



BRAINWARE UNIVERSITY

Term End Examination 2022

Programme – BBA LL.B.-2019/BBA LL.B.-2020

Course Name – Intellectual Property Law-Trademark & Copyright/Intellectual Property Law - Trademark and Copyright

Course Code - BBALLB505

(Semester V)

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) explain the following: To infringe a trade mark under ss. 10(1) - 10(3) TMA, the defendant must use their sign in relation to goods or services. This means:
- | | |
|--|---|
| a) Any use of the mark can infringe | b) The use must be such that the public understand it to be a brand identifier for the products or services |
| c) The use must be such as to indicate a trade connection with the goods of the proprietor of the mark | d) The use must be contrary to one of the functions of a trade mark |
- (ii) Solve the following: Which of the following statements are true about the Trade Marks Registry office?
- | | |
|--|---------------------------|
| a) The head office will be specified by the Central Govt. | b) There shall be a seal. |
| c) The territorial limits should be defined by the Central Govt. | d) All of these |
- (iii) Choose from the following: Trade Marks Registry established under _____ Act
- | | |
|--|--|
| a) Trade mark Act, 1999 | b) Trade and Merchandise Marks Act, 1958 |
| c) Trade and Merchandise Marks Act, 1970 | d) None of these |
- (iv) Analyze the following: Registered user join the registered proprietor of trademark as in the suit against the infringement against third party as
- | | |
|--------------|--------------|
| a) Plaintiff | b) Defendant |
| c) Appellant | d) Caviater |
- (v) Choose from the following: _____ is not a requirement for registration of a Trade Mark.
- | | |
|---|---|
| a) Capability of graphical representation | b) Capability of distinguishing goods or services of one undertaking from those of others |
| c) Capability of indicating connection in course of trade | d) The Trade Mark should be well known. |

- (vi) Formulate from the following: While comparing two marks _____ examination is not permissible
- a) Examination as a whole b) Microscopic examination
c) Packaging examination d) Physical examination
- (vii) Analyze the following: An unregistered trademark is called
- a) Registered Trade Mark b) Symbol
c) Common Law Mark d) Trade Symbol
- (viii) Interpret the following: In case of posthumous publication, the term will be for _____ years.
- a) 60 years b) 5 years
c) 50 years d) 10 years
- (ix) Solve the following: Carrie opens a small coffee shop in a small Colorado town and names it 'Grounds'. Charlie owns a large commercial landscaping business in Los Angeles also named 'Grounds'. Charlie's company has been around for six years, while Carrie's business is brand new. Both companies claim a trademark to this name, but neither has registered the name. When Googling his company, Charlie discovers Carrie's small business and sues her for trademark infringement. What is the likely result?
- a) Charlie will win his suit against Carrie because she used his company name without asking him. b) Carrie will win this suit because Charlie never registered the name.
c) Charlie will win his suit against Carrie because his company has been around much longer, and is much bigger. d) Carrie will win this suit because Charlie can't prove that he owns a legal and protected mark.
- (x) Identify the following: The General Agreement on Tariffs and Trade came into force on -

- a) 1st January 1948 b) 15 January 2020
c) 7th March 1950 d) 20th March 1954
- (xi) Identify from the following: Berne Convention for the Protection of Literary and Artistic Works Written in 1886, the Berne Convention was the first major multilateral convention on Copyright law. ----- became a party to this treaty in 1989.
- a) India b) Bangladesh
c) Russia d) The United States
- (xii) Cite the following: In India, the literary work is protected until
- a) Lifetime of author b) 25 years after the death of author
c) 40 years after the death of author d) 60 years after the death of author
- (xiii) Select from the following: The Paris Convention for the Protection of Industrial Property, 1883. The Paris Convention applies to -----
- a) Trademarks, unfair competition, and patents. b) Geographical Indications
c) Wines and Spirits d) All of these
- (xiv) Identify the following: _____ protects the intellectual property created by inventors.
- a) copyright b) geographical indications
c) patents d) registered designs
- (xv) Express the following: Trademark can be used as domain name
- a) Yes b) No
c) Yes in some cases d) None of these

Group-B

(Short Answer Type Questions)

3 x 5=15

2. Interpret the right of authors to relinquish copyright under copyright act 1956. (3)
3. Explain Appointment of Registrar and other officers under trademark act 1999. (3)

4. Discuss various essential steps for registration of trademark. (3)
5. Explain the term "copyright holder". (3)
6. Express the importance of of IPR in research and development field. (3)

OR

write the four types of of intellectual property sustain in India. (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

7. Discuss the advantages of Copyright registration (5)
8. Describe historical development of copyright Act. (5)
9. Explain the procedure for registration of trademark (5)
10. Explain performer's right under Copyright Act. (5)
11. Explain the rights of a copyright holder in details. (5)
12. Express the importance of Copyright Act, 1957 in India. (5)

OR

Write the main principle under Berne convention for the protection of copyright in international aspects. (5)
