


Name:			
Enrolment No:			
<b>UNIVERSITY OF PETROLEUM AND ENERGY STUDIES</b> <b>End Semester Examination, May, 2024</b>			
<b>Course: Trade Secret and Sui-Generis IP Rights</b> <b>Program: B.A.LL.B. (H), BALL.B. (H) B.Com LL.B. (H)</b>		<b>Semester: VIII</b> <b>Time: 03 hrs.</b>	
<b>Course Code: CLIR 4005</b>		<b>Max. Marks: 100</b>	
<b>Instructions: All questions are compulsory.</b>			
<b>SECTION A</b> <b>(5Qx2M=10Marks)</b>			
S. No.		Marks	CO
Q 1.	An agreement of service by which an employee binds himself during the term of his agreement, not to compete with his employer directly or indirectly: a. Is generally not in restraint of trade b. Generally is restraint of trade c. Is generally not in restraint of trade, unless it is unconscionable or excessively harsh or unreasonable or one-sided d. Is completely unconscionable	2	CO1
Q2.	Which of the following Geographical Indications are not prohibited from registration in India? a. the use of which would be likely to deceive or cause confusion b. which relate to goods produced with traditional knowledge c. which comprises or contains scandalous or obscene matter d. which would otherwise be disentitled to protection in a court	2	CO1
Q3.	Differentiate between Traditional Knowledge and Geographical Indication.	2	CO1
Q4.	Which of the following information may constitute a trade secret? a. manufacturing processes b. distribution methods c. list of suppliers and clients d. all of the above	2	CO1

Q5.	Which of the following are traditional knowledge? (multiple answers possible) a. Thai traditional healers use the plao-noi plant to treat ulcer. b. The San people use the hoodia plant to stave off hunger while out hunting. c. Maria's grandmother's recipe for strawberry jam. d. The Cree and Inuit maintain unique bodies of knowledge of seasonal migration patterns of particular species in the Hudson Bay region.	2	CO1
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<b>SECTION B</b> <b>(4Qx5M= 20 Marks)</b>			
Q 6.	Prior approval of National Biodiversity Board and State Biodiversity Board is required for utilization of biological resources found in India. Explain who all are required to take approval and for what all uses.	5	CO2
Q 7.	Discuss the salient features of the recent Bill proposed for the protection of traditional knowledge in India.	5	CO2
Q 8.	Discuss the requirement of approval from National Biodiversity Board for IPR filling.	5	CO2
Q 9.	Discuss the composition of National Biodiversity Board.	5	CO2
<b>SECTION-C (2Qx10M=20 Marks)</b>			
Q 10.	“Intellectual Property has nothing to do with traditional knowledge and traditional knowledge systems; in actual fact, the two are mutually exclusive, and intellectual property has no implications whatsoever for traditional knowledge and traditional knowledge systems” Do you agree with the above-quoted statement? Using your knowledge of TK and TKS, write a lucid essay in which you expose the truthfulness or otherwise of the above-quoted statement.	10	CO3
Q 11.	Write an explanatory note on the grounds for opposition to granting the rights under the Protection of Plant Varieties and Farmers’ Rights Act 2001 and discuss the opposition proceedings.	10	CO3
<b>SECTION-D (2Qx25M=50 Marks)</b>			

Q 12.	<p>The fair and equitable sharing of the benefits derived from biodiversity is one of the central objectives of the Convention on Biological Diversity (CBD). The CBD acknowledges the significant environmental, economic and social value of biodiversity. It also seeks to ensure that the rights of countries and communities over their biological resources and related knowledge are respected, and that the benefits derived from their use are equitably shared. The CBD thus sets out commitments for maintaining the planet's ecological foundation in the context of sustainable development strategies.</p> <p>In the light of the above statement answer the following:</p> <ol style="list-style-type: none"> <li>1. Explain the salient features of the Biological Diversity Act, 2002. [10]</li> <li>2. Explain modalities of benefit sharing for access to biological resources for commercial utilization [10]</li> <li>3. Explain the grounds on which application may be rejected for approval of biological resources for usage. [5]</li> </ol>	<b>25</b>	<b>CO4</b>
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Q 13.	<p>Pepsico manufacturer of potato chips claims that the four farmers in Gujarat were cultivating its registered potato varieties FL 2027. Pepsico considered this act as illegal and approached the court for injunction order. The company engages thousands of farmers on contract farming pattern for its raw material needs.</p> <p>Examine in the light of controversy between Pepsico and farmers.</p> <ol style="list-style-type: none"> <li>1. What all kinds of Varieties are protected under the Protection of Plant Varieties and Farmers Rights (PPV&amp;FR) Act, 2001? [5]</li> <li>2. Discuss the rights that are protected under the Protection of Plant Varieties and Farmers Rights (PPV&amp;FR) Act, 2001. [10]</li> <li>3. Examine how far the Protection of Plant Varieties and Farmers Rights (PPV&amp;FR) Act, 2001 is successful in safeguarding the interests of the farmers and breeders in the Pepsico case. [10]</li> </ol>	<b>25</b>	<b>CO4</b>
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