



Roll No.

**PRESIDENCY UNIVERSITY
BENGALURU**

SCHOOL OF LAW

MIDTERM EXAMINATION

Even Semester: 2018-19

Course Code: LAW 303

Course Name: Intellectual Property Law

Programme &Sem: BBA./BA./B.Com LL.B.(Hons.) & VI Sem

Date: 25 March 2019

Time: 2 Hours

Max Marks: 60

Weightage: 30%

Instructions:

- (i) *All questions are compulsory*
- (ii) *Read the questions carefully and answer accordingly*
- (iii) *Write legibly*

Part A

Answer **all** the Questions. **Each** question carries **five** marks. (4Qx5M=20)

1. Examine the rights of the owner of Literary, Dramatic, Musical and Artistic works.
2. Examine the essential requirements for an action for "copying" and discuss the resolution of 'domain Name disputes'.
3. Explain briefly 'fair use' -'fair dealing' defense under Copyright Law with the help of relevant cases.
4. Labor theory as justification of IPR.

Part B

Answer **all** the Questions. **Each** question carries **five** marks. (4Qx5M=20)

5. What are different categories of marks covered under spectrum of trademarks? Which one requires secondary meaning?
6. Write the difference between authorship and ownership of copyrightable work.
7. Discuss the difference between suggestive and descriptive marks with the help of tests.
8. Elaborate on "originality" and "fixation" as a ground of attaining copyright.

Part C

Answer **both** the Questions. **Each** question carries **ten** marks.

(2Qx10M=20)

9. Ramananda Sagar produced a film on "Bhagavadgita" by casting the noted celebrities in Bollywood and telecast it as a serial on Doordarshan for two years.

Subsequent to its telecast he granted the exclusive right of incorporation into and sale of DVDs to Sincor Ivledia Systems. The agreement stated that Ramananda Sagar does not reserve any right regarding the mode of incorporation and sale of DVDs containing "Bhagavadgita". Sincor Media Systems produced DVDs of "Bhagavadgita" by incorporating in between several advertisements. Some advertisements also related to energy tablets, contraceptives, detergents, headache pills. Ramananda Sagar is upset over the interruptions of these advertisements in the DVDs. He wants to prevent the release of these DVDs, but is worried that he has already lawfully transferred all his rights.

Advise him.

10. Subject matter of copyright registration. Light on

- a. Compilations
- b. abridgements
- c. Lectures and public speeches.
- d. Database
- e. Actor's performance.



PRESIDENCY UNIVERSITY
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SCHOOL OF LAW
END TERM FINAL EXAMINATION

Even Semester: 2018-19

Course Code: LAW 303

Course Name: Intellectual property law

Program & Sem: B.A/BBA/ B.Com LL.B.(Hons.) & VI Sem

Date: 20 May 2019

Time: 3 Hours

Max Marks: 80

Weightage: 40%

Instructions:

- (i) Write legibly.
- (ii) Attempt all the questions.

Part A

Answer all the Questions. Each question carries **two** marks.

(10Qx2M=20M)

1.

- i. The term of copyright in government work is _____
 - a. 60 years
 - b. 50 years
 - c. 10 years
 - d. 5 years.
- ii. The work of copyright which subsist in artistic work is
 - a. A work of architecture
 - b. Sculpture
 - c. Map
 - d. All of the above.
- iii. The work of copyright which subsists in literary work is
 - a. Tables
 - b. Computer programs
 - c. Novel
 - d. All of the above
- iv. The first owner of the question paper of an examination in course of employment is
 - a. Examiner
 - b. Employer
 - c. Principal
 - d. Paper setter.

- v. The following can be patented
- Machine
 - Process
 - Composition of matter
 - All of the above
- vi. Intellectual Property Rights (IPR) protect the use of information and ideas that are of
- Ethical value
 - Moral value
 - Social value
 - Commercial value
- vii. Imagine a footballer sets up his own company to sell his own range of clothes. What type of intellectual property can he use to show that the clothes are made by his company?
- copyright
 - geographical indications
 - patents
 - trademark
- viii. The moral right is recognized as _____ defined under section 57 of Copyright Act 1994.
- Author's rights
 - Negative rights
 - Neighboring right
 - Statutory right
- ix. What does a trademark protect?
- an invention
 - a work of art
 - logos, names and brands
 - the look, shape and feel of a product
- x. If a company develops a new technology that improves its main product, what type of intellectual property can they use to stop others from copying their invention?
- copyright
 - geographical indications
 - patents
 - trademarks

Part B

Answer **all** the Questions. **Each** question carries **six** marks.

(5Qx6M=30M)

- What are the essential requirements of compulsory licensing?
- Discuss the importance of Geographical indication. What all are the subject matters covered under Geographical Indications Act 1999.

- Who is an authorised user under Geographical Indications Act 1999.
- Discuss how morality is to be balanced while protecting the rights of the Inventor/patentee.
- Write short note on anticipation for grant of patent.

Part C

Answer **all** the Questions. **Each** question carries **ten** marks.

(3Qx10M=30M)

- The European patent office registers a patent on a fungicide which is derived from neem seeds. Patent was granted for emulsions and solutions derived from neem. India challenged it on the ground of neem being used by it for the said purposes since ancient tradition. Discuss.
- Why are methods related to medical treatment excluded from the subject matter of patent protection? Justify.
- Justify the exclusion of the followings from patent protection:
 - Atomic energy inventions.
 - Discovery