

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**
Course: Introduction to Laws of IPR and
International Intellectual Property Organizations
Semester-I (Batch: 2017-18)

LL.M. End Semester Examination: November-2017

Date: 8th November, 2017

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 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

Attempt all questions.

Marks

- Q.1 Discuss the salient features of TRIPS. What is the significance of its dispute settlement clause? (10)
- Q.2 Write on the overlapping aspect of GI & TM Act. Cite suitable authorities & relevant sections of the law concerned in order to prevent the same. (10)
- Q.3 Write a short note on: (15)
- (a) PPVFRA
- (b) Non patentable things

Part-B

- Q.4 Answer the following: (5x5= 25)
- (a) Piracy of copyrighted products is a problem as old as the copyright itself. Only in recent years it has received prominence, especially in the academic and policy circles. In view of this observation, critically analyze the types of piracy and legal provisions to curb the same within the framework of IP regime.
- (b) The relationship between indigenous/traditional knowledge and intellectual property law is a complicated contemporary legal problem. Discuss the possibility of protection of traditional knowledge within the present legislative framework in India.
- (c) An overlap issue arises, when an intellectual property rights holder asserts rights under more than one type. In view of this observation, elucidate the issue of intellectual property overlaps considering various types of protection.
- (d) Human rights and Intellectual property rights that were once strangers are now becoming increasingly intimate bedfellows. For decades the two subjects developed in virtual isolation from each other. But in the last few years, international standard setting activities have begun to map previously uncharted intersections between

intellectual property laws on the one hand and human rights law on the other. In the light of the above observation, identify and elucidate the interface between these two branches of Law.

- (e) The area of management of Intellectual Property Rights (IPRs) has great significance in the present world of explosive technological developments. With the rapid growth in diversified fields of technology, and the new scientific inventions and innovations, IPR protection and IPR exploitation are the key to globalisation. Discuss the significance of management of IPR for the start-ups and SMEs in India by highlighting the strategy for the same.

- Q.5 After extensive experimentation, Ram developed a Fodder Production Unit (FPU). To indigenize manufacture of the FPU, he sought quotations from Shyam, for the supply of thermal panels, for the purpose of which Ram provided all technical materials, detailed know how, drawings and specifications concerning the FPU under the express condition that Shyam must maintain strict confidentiality regarding the know-how. Ram thereafter discovered that the defendants had produced a Machine based upon disclosures made by him without his consent, permission and authorisation. Is there any remedy available with Ram? Answer by referring to the relevant legal provisions along with judicial pronouncements. (05)
- Q.6 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 through judicial pronouncements. (05)
