

Roll No



**PRESIDENCY UNIVERSITY
BENGALURU**

**SCHOOL OF LAW
END TERM EXAMINATION - JUN 2023**

Semester : Semester IV - 2021

Course Code : LAW303

Course Name : Sem VI - LAW303 - Intellectual Property Rights

Program : BAL,BBL&BCL

Date : 16-JUN-2023

Time : 1.00PM - 4.00PM

Max Marks : 100

Weightage : 50%

Instructions:

- (i) Read all questions carefully and answer accordingly.
- (ii) Scientific and non-programmable calculator are permitted.
- (iii) Do not write any information on the question paper other than Roll Number.

ANSWER ALL THE QUESTIONS

(10 X 10 = 100M)

1. X made an application for registration of a trade mark with a 'device of a Lion with a goddess seated upon it' with words "Ma Durga Brand" in respect of agricultural instruments. Y, the registered proprietor of trade mark "Lion Brand" consisting of the 'device of Lion with goddess sitting on the Lion' for agricultural instruments opposes X's application. Discuss and decide.
(CO3) [Comprehension]
2. What is the legal position relating to geographical indications of goods in India?
(CO3) [Comprehension]
3. The theories of intellectual property rights play a definite role in making someone understand the rights offered and the reason behind the same. Discuss.
(CO1) [Comprehension]
4. 'X' prepared the question paper of IPR for BA.LLB for Presidency University. 'Y' published the question papers of premium years, including the paper of 'X' in a booklet. The University files a suit of copyright infringement against 'Y'. 'Y' 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.
(CO2) [Application]
5. 'A' has been using 'BETADINE' as a trade mark for medicinal and pharmaceutical products since 1960. 'B' started using 'BETADINE' as a trade mark for the similar products from 2005. 'A' after knowing about 'B's use filed a suit for restraining 'B' from using the mark 'BETADINE*' on the ground that the mark is deceptively similar to his mark 'BETADINE'. Argue the case for 'A' and refer to decided cases. What are the factors to be considered in deciding the question of deceptive similarity of trade mark.
(CO3) [Application]

6. 'The most fundamental concept in copyright is that of originality'. However, there has been a paradigm shift in the concept of originality. Explain with the help of case laws.
(CO2) [Comprehension]
7. Discuss the Absolute grounds for Refusal of registration of TradeMarks. Discuss the registrability of the following marks stating the law of distinctiveness :
(i) Himalaya for mineral water;
(ii) Janta for slippers,
(iii) Simla for cigarettes.
(CO3) [Application]
8. Outline in detail the remedies available to a copyright owner when his copyright is infringed.
(CO2) [Comprehension]
9. Write a note on the meaning and concept of Geographical Indication. How it can be differentiated from the trademark.
(CO4) [Comprehension]
10. How much Intellectual property is there in a movie? Discuss.
(CO2) [Comprehension]