



## BRAINWARE UNIVERSITY

Term End Examination 2023-2024

Programme – BBA LL.B.-2019

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) Name the persons who are entitled to apply for patents.

- |  |                           |
|--|---------------------------|
| a) A person claiming to be first inventor of the invention               | b) A legal representative |
| c) Any person who is the assignee of the first inventor of the invention | d) All of these           |

(ii) Name the kind of property that can be associated to a Patent.

- |                          |                              |
|--------------------------|------------------------------|
| a) Transferable property | b) Negotiable property       |
| c) Real property         | d) Non-transferable property |

(iii) Name under which Section Powers of Central Government to use inventions for purposes of government are given.

- |       |        |
|-------|--------|
| a) 95 | b) 104 |
| c) 42 | d) 100 |

(iv) Name with which authority Budapest Treaty provides for deposit of micro-organism.

- |                                       |                      |
|---------------------------------------|----------------------|
| a) Controller of Patents              | b) Name Government   |
| c) International Depository Authority | d) Contracting Names |

(v) Name the policy behind the patent system.

- |  |   |
|--|---|
| a) to encourage an inventor to disclose an invention by granting exclusive rights over the invention to the inventor.                  | b) to not benefit the public by limiting the scope and term of the exclusive rights granted to an inventor. |
| c) to not benefit the public through encouraging innovation by publishing a full disclosure of the technical details of the invention. | d) To benefit only the Owner of the patent  |

(vi) Name which of the following remedies is not available for infringement.

- |                   |                 |
|-------------------|-----------------|
| a) Civil          | b) Criminal     |
| c) Administrative | d) Personal Law |

- (vii) Name the time period for filing complete specification and provisional specification.
- 10 months
  - 12 months
  - 18 months
  - 24 months
- (viii) Identify what is not Patentable.
- A new assault gun
  - A new poison capable of human death
  - A new chemical compound usable for huge explosion
  - all of these are patentable
- (ix) Choose the one that is not an invention.
- an invention the primary or intended use or commercial exploitation of which could be contrary public order
  - a method of agriculture or horticulture
  - the topography of integrated circuits
  - all of these
- (x) Identify the meaning of Patent Cooperation Treaty.
- Patent Cooperation Treaty signed at Washington
  - Patent Cooperation Treaty signed at Davos
  - Patent Cooperation Treaty signed at Singapore
  - none of these
- (xi) Identify what Section 10 of the Designs Act 2000 deals with.
- Applications and notices by post
  - Appeals to the High Court
  - Register of design
  - Powers of Controller in proceedings under Act
- (xii) As per Designs Act, 2000, the features of a design upon its application to a finished article can appeal to and are judged solely by the -
- nose
  - ear
  - eye
  - tongue
- (xiii) Identify what happens upon expiry of registration of a design under Designs Act, 2000.
- property of the central government
  - property of the Name government
  - public property
  - property of municipal authorities
- (xiv) Identify that unless a contract provides otherwise, who is the first owner of a design right created on or after 1 October 2014.
- The person who commissioned the design.
  - The manufacturer of the design.
  - The government.
  - The designer
- (xv) Identify what Design does not include.
- features of shape
  - composition of lines or colours
  - mode or principle of construction
  - None of these

### Group-B

(Short Answer Type Questions)

3 x 5=15

- Explain the concept of passing off. (3)
- Write down the rights associated with copyright. (3)
- Explain the history and development of Patent in India. (3)
- Explain the concept of infringement of design. (3)
- Explain the remedies for infringement of design. (3)

OR

Explain the definiton of design. (3)

### Group-C

(Long Answer Type Questions)

5 x 6=30

- Explain the rights of an Author under the Copyright Law. (5)
- Analyze different kinds of Trademark under the Trademark law. (5)

9. Name the absolute grounds for refusal of Registration under the Trademark Law of India. (5)
10. Explain the grounds for registration of design. (5)
11. Describe the subject matter of Copyright. (5)
12. Evaluate the term Copyright in published literary, dramatic, musical and artistic works. (5)

**OR**

Evaluate the concept of Industrial Design with regard to the existing laws in India. (5)

\*\*\*\*\*