

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Law of Industrial Designs and Geographical Indications
Semester- VIII (Batch: 2018-23)

End Semester Online Examination: May 2022

Date: 13th May, 2022

Duration: 8 hours

Max. Marks: 50

Instructions:

- The respective marks for each question are indicated in-line.
- Indicate correct question numbers in front of the answer.
- No questions or clarification can be sought during the exam period, answer as it is, giving reason, if any.
- Word Limit: 10 Marks: 500 words.

Marks

- Q.1 a) Origin of goods is one of the vital elements in determining Geographical Indications (GIs). How to differentiate the GIs and appellation of origin in the context of agricultural goods and non-agricultural goods. Support with examples of GIs around the world. (5x2=10)
- b) Critically evaluate the post GI registration challenges faced by the artisans and master weavers of India.
- Q.2 The purpose of a Trademark is to 'identify a source' and the purpose of an industrial design is to enhance the visual appeal of an article and make it more aesthetically valuable. Critically analyse with the help of respective statutes and judicial interpretations, whether the shape of an article can be protected as a Trademark and as well as an Industrial Design in India. (10)
- Q.3 a) 3D printing is making its mark in the fashion industry. Discuss whether designs created using a 3D printer satisfies the definition of a design under Section 2(d) of the Designs Act 2000. (5x2=10)
- b) Discuss the position of registering Graphical User Interfaces (GUIs) under the Designs Act 2000.
- Q.4 Geographical Indications based goods generally involves processing methods and age-old techniques that have been inherited from generations. Whether Geographical Indications can be used as a tool for preserving traditional practices of the community? (5)
- Q.5 The Sheanut is a fruit obtained from the sheatree, which grows wild in semi-arid areas of Ghana and about 50-60 trees can grow in each hectare. The climatic conditions are ideal for cultivation of the plant. Several varieties exist and are characterize by variations in its size, shape and fruit yield as it grows in the wild. The main fruit season is from May to August. The fruit sizes are between 12g and 17g; 18g and 30g; and 20g and 28g. Currently there are no scientifically developed varieties and the plant continues to be wildly propagated by seed and it takes about 10 years to grow and bear fruit. The Cocoa Research Institute of Ghana (CRIG) has undertaken studies which show that vegetative (15)

propagation is possible. The fruits are not harvested by plucking. They are allowed to drop then picked and collected mainly by women. At least two times in a week, the fruits must be picked or collected regularly. This is to prevent its germination or deterioration. It is also to ensure that the fruit is not attacked by insects. The immature, unripe and rotten/decayed nuts are not be collected. The indigenous people see the sheatree as a gift from nature. The tree serves also as source of timber. The pulp around the seed is edible. Shea kernels are used to make shea-butter. The seeds are cracked and roasted. The roasted seeds are then beaten with water which releases their rich fats. These extracts are boiled, skimmed and cooled which results in shea-butter. The shea-butter is used as cooking oil which is considered to be very healthy. It is very nourishing to the body, skin and has medicinal uses. The sheanut and the sheabutter are traded both locally, and internationally. The nuts are purchased and transported to countries in Asia, Europe and America. The shea-butter is used as substitute for cocoa butter in the confectionery and chocolate industries and rampantly used in personal care sector.

Now the community decides to file a GI application.

- a) Prepare a statement as to how the specific GI serves to designate the goods as originating from the concerned territory of the country or region or locality in the country.
- b) The particulars of specific quality, reputation or other characteristics which are due exclusively or essentially to the geographical environment, with its inherent natural factors, and the production, processing or preparation of which takes place in such territory, region or locality
- c) The particulars of special human skill involved the process of making shea-butter.
