of the Unknown". The play portrays the story of a teenaged girl who has everything that life could offer but still was suffering from depression and who finally commits suicide. The play received appreciation from the press and critics. Bishma is a struggling film producer and director from Bollywood. He saw the play when it was staged at National School of Drama on February 2008 and was inspired to make a film on the same theme, In January 2010 his new film "The Unknowable" is released which contains similar story of a middle-aged man who is very successful in his profession and has a stable family life but still is suffering from depression. In contrast to the play, in the film the protagonist is ultimately able to come out of depression with the help of meditation and starts living a meaningful life again. Mohan, on seeing the film, sues Bishma for copyright infringement. You are required to decide the case.

(a) Copyright exists in expression of ideas. Discuss and refer to judicial decisions.

(b) What is the meaning of word 'original' under S.13(1)(a) of the Copyright Act, 1957. Cite precedents.

(C.O.No.2) [Application Level]