

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**
Course: Introduction to Laws of IPR and
International Intellectual Property Organizations
Semester-I (Batch: 2018-19)

LL.M. End Semester Examination: Oct-Nov. 2018

Date: 3rd November, 2018

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

Attempt any two questions from Q.1 to Q.3. Question no 4 is compulsory.

- | | | |
|-----|---|------|
| Q.1 | Discuss in brief, citing suitable aspects of TRIPS agreement, the <i>sui generis</i> system adopted in India through its legislations. | (10) |
| Q.2 | Discuss in brief the importance of the protection of TK as part of IPR. | (10) |
| Q.3 | Discuss in brief the importance of various IPR legislations in India. Cite the drawbacks present in Indian statutes & remedies to overcome the drawbacks. | (10) |
| Q.4 | Discuss post TRIPS impact on Indian IPR legislation. | (05) |

Part-B

- | | | |
|-----|---|----------|
| Q.5 | The plaintiff is the registered proprietor of two of its designs, both of which are valid and subsisting. The plaintiff filed the suit for infringement of design claiming that the defendant's product for which the defendant has got design registration, was on a visual look indistinguishable from the plaintiff's product. It claimed that the defendant's product had the same or similar design, features of shape, configuration colour scheme and pattern as the plaintiff's product and designs. Advise the plaintiff in this situation by way of referring to relevant statutory provisions and case laws. | (07) |
| Q.6 | Answer any three of the following: | (3x6=18) |
| | (a) Discuss the overlap between Copyright and Design Laws in the light of statutory provisions and case laws. | |
| | (b) Mr. Ram is the owner of copyright of certain drawings of tools for the manufacture of leather punches. The design was delivered by him to Mr. Ramesh to manufacture tools under the implied condition that he would not use such drawings for others. Mr. Ram alleged that Mr. Ramesh converted the drawings to his own use and infringed the copyright by reproducing the same for his manufacturing purposes. | |

Mr. Ram has consulted you for a suitable remedy in this situation. Advise him by referring to relevant case laws.

- (c) 'While copyright protects material that has been reduced to permanent form, the general law of confidence may protect either written or oral confidential communication and operates against those who receive such information or ideas in confidence.' In the backdrop of the foregoing statement, discuss the principle underlying the concepts of breach of confidence in such cases to accord protection from misuse of confidential information.
- (d) National IP Policy was adopted by India in May 2016. Enlist the seven main objectives of this policy and discuss the third objective on Legal and Legislative Framework elaborately.

Part-C

- Q.7 World Intellectual Property Organisation (WIPO) administered systems of international protection significantly simplify the process for simultaneously seeking Intellectual Property protection in a large number of countries. These systems of international protection include three different mechanisms of protection for specific industrial property rights. Discuss the features of these global protection system for specific industrial property rights. (12)
- Q.8 Applicants for national or international IP protection are required to determine whether their creation is new or owned/claimed by someone else. To determine this, huge amount of information must be searched. International classifications facilitate such searches by organizing information concerning inventions, trademarks and industrial designs into indexed, manageable structures for easy retrieval. (08)
- Explain international classification system provided for trademark and industrial design. Also, state and explain the relevance of such classification system for IP protection.

OR

The international treaties administered by the World Intellectual Property Organization (WIPO) in the field of copyright and related rights are the building blocks of the international copyright system. They are key in levelling the playing field for creative industries.

In the light of the above statement, discuss and compare Berne Convention, WCT and WPPT.
