

LL.M. End Semester Examination: November-2016

Intro. to Laws of IPR and Intl. IP Organisations

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Introduction to Laws of IPR and International IP Organisations
Semester-I (Batch: 2016-17)

LL.M. End Semester Examination: November-2016

Date: 15th November, 2016

Duration: 3 hours

Max. Marks: 70

Instructions:

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write any thing on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.

Part-A**Marks**

- Q.1 Write the definition of following terms used in IPR laws citing correct sections of the Act involved. Answers with wrong sections will not receive any credit: (12)
- (a) New Invention
 - (b) Exclusive licence
 - (c) Geographical Indication
 - (d) Deceptively similar
 - (e) Variety
 - (f) Propagating material
- Q.2 Discuss the role of International treaties in shaping the IPR legislations in India. Cite the summary of the respective International Covenants studied in this regard. (07)
- Q.3 Discuss in detail the Infringements of GI & provisions made in the GI Act, 1999 for use of Trade Marks & Prior users. (08)
- Q.4 Discuss compulsory licence & working of patented inventions as per the provisions of the Patents Act, 1970. (08)

Part-B

- Q.5 Answer **any five** of the following: (5x5= 25)
- (a) Explain the theoretical framework of Intellectual Property referring to the underlying premises on which the Intellectual Property Rights are based and protected.
 - (b) Discuss the remedial structure for protection of Intellectual Property Rights as prescribed in Indian legislative framework.
 - (c) Describe social and economic consequences of counterfeiting and piracy.
 - (d) Define Traditional knowledge and discuss the significant steps being taken by India to protect the same.
 - (e) Elucidate the interface between Intellectual Property and human rights with particular reference to "right to health".

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- (e) Elucidate the interface between Intellectual Property and human rights with particular reference to "right to health".
 - (f) 'Intellectual Property Rights protection has become a challenge in the age of internet'. Explain with illustrations.

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- Q.6 Ramesh and Rashesh are producers of biscuits. Ramesh's biscuits have some design embossed in the center of the biscuits which appears the letters "AF". Rashesh's biscuits also have embossed on them identical design except that the letter 'AB' appears instead of "AF". Ramesh wants to take an action against Rashesh for infringement of design. An affidavit is filed by Rashesh that he has been using this design for the biscuits before Ramesh got the design registration rights. Decide in the light of facts, legal provisions and relevant case laws. (05)
- Q.7 Mr. Pradeep Kumar is a full time director of ABC Ltd. Company. He was appointed by following due process. As per the policy of the company, he being a full time director was made to sign an agreement of employment according to which he agreed not to divulge or disclose any information of confidential nature to any person. The company as well as Mr. Pradeep Kumar were of a firm belief that such information is considered to be the property of the company. During the course of employment Mr. Pradeep Kumar happened to have shared such information to a competitor while sharing a manual of a customized software on real estate business. ABC Ltd. Company wants to bring an action against Mr. Pradeep Kumar for divulgence and disclosure of confidential information. Decide in the light of facts, legal provisions and relevant case laws. (05)
