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**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Intellectual Property Rights
Semester-VIII (Batch: 2012-17)

End Semester Examination: April-May 2016

Date: 2nd May, 2016

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

Marks

Attempt **any four** questions

- Q.1 Unique Ceramics Ltd is a well-known company associated with the business of manufacturing of various ceramic tiles and other designer products since 1981. The company claims to be originator of new and original industrial designs which is applied by mechanical process to the galvanized tiles. According to the company, the said tiles have eye catching shape, configuration, ornamental pattern, get up and colour shades and the same is registered under the provisions of the Designs Act 2000. For the production of said designer tiles which is registered as Design No.1112220, three different rollers are required which are manufactured by Brihan Inc. which is a Japanese Company. The rollers are also used for manufacturing of various other articles including plastic, rexin, glass sheets and leather however, Unique Ceramics Ltd used it to manufacture galvanized tiles for the first time. Rexton Ltd is a company engaged in production of various designer articles. Finding very wide scope due to large scale construction activities, they also started manufacturing ceramic tiles. Unique Ceramics came to know that other tiles similar to their registered designs are also being sold in the market and finding Rexton Ltd. associated with the sale, they file a case of piracy of registered design against them. According to Unique Ceramics, Rexton has committed an act prohibited under the Designs Act, 2000 and being a registered design holder, an injunction must be granted in favour of them. Rexton Ltd. opposed the claim raised by Unique Ceramics. They approached the Design registrar for cancellation of design no 1112220. The main reason to oppose the design is that the galvanized tiles do not deserve to be registered as design. Moreover, the design claimed is not new and unique but it is already available on the rollers which are used by the company for manufacture. The rollers are sold in the market from 1950 and anyone can apply the said design on any article. Granting design rights to Unique Ceramics is absolutely unjust and unreasonable. Based on the facts, decide who will succeed? Why? Explain the procedure for the registration of Design in details. (08)
- Q.2 Answer the following in the light of the provision of the Geographical Indication of Goods (Registration and Protection) Act 1999 (4x2= 08)
- (a) Give the criteria of goods to be registered as a Geographical Indication
 - (b) Can Bombay Vadapav be registered as a Geographical Indication? Why?
 - (c) What constitutes infringement of registered Geographical Indication?
 - (d) Explain Geographical Indication as a tool to protect Traditional Knowledge

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- Q.3 What do you understand by the plant variety protection? Give justification for enactment of the Protection of Plant Varieties and Farmers Rights Act 2001. Explain in detail the criteria for plant variety protection. (08)
- Q.4 Discuss the followings in the light of the Madrid System for the International Registration of Marks. (4x2=08)
- (a) Requirement and Scope of the Madrid system
 - (b) Explain the procedural aspects for registration.
 - (c) Give merits and demerits of this system
 - (d) Adaption of this system by Indian Trademarks Act 1999.
- Q.5 What do you understand by Infringement of Trademarks? How it differs from passing off? Discuss in details the concept of infringement and passing off in the light of decided cases and legal provisions. (08)

Part-B

- Q.6 Write critical note on **any three** of the following (3x4=12)
- (a) National Gene Fund
 - (b) TRIPS and Semiconductor Integrated Circuits Lay out design protection
 - (c) *Mannu Bhandari v. Kala Vikas Pictures* (AIR 1987 Delhi 13)
 - (d) Copyright protection and Cyber Space
- Q.7 Answer the following questions (**word limit 30 to 40 words**) (6x1=06)
- (a) Which currency is used for the registration of mark under the Madrid system?
 - (b) What are the exemptions available in case of infringement of integrated circuits?
 - (c) Explain the main objective of the Patent Cooperation Treaty
 - (d) What is the contribution of Doha Declaration under the IP regime?
 - (e) Give the meaning of *mareva* injunction and *anton piller* order
 - (f) Explain meaning of UPOV.
