



BRAINWARE UNIVERSITY
Term End Examination 2020 - 21
Programme – Master of Law

Course Name – IPR: Jurisprudential Development & International Perspectives
Course Code - LLM303A

Semester / Year - Semester III

Time allotted : 75 Minutes

Full Marks : 60

[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 60=60

1. *(Answer any Sixty)*

(i) The term 'Intellectual Property Rights' covers

- | | |
|----------------|-----------------|
| a) Copyrights | b) Know-how |
| c) Trade marks | d) All of these |

(ii) The following can be patented

- | | |
|--------------------------|-----------------|
| a) Machine | b) Process |
| c) Composition of matter | d) All of these |

(iii) Symbol of Maharaja of Air India is

- | | |
|--------------|-----------------|
| a) Copyright | b) Patent |
| c) Trademark | d) All of these |

(iv) Design does not include

- | | |
|--------------------------------------|------------------------------------|
| a) features of shape | b) composition of lines or colours |
| c) mode or principle of construction | d) None of these |

(v) What protects the intellectual property created by artists?

- | | |
|--------------|-----------------------------|
| a) copyright | b) geographical indications |
| c) patents | d) trademarks |

(vi) Which of these is a geographical indication?

- a) BMW
- b) Champagne
- c) Hogwarts
- d) World Wide Web

(vii) In most countries, how long does copyright last for?

- a) 10 years after the creation of the work
- b) 50 years after the creation of the work
- c) 10 years after the death of the person who created that work
- d) 20 years after the death of the person who created that work

(viii) If you write an original story, what type of intellectual property gives you the right to decide who can make and sell copies of your work?

- a) copyright
- b) geographical indications
- c) patents
- d) trademarks

(ix) If a company develops a new technology that improves its main product, what type of intellectual property can they use to stop others from copying their invention?

- a) copyright
- b) geographical indications
- c) patents
- d) trademarks

(x) Which Convention relating to Industrial Property.....

- a) Paris Convention
- b) Berne Convention
- c) Budapest Treaty
- d) WIPO

(xi) The Berne Convention was first established in the year

- a) 1886
- b) 1940
- c) 1980
- d) 1976

(xii) WIPO established in the year.....

- a) 1967
- b) 1980
- c) 1950
- d) 1990

(xiii) In the case photograph, films and records the 60 years are calculated from

- a) Date of death of owner of copyright
- b) Date of re-publication
- c) Date of publication
- d) None of these

(xiv) Is registration of copyright mandatory ?

- a) In some special case
- b) Yes
- c) No
- d) None of these

(xv) Which of the following can not be copyrighted ?

- a) Artistic work
- b) Musical work
- c) Practical use
- d) Film

(xvi) In India the first copyright act was passed in

- a) 1926
- b) 1952
- c) 1965
- d) 1914

(xvii) Can judgment or order of court be copyrighted ?

- a) Yes
- b) No
- c) Occasionally
- d) None of them

(xviii) The design can be also registered under.....

- a) Copyright Act
- b) Trademark Act
- c) Geographical Indication Act
- d) Patent Act

(xix) Which of the following is not the infringement of copyright?

- a) Copy the software to another computer
- b) Question option will be Copy the software to another computer by any business Institute
- c) Copy the software to another computer by educational institution
- d) To make back up copies.

(xx) International copyright is governed by the

- a) Berne Convention
- b) Paris Convention
- c) WTO
- d) TRIPS

(xxi) A patent is a form that gives its owner

- a) personal right to exclude others from making, using, selling and importing an invention for a limited period of years
- b) the legal right to exclude others from making, using, selling and importing an invention for a limited period of years
- c) Constitutional right to exclude others from making, using, selling and importing an invention for a limited period of years
- d) Cost-benefit analysis

(xxii) Whose grant require before altering anything in the original from of a book ?

- a) Writer
- b) Owner
- c) Both Owner & Writer
- d) None of these

(xxiii) Copyright is a

- a) creation by person of efforts, intellectual and capital
- b) creation by the mental status of a person
- c) creation by person of the efforts only
- d) creation by negligence of a person

(xxiv) An unregistered trademark is called.....

- a) Trade Symbol
- b) Common Law Mark
- c) Regi. Trade Mark
- d) Symbol

(xxv) Trademarks identifies.....

- a) Consumer and it's origin
- b) Product and it's origin
- c) Product and consumer
- d) Registrar and controller

(xxvi) Under which act service marks are registerable?

- a) Trade and Service Marks Act 1999
- b) Trade and Merchandise Marks Act 1958
- c) Trademarks Act 1999
- d) Service Marks Act 1958

(xxvii) The jurisdiction of registrar of trademark for the purpose of application of trademark be decided on

- a) Place of residence
- b) As per applicants will
- c) As per the registrar will
- d) Principal place of business

(xxviii) The goods and services are classified in classes.

- a) 47
- b) 35
- c) 46
- d) 42

(xxix) A mark which is devoid of distinctness are

- a) Registrable under copyright act
- b) Registrable
- c) Registrable under patent act
- d) Not registrable

(xxx) Who has to apply before registrar to be a registered user of trademark ?

- a) Those who are the proprietor of trademark
- b) Those who want to be a registered user
- c) Proprietor of trademark and the other person who want to be a registered user hast to jointly apply.
- d) None of these

(xxxi) The mark which is registered in the name of association is called.....

- a) Associated Trademark
- b) Collective Mark
- c) Simple Trademark
- d) Service Mark

(xxxii) The purpose of the trademark amendment act 1999 is

- a) To grant trademarks to services also
- b) To grant trademark to ideas also
- c) To register collective marks also
- d) To register associated mark

(xxxiii) Who can sue for infringement of trademark?

- a) Registered trademark owner only
- b) Unregistered trademark owner
- c) Central Govt. on behalf of owner
- d) State Govt. on behalf of owner

(xxxiv) The term 'Geographical Indications' could be used for:

- a) Agricultural goods
- b) Natural goods
- c) Manufactured goods
- d) All of these

(xxxv) Who can apply for registration of a Geographical Indication?

- a) An association of persons
- b) An organization of producers
- c) An individual
- d) All of these

(xxxvi) Who can initiate an action for the infringement of a Geographical Indication?

- a) The government
- b) The registered proprietor
- c) The authorized user
- d) An individual having interest

(xxxvii) Patent law was lastly amended in ?

- a) 2004
- b) 2006
- c) 2008
- d) 2012

(xxxviii) Patent can be granted for?

- a) ideas
- b) product
- c) process
- d) All of these

(xxxix) Which of the following is a patentable subject matter ?

- a) Tangibles
- b) Ideas
- c) Traditional Arts
- d) Intangibles

(xl) A provisional specification is filed to fix the

- a) Term of the patent
- b) Expiry date of patent

c) Priority date of patent

d) Assignment of patent

(xli) Complete specification has to be filed with inmonths from the submission of the provisional specification.

a) 15

b) 18

c) 9

d) 12

(xlii) The patent is granted foryears

a) 30

b) 20

c) 15

d) 5

(xliii) Patent for theis prohibited.

a) Atomic energy

b) Traditional knowledge

c) Junk food

d) Arms

(xliv) Use of patented invention by a person other than a patentee constitutes.....

a) Infringement of patent rights of patentee

b) Co-Operation to patentee

c) Anticipation

d) Advertisement of patent

(xlv) Which of the following is non-patentable?

a) Non-obvious

b) Process of medical treatment of human beings & animals

c) Which involves inventive steps

d) Product which is used for medical treatment of human beings & animals

(xlvi) Who is the true and first inventor ?

a) Who publish their ideas first in the journals

b) Who communicates and ideas to registrar of the patent

c) Who convert the ideas in to working invention

d) Who communicates idea to other at first

(xlvi) Application for patent by employee can be determined by.....

- a) Fiduciary relationship
- b) Contractual relationship
- c) Social relationship
- d) Personal relationship

(xlviii) Which of the following is the right conferred to the patentee ?

- a) Right to oppose compulsory licence
- b) Right to expand patent
- c) Right not to work out patent
- d) Right to exploit patent

(xlix) In the case of invention used by central govt. the compensation will be decided by on a reference made to it under sec. 103 of the act

- a) High Court
- b) Supreme Court
- c) Session Court
- d) Metropolitan Court

(l) In the case of infringement of patent the court may award.....

- a) Damages and account of profits
- b) Damages with mental agony
- c) Account of profits with mental agony
- d) None of these

(li) Assignment of patent means transfer of in the patent by the patent holder in favour of another.

- a) Goods
- b) Interest
- c) Title
- d) Ideas

(lii) A patent can be revoked

- a) Anytime after its grant
- b) Only after 1 year from the date of grant
- c) Only after 3 years from the date of grant
- d) Only after obtaining permission from the Controller of Patents

(liii) India is a member of the

- a) Paris Convention
- b) Patent Cooperation Treaty (PCT)
- c) Strasbourg Agreement
- d) Substantive Patent Law Treaty

(liv) As per the Indian Patent Act, a resident in India:

- a) Is free to file a patent in a foreign country without first filing the said patent in India.
- b) Can file a patent in a foreign country without first filing the said patent in India, only under certain special circumstances
- c) Can file a patent in a foreign country only after filing a PCT application on the same subject matter.
- d) Can file a patent in a foreign country only after grant of the said patent in India

(lv) Can the government of India use any patented invention merely for its own use?

- a) Yes, it can do so, only when the President of India sanctions such use
- b) Yes, it can do so, only if the government notifies its intention of using the said patent before two months of such use
- c) Yes, only after 3 years of the date of grant of the patent
- d) All of these

(lvi) The plant variety protected in India include

- a) Extant variety
- b) Essentially derived variety
- c) Farmer's variety
- d) All of these

(lvii) UPOV is

- a) United states patent
- b) Convention for patent
- c) Convention for plant variety
- d) None of these

(lviii) Rights under the protection of plant variety and farmers right Act

- a) Breeders' Rights
- b) Farmers Right
- c) Researchers' Rights
- d) All of these

(lix) Farmers variety can also be registered as an

- a) extant variety
- b) Essentially derived variety
- c) Breeds variety
- d) None of these

(lx) New seed policy Implemented in the year of

a) 1988

b) 1950

c) 1978

d) 1990