



BRAINWARE UNIVERSITY

Term End Examination 2023-2024

Programme – LLM-2022

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 which is not covered by design

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

(iv) Choose the product that protects the intellectual property created by inventors

- | | |
|--------------|-----------------------------|
| a) patent | b) trademark |
| c) copyright | d) geographical indications |

(v) Select the matter that Section 25 of the Patent Act, 1970 deals with.

- | | |
|--------------------------------------|---|
| a) Form, extent and effect of patent | b) Unauthorised claim of patent rights. |
| c) Opposition to the patent | d) Powers of Controller in case of potential infringement |

(vi) Identify the utilization of copyright

- | | |
|--------------------------|------------------------------|
| a) Original musical work | b) Original trademark |
| c) Original ideas | d) Original research product |

(vii) Select the contents of Patent application.

- | | |
|----------------------------|---------------------------|
| a) Application form | b) Complete specification |
| c) Declaration of Inventor | d) All of these |

(viii) Identify the status of Copyright Registrar and Copyright Board

- | | |
|-------------------|-----------------|
| a) Quasi Judicial | b) Non Judicial |
|-------------------|-----------------|

- c) Judicial
d) Administrative
- (ix) Identify the maximum penalty for using pirated computer software
a) 1 Lakh
b) 1.5 Lakhs
c) 2 Lakhs
d) Rs. 50 Thousand
- (x) Predict the section of Trademark Act, 1999 dealing with Trade Marks Registry to deal with international applications
a) Section 36A
b) Section 36B
c) Section 36C
d) Section 36D
- (xi) Predict the meaning of Adaptation in relation to an artistic work
a) Conversion of the work into a patent
b) Conversion of the work into a trademark
c) Conversion of the work into a design
d) None of these
- (xii) Select 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
- (xiii) Select which of the following remedies is not available for infringement.
a) Civil
b) Criminal
c) Administrative
d) Personal Law
- (xiv) Predict the appellate authority before whom order of registrar of the copyright lies will lie
a) Copyright Board
b) High Court
c) Central Govt
d) Supreme Court
- (xv) Select the incorrect statement
a) Inventions relating to atomic energy not patentable
b) mathematical or business method or a computer programme per se or algorithms; not patentable
c) seeds, varieties and species and essentially biological processes for production or propagation of plants and animals not patentable
d) invention which in effect, is traditional knowledge or which is an aggregation or duplication of known properties of traditionally known component or components are patentable

Group-B

(Short Answer Type Questions)

3 x 5=15

2. State the meaning of Intellectual Property Rights (3)
3. Discuss the functions of a Trademark (3)
4. Discuss the subject matter of trademarks (3)
5. Analyze WIPO Copyright Treaty, 1996 (3)
6. Analyze Original Literary Work (3)

OR

- Analyze Original Dramatic Work (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

7. Discuss the Utility patent (5)
8. State the Berne Convention for the Protection of Literary and Artistic Works (5)
9. Analyze Layout designs of integrated circuits (5)

- 10. Analyze The Protection of Plant Varieties and Farmers' Rights Act, 2001 (5)
- 11. Analyze Doctrine of Equivalents And Doctrine of Colourable Variation (5)
- 12. Evaluate the Subject matter of trademarks (5)

OR

Evaluate Novelty and originality as Essential Requirements for registration of Design (5)
