



BRAINWARE UNIVERSITY

Term End Examination 2024-2025

Programme – LLM-2022/LLM-2023

Course Name – IPR: Jurisprudential Development and International Perspectives

Course Code - LLM302A

(Semester III)

Full Marks : 60

Time : 2:30 Hours

[The figure in the margin indicates full marks. Candidates are required to give their answers in their own words as far as practicable.]

Group-A

(Multiple Choice Type Question)

1 x 15=15

1. Choose the correct alternative from the following :
- (i) Identify the area of IPR which will protect the right of a sports company selling cloths for footballers.
- a) copyright
b) patents
c) trademarks
d) geographical indications
- (ii) Identify the section of Copyright Act,1957 which contains the meaning of copyright.
- a) Section 13
b) Section 14
c) Section 15
d) Section 16
- (iii) Identify the tenure for which a patent is valid in India.
- a) 30 years
b) 20 years
c) 40 years
d) 60 years
- (iv) Choose the subject that can be patented under Patent Act 1970.
- a) Playing a game
b) An Invention
c) A scheme
d) an aesthetic creation
- (v) Choose the section of the Patent Act,1970 that deals with the Falsification of entries in the register.
- a) section 100 of the patent act,1970
b) section 110 of the patent act,1970
c) section 109 of the patent act,1970
d) section 119 of the patent act,1970
- (vi) Select the matter that Section 25 of the Patent Act.1970 deals with.
- a) Form, extent and effect of patent
b) Unauthorised claim of patent rights.
c) Opposition to the patent
d) Powers of Controller in case of potential infringement
- (vii) Choose the section of the patent act,1970 that deals with the definition of patented articles and patentee.
- a) section 87 of the patent act,1970
b) section 82 of the patent act,1970
c) section 88 of the patent act,1970
d) section 89 of the patent act,1970
- (viii) Choose the kind of property that can be associated to a Patent.

- a) Transferable property
c) Real property
- (ix) Choose in which manner Compulsory licenses for patents are granted.
a) Voluntary
c) Virtual
- (x) Select the contents of Complete specification.
a) Title of Invention
c) Description & Claim
- (xi) Identify the territorial jurisdiction of the Patents Act, 1970.
a) It extends to whole of India except for the State of Jammu & Kashmir
c) It extends to whole of India except for the Union Territories and State of Jammu & Kashmir.
- (xii) Identify the form that can be used for requesting early publication of a patent.
a) Form 2
c) Form 9
- (xiii) Select a new way to process milk so that the saturated fats are lowered in butter it is covered under:
a) Patents
c) Trade mark
- (xiv) Select what is not Patentable.
a) A new assault gun
c) A new chemical compound usable for huge explosion
- (xv) Select the provision mentioned under Section 12 of the Designs Act 2000.
a) Restoration of lapsed designs.
c) Registration to be in respect of particular article
- b) Negotiable property
d) Non-transferable property
- b) Implied
d) Statutory
- b) Object of Invention
d) All of these
- b) It extends to whole of India
d) It extends to whole of India and members of the World Intellectual Property Organization
- b) Form 1 and 2
d) Form 5
- b) Copyrights
d) Industrial Design
- b) A new poison capable of human death
d) all of these are patentable
- b) Evidence of documents in patent office.
d) Agency

Group-B

(Short Answer Type Questions)

3 x 5=15

2. Analyse the grounds for granting compulsory licensing in a Patent. (3)
3. Discuss the concept of 'Inventive step' under Patent Act. (3)
4. State the purpose of the Trade Marks Act, 1999. (3)
5. Discuss the advantages of Intellectual Property Rights. (3)
6. Analyze the case of J.L. Mehta And Anr. v. Registrar Of Trade Marks (1962). (3)

OR

Explain the sentence "Trademark has no existence apart from the goodwill". (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

7. State the historical background of copyright protection and its present status in India. (5)
8. What are the difference between 'Passing off' and 'Infringement'? (5)
9. Analyze the works in which copyright subsists. (5)
10. Analyze the case of Novartis A.G. vs. Union Of India (2013). (5)
11. Evaluate the concept of Cinematographic Films and its rights under the Copyright Act. (5)
12. Who can file a patent application? What information and documents require to file a Patent Application? (5)

OR

Who can file an opposition for patent? Discuss the grounds for pre-grant opposition.

(5)

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