

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Introduction to Laws of IPR and International IP Organizations
Semester-I (Batch: 2019-20)

LL.M. End Term Examination: November 2019

Date: 13th November, 2019

Duration: 3 hours

Max. Marks: 50

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 anything 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

Fill in the Blanks

Marks

(1X20
=20)

1. 'A person who labours upon un-owned resources has a natural right to the fruits of his efforts and that the state has a duty to respect and enforce that natural right'. This theory is propounded by _____.
2. 'Maximum benefit of the maximum members of the society should be guaranteed by the law in force and in the regulations made thereunder.' This theory is known as _____.
3. 'Property is an extension of one's own personality and it is personality which blooms through the protection of one's proprietary rights.' This theory is known as _____.
4. In MARICO LTD. Vs. RAJ OIL MILLS LTD., 2007 (35) PTC 330, the court interpreted the concept of _____.
5. Provisions establishing IPAB are prescribed under _____.
6. Trade secrets are _____ that has _____ value by virtue of being kept secret and reasonable steps have been taken to keep it secret.
7. Intellectual Property is _____ having _____ expression.
8. National IP policy prescribes for amendment to _____ to provide for penal provisions for illegal duplication of films.
9. _____ is followed throughout the world for classification of Industrial designs.
10. Infringement of a copyright in design is termed as _____.
11. IP acquisition, IP monitoring, IP exploitation and IP enforcement are the stages of _____.
12. According to WIPO definition IP is classified into _____ and _____.
13. India does not have specific legislation for protection of _____.
14. An application for registration of a Design shall be addressed to _____.
15. WIPO administers _____ treaties including the WIPO Convention.
16. Under the provisions on _____, the Paris Convention provides that, as regards the protection of industrial property, each Contracting State must grant the same protection to nationals of other Contracting States that it grants to its own nationals.
17. Part _____ of the TRIPS Agreement deals with the enforcement of Intellectual Property Rights.

18. The Patent Cooperation Treaty (PCT) makes it possible to seek patent protection for an invention simultaneously in each of a large number of countries by filing _____.
19. The Vienna Agreement establishes a classification for marks that consist of, or contains, _____.
20. An international registration of Trade Mark is effective for _____ years and it may be renewed for further periods of _____ years on payment of the prescribed fees.

PART-B

State True or False

(1X10
=10)

1. National IP Policy is proposed on 16 May 2014.
2. Statutory protection is accorded to trade secrets in India.
3. Purely artistic works are also protected under Industrial Designs.
4. Parts of articles not manufactured and sold separately are not protected under Industrial Designs.
5. Intellectual Property is a combination of human intellect, skill and labour.
6. The IPAB has appellate jurisdiction against the decision of the Controller or Central Government of India.
7. WIPO is the global forum for intellectual property (IP) services, policy, information and cooperation.
8. The Madrid System for the International Registration of Marks is governed by the Madrid Protocol, concluded in 1891, and the Agreement relating to that Protocol, concluded in 1989.
9. The WIPO Performances and Phonograms Treaty (WPPT) deals with the rights of three kinds of beneficiaries, particularly in the digital environment.
10. Each of the countries party to the Nice Agreement is obliged to apply the Nice Classification in connection with the registration of marks, either as the principal classification or as a subsidiary classification.

PART -C

Multiple Choice Questions

(1X20
=20)

1. The first legislation in India for protection of Industrial Designs was:
 - (a) The Patents & Designs Protection Act, 1872
 - (b) The Patents and Designs Act, 1911
 - (c) The Inventions & Designs Act, 1888
 - (d) The Protection for Industrial Design Act, 1927
2. Copyright in Designs means:
 - (a) the exclusive right to apply a design to any article in any class in which the design is registered
 - (b) the moral right to apply a design to any article in any class in which the design is registered
 - (c) the related right to apply a design to any article in any class in which the design is registered
 - (d) the neighbouring right to apply a design to any article in any class in which the design is registered
3. Which of the following is/are the type of application under The Designs Act, 2000?
 - (a) Ordinary application
 - (b) Reciprocity application
 - (c) Both A and B
 - (d) None of the above

4. When a design is registered, the registered proprietor of the design shall, subject to the provisions of this Act, have copyright in the design during ____ years from the date of registration and Controller shall after completing the prescribed procedure extend the period of copy-right for a second period of ____ years from the expiration of the original period.
- (a) 15 and 05
 - (b) 15 and 10
 - (c) 10 and 05
 - (d) 10 and 10
5. If anyone contravenes the copyright in a design he is liable for every offence to pay a sum not exceeding _____ to the registered proprietor subject to a maximum of _____ recoverable as contract debt in respect of any one design.
- (a) Rs. 50,000/- and Rs. 50,000/-
 - (b) Rs. 50,000/- and Rs. 25,000/-
 - (c) Rs. 25,000/- and Rs. 50,000/-
 - (d) Rs. 50,000/- and Rs. 1,00,000/-
6. The TRIPS Agreement recognizes trade secrets under:
- (a) Layout-Designs (Topographies) of Integrated Circuits
 - (b) Protection of Undisclosed Information
 - (c) Control of Anti-Competitive Practices in Contractual Licences
 - (d) Enforcement of Intellectual Property Rights
7. For the protection of trade secrets an attempt was made in India by passing:
- (a) The National Innovation Act, 2008
 - (b) The National Innovation and Confidential Information Act, 2008
 - (c) The Indian Innovation Act, 2008
 - (d) The Trade Secrets Protection Act, 2008
8. The Delhi High Court in John Richard Brady And Ors v. Chemical Process Equipments P. Ltd. and Anr (1987) held that the Springboard Doctrine:
- (a) Will be applicable even in absence of Non-Disclosure or any other related agreement
 - (b) Will not be applicable in absence of Non-Disclosure or any other related agreement
 - (c) Will be applicable only to ex-employees
 - (d) None of the above
9. Delhi High Court in American Express Bank Ltd v Priya Puri defined trade secrets as:
- (a) formulae, technical know-how or a peculiar mode or method of business adopted by an employer which is unknown to others.
 - (b) information, including a formula, pattern, compilation, program device, method, technique.
 - (c) Secret information in the sense that it is not, as a body or in the precise configuration and assembly of its components, generally known among or readily accessible to persons within the circles that normally deal with the kind of information in question.
 - (d) None of the above
10. Trade secrets in India are protected mainly through _____ of the Indian Contract Act, 1872.
- (a) Section 24

- (b) Section 27
 - (c) Section 25
 - (d) Section 28
11. In 'quid-pro-quo', quo stands for:
- (a) knowledge disclosed to the public.
 - (b) monopoly granted for the term of the patent
 - (c) exclusive privilege of making, selling and using the invention
 - (d) None of the above
12. Incentive theory is well illustrated by _____'s classic treatment of patent law.
- (a) William Nordhaus
 - (b) John Stuart Mill
 - (c) Richard Posner
 - (d) John Locke
13. A court can grant the following relief under a civil suit for infringement of Intellectual property right
- (a) Injunctions;
 - (b) Damages or accounts for profits; and
 - (c) Delivery up of the infringing labels and marks.
 - (d) All the above
14. Design means
- (a) Functional aspect
 - (b) Outlook which appeals only to eyes
 - (c) Both a and b
 - (d) None of the above
15. The Locarno Classification comprises:
- (a) A list of classes and subclasses;
 - (b) An alphabetical list of goods which constitute industrial designs, with an indication of the classes and subclasses into which they fall.
 - (c) Explanatory notes.
 - (d) All of the above
16. As to the rights granted to authors, apart from the rights recognized by the Berne Convention, the WIPO Copyright Treaty (WCT) also grants:
- (a) The right of distribution;
 - (b) The right of rental and a broader right of communication to the public
 - (c) Both A and B
 - (d) Only B
17. Berne Convention is based on which of the basic principles:
- (a) National treatment and automatic protection
 - (b) Automatic protection and independence of protection
 - (c) Automatic protection, independence of protection and national treatment
 - (d) Automatic protection, duration of protection and national treatment
18. The TRIPS Agreement is a _____ part document containing complex provisions with respect to Intellectual Property rights.
- (a) Seven
 - (b) Eleven
 - (c) Six
 - (d) Eight

19. Which two Acts of the Hague Agreement are currently in operation?
- (a) The Geneva Act of 1999 and The Hague Act of 1960
 - (b) The Hague Act of 1999 and The Geneva Act of 1960
 - (c) The Geneva Act of 1999 and the Hague Agreement Act of 1925
 - (d) The Hague Agreement Act of 1925 and The Geneva Act of 1960
20. The Marrakesh Treaty has a clear structure and provides for specific rules regarding
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- (a) Domestic limitations and exceptions
 - (b) Cross-border limitations and exceptions
 - (c) Public Sector limitations and exceptions
 - (d) Both A and B.
