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**BRAINWARE UNIVERSITY****Term End Examination 2025-2026****Programme – LL.B.-2024****Course Name – Intellectual Property Law****Course Code - LLB406****(Semester IV)****LIBRARY
BRAINWARE UNIVERSITY
SCHOOL OF LAW
Parasat, Kolkata- 700126****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 primary objective of IPR.
 - a) Promote trade
 - b) Protect inventions and creativity
 - c) Control labor
 - d) Regulate imports
- (ii) Which convention governs literary works internationally?
 - a) Paris Convention
 - b) Berne Convention
 - c) Rome Convention
 - d) Madrid Protocol
- (iii) Identify the organization administering IPR treaties.
 - a) IMF
 - b) WIPO
 - c) WHO
 - d) FAO
- (iv) Identify a kind of trademark.
 - a) Collective mark
 - b) Literary mark
 - c) Dramatic mark
 - d) Patent mark
- (v) Identify relative ground of refusal.
 - a) Lack of distinctiveness
 - b) Similar existing mark
 - c) Public order
 - d) Morality
- (vi) Identify trade secret.
 - a) Public document
 - b) Confidential business info
 - c) Registered mark
 - d) Patent document
- (vii) Identify the governing law for copyright in India.
 - a) Patent Act
 - b) Copyright Act, 1957
 - c) Design Act
 - d) IT Act
- (viii) Identify a neighboring right.
 - a) Author's right
 - b) Performer's right
 - c) Patentee's right
 - d) Trader's right

- (ix) Identify copyright in computer program.
- a) Design
 - b) Literary work
 - c) Musical work
 - d) Patent
- (x) Identify a patentability criterion.
- a) Novelty
 - b) Popularity
 - c) Registration
 - d) Secrecy
- (xi) Identify a non-patentable invention.
- a) Software
 - b) Agricultural methods
 - c) Artistic work
 - d) Literary work
- (xii) Identify authority controlling patents.
- a) Supreme Court
 - b) Controller of Patents
 - c) Registrar of Firms
 - d) RBI
- (xiii) Identify TRIPS under which body.
- a) UN
 - b) WTO
 - c) WIPO
 - d) IMF
- (xiv) Identify copyright registrar's role.
- a) Tax collection
 - b) Maintain register
 - c) Grant patents
 - d) Issue licenses
- (xv) Identify an international copyright treaty.
- a) Hague
 - b) Berne
 - c) Madrid
 - d) Nice

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Group-B

(Short Answer Type Questions)

3 x 5=15

2. Define Intellectual Property Rights and state two reasons for their legal protection. (3)
3. Illustrate copyright infringement in cinematograph films. (3)
4. A starts selling shoes using a logo deceptively similar to Nike's shoes. Identify the legal remedy available to Nike. (3)
5. G creates a mobile app code and H copies the code structure for his own app. Which IPR law applies and why? (3)
6. Evaluate whether strong IPR laws always promote public welfare. (3)

OR

- Assess the impact of TRIPS on developing countries. (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

7. Define Intellectual Property Rights and list the types of IPR. (5)
8. A scientist discovers a naturally occurring microorganism. Explain if this can be patented. (5)
9. A vendor sells counterfeit watches. Explain the remedy. (5)
10. "HERBOLIFE NATURALS" is a registered trademark for organic cosmetics. A new company launches "HERBOLIVE NATURALZ" for herbal skincare products. The packaging uses green leaves and similar font style. Advise whether an action for infringement under the Trade Marks Act, 1999 would succeed. Distinguish between infringement and passing off in your answer. (5)
11. A furniture manufacturer registers a chair design. The structure of the chair already exists in the market, but the manufacturer claims novelty in surface ornamentation. Critically examine whether such a design is registrable under the Designs Act. (5)
12. A private coaching institute scans entire chapters from a copyrighted textbook and uploads them to its paid online portal for enrolled students. The institute claims protection under "fair (5)

dealing for educational purposes." The publisher files a suit for infringement. Evaluate whether the defence of fair dealing is available.

OR

A streaming platform hosts user-uploaded videos. A user uploads a full movie without authorization. Upon receiving notice from the copyright owner, the platform removes the video after 10 days. The copyright owner sues both the uploader and the platform for infringement. Assess the liability of the platform.

(5)

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