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**BRAINWARE UNIVERSITY**

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398, Ramkrishnapur Road, Barasat
Kolkata, West Bengal-700125

Term End Examination 2025-2026
Programme – LLM-2023/LLM-2024

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 meaning of trademark
- | | |
|--|---|
| a) represented graphically | b) capable of distinguishing the goods or services of one person from those of others |
| c) may include shapes of goods or combination of colours | d) All of these |
- (ii) Identify the IPR involved in Symbol of Maharaja of Air India :
- | | |
|--------------|-----------------|
| a) Copyright | b) Patent |
| c) Trademark | d) All of these |
- (iii) Choose the product that protects the intellectual property created by inventors
- | | |
|--------------|-----------------------------|
| a) patent | b) trademark |
| c) copyright | d) geographical indications |
- (iv) Choose the sections of Patent Act,1970 which deal with inventions not patentable
- | | |
|-----------------|-------------------|
| a) Sections 3,4 | b) Sections 6,7 |
| c) Sections 8,9 | d) Sections 10,11 |
- (v) Choose the year of occurrence of Berne Convention :
- | | |
|---------|---------|
| a) 1940 | b) 1886 |
| c) 1976 | d) 1980 |
- (vi) Predict the product that can not be subject matter of copyright
- | | |
|------------------|-----------------|
| a) Artistic work | b) Musical work |
| c) Invention | d) Film |
- (vii) Infer that 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 | d) Cost-benefit analysis |

- invention for a limited period of years
- (viii) Predict the identification area of Trademark
- a) Consumer and its origin
b) Product and its origin
c) Product and consumer
d) Registrar and controller
- (ix) Choose in which manner Compulsory licenses for patents are granted.
- a) Voluntary
b) Implied
c) Virtual
d) Statutory
- (x) Predict by which doctrine the Essence of invention is determined by Courts.
- a) Colourable legislation
b) Mischie
c) Infringement
d) Pith and marrow of invention
- (xi) Select the time period for filing complete specification and provisional specification.
- a) 10 months
b) 12 months
c) 18 months
d) 24 months
- (xii) Select the section of artistic work in Copyright Act, 1957
- a) Section 2(a)
b) Section 2(b)
c) Section 2(c)
d) Section 2(d)
- (xiii) Select the application of the Paris Convention
- a) Trademarks, unfair competition, and patents.
b) Geographical Indications
c) Wines and Spirits
d) All of these
- (xiv) Infer the meaning of Biological Diversity.
- a) Biological Destruction
b) the similarity among living organisms from all sources and the ecological complexes
c) the variability among living organisms from all sources and the ecological complexes
d) Biological Disturbance
- (xv) Predict the section of Designs Act 2000 that deals with the Publication of particulars of registered design.
- a) Section 7 of Designs Act 2000
b) Section 4 of Designs Act 2000
c) Section 3 of Designs Act 2000
d) Section 8 of Designs Act 2000

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Group-B
(Short Answer Type Questions)

3 x 5=15

2. Analyze the objectives of Design Act 2000. (3)
3. Explain the term "Intellectual Property Rights". (3)
4. Illustrate the significance of Patent Co-operation Treaty, 1970 (3)
5. Illustrate "Performer's right" under the Copyright Act, 1957. (3)
6. Analyze WIPO Copyright Treaty, 1996 (3)

OR

Analyze the principal provisions of the Paris Convention. (3)

Group-C
(Long Answer Type Questions)

5 x 6=30

7. Discuss the set of rules for an invention to qualify as a patent in India. (5)
8. What are the difference between 'Passing off' and 'Infringement'? (5)
9. Analyze The Protection of Plant Varieties and Farmers' Rights Act, 2001 (5)
10. Analyze the case of Novartis A.G. vs. Union Of India (2013). (5)
11. What is 'Post Grant opposition'? Who and when can one file post grant opposition? Discuss (5) the various grounds of available under the Patent Act 1970.
12. Analyze the works in which copyright subsists. (5)

OR

Analyze the published and unpublished works in the context of copyright law. (5)