

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

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

LL.M. End Semester 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 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 Identify the theory from the given statement and discuss the same briefly. (09)
- (a) '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'.
 - (b) 'Maximum benefit of the maximum members of the society should be guaranteed by the law in force and in the regulations made thereunder.'
 - (c) 'Property is an extension of one's own personality and it is personality which blooms through the protection of one's proprietary rights.'
- Q.2 The Designs Act, 2000 extends protection to only new and original designs. In order to ensure the same, section 19 of the Act, prescribes that a registered design can be cancelled on the ground of prior publication in India or any other convention countries. Discuss the concept of 'Prior Publication' as interpreted by the Court by answering the following questions (08)
- (a) Whether a design registered abroad can be a ground for cancellation of a design registered in India under Section 19(1)(a) of the Act?
 - (b) What are the consequences of failure to apply for registration in India in six months of making an application in the convention country?
 - (c) What is the meaning of prior publication according to the provisions of the Designs Act, 2000?
 - (d) Whether documents existing as part of record of Registrar of Designs in a convention Country abroad, which are open for public inspection results in prior publication?
- Q.3 Ashok after extensive experimentation developed a Fodder Production Unit (FPU). To indigenize manufacture of the FPU, he sought quotations from Ramesh for the supply of thermal panels. For the purpose of this he also provided all technical materials, detailed know how, drawings and specifications concerning the FPU. This informations were shared under the express condition that Ramesh must maintain strict confidentiality regarding the know-how. Ashok, thereafter discovered that Ramesh has produced a machine based upon the disclosures made by him. Ashok wants to initiate legal action against Ramesh. How will you help him? Answer by referring to relevant case laws and legal provisions. (07)

- Q.4 Write brief note on the following (Any two): (10)
- (a) Whirlpool of India Ltd. V. Videocon Industries Ltd. 2014 (60) PTC 155 (Bom)
 - (b) Pentel Kabushiki Kaisha & Anr. v. M/S Arora Stationers & Ors. MANU/DE/0103/2018
 - (c) Concept of novelty and originality under The Designs Act, 2000
 - (d) Objective 3 of the National IP Policy

PART – B

- Q.5 Intellectual Property Rights which envelope Copyrights, Trade Marks, Patents, Semi-Conductor Integrated Circuits Layout Designs, Industrial Designs, Geographical Indications and Undisclosed Information, provide legal recognition and protection to the same. The Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement was the first international attempt to address these intellectual property rights simultaneously and comprehensively, to ascribe minimum standards for their protection and in instances elevate the level of protection from that provided under the earlier conventions (the Paris Convention, the International Convention for the Protection of Performers, Producers of Phonograms, and Broadcasting Organizations (Rome Convention) (1961), the Berne Convention for the Protection of Literary and Artistic Works (1971) and the Treaty on Intellectual Property in Respect of Integrated Circuits (1989). (08)

In the light of above exposition, explain what is TRIPS Agreement? Outline the main three features of the TRIPS Agreement.

- Q.6 Explain the salient features and functions of World Intellectual Property Organization (WIPO). Who are entitled to the membership of WIPO? (08)
