



## BRAINWARE UNIVERSITY

**Term End Examination 2023**

**Programme – BBA LL.B.-2020**

**Course Name – Intellectual Property Law– Patent and Design**

**Course Code - BBALLB605**

**( Semester VI )**

**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) Select the section of Designs Act 2000 that deals with the Rights of proprietor of lapsed design which have been restored.
  - a) Section 12 of Designs Act 2000
  - b) Section 9 of Designs Act 2000
  - c) Section 14 of Designs Act 2000
  - d) Section 20 of Designs Act 2000
- (ii) Select the section of Designs Act 2000 that deals with the Report of the Controller to be placed before Parliament.
  - a) Section 47 of Designs Act 2000
  - b) Section 44 of Designs Act 2000
  - c) Section 45 of Designs Act 2000
  - d) Section 49 of Designs Act 2000
- (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) Identify the subject that cannot be patented in India.
  - a) a computer program
  - b) scientific theory
  - c) mathematical method
  - d) All of the Above
- (v) Identify the subject that can be patented under Patent Act 1970.
  - a) Playing a game
  - b) An Invention
  - c) A scheme
  - d) an aesthetic creation
- (vi) Indicate as per Designs Act, 2000, by what the features of a design upon its application to a finished article can appeal to and are judged.
  - a) nose
  - b) ear
  - c) eye
  - d) tongue
- (vii) Select the period for which protection to a design is granted by registration under Designs Act, 2000.
  - a) ten years, extendable once by another ten years
  - b) ten years, extendable once by another five years

- c) ten years, extendable indefinite number of times by five years at each time      d) ten years, extendable indefinite number of times by ten years at each time
- (viii) Select what happens upon expiry of registration of a design under Designs Act, 2000.
- a) property of the central government      b) property of the state government  
c) public property      d) property of municipal authorities
- (ix) Identify the theory that builds on the interest of society in works of intellectual property, holding that legal protection for intellectual works serves as an incentive to produce more intellectual works that will ultimately benefit society
- a) Reward Theory      b) Incentive Theory  
c) Prospect Theory      d) Economic Theory
- (x) Identify the form for Patent application.
- a) Form 2      b) Form 1 and 2  
c) Form 9      d) Form 5
- (xi) Identify the element that Indian Patent system has
- a) Pre-grant opposition only      b) Post-grant opposition only  
c) . both pre-grant and post-grant opposition      d) process opposition only
- (xii) Identify what kind of tag can be used by the inventor upon obtaining a provisional patent, when they try to find the commercial potential of their new design/process.
- a) Patent completed      b) Patent resume  
c) Patent pending      d) Patent submitted
- (xiii) Choose the aspect that a patent protects with regard to the product.
- a) design      b) commercial  
c) non-functional      d) functional
- (xiv) Infer what discovery of a new galaxy is
- a) a patentable subject matter      b) non-patentable under section 3(a) of Indian Patent Act 1970  
c) non-patentable under section 3(b) of Indian Patent Act 1970      d) non-patentable under section 3(c) of Indian Patent Act 1970
- (xv) Infer the meaning of Biological Diversity.
- a) Biological Destruction      b) the similiarity 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

### Group-B

(Short Answer Type Questions)

3 x 5=15

2. Describe the remedies for infringement of design. (3)
3. State the origin of TRIPS. (3)
4. Explain the grounds for refusal of registration of a trade mark. (3)
5. Explain briefly about the ownership of Copyright (3)
6. Evaluate the concept of infringement of design. (3)

OR

Explain the definiton of design. (3)

### Group-C

(Long Answer Type Questions)

5 x 6=30

7. State the meaning of Intellectual Property. (5)
8. Interpret the criteria of Patentability. (5)
9. Write a short note on WIPO and its functions. (5)
10. Explain the procedure for the revocation of Patent. (5)
11. Analyze different kinds of Trademark under the Trademark law. (5)

12. Evaluate the term Copyright in published literary, dramatic, musical and artistic works. (5)

**OR**

Explain the meaning of Trademark Infringement and evaluate the remedies available for Trademark Infringement. (5)

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