


Name: Enrolment No:			
<p style="text-align: center;">UPES End Semester Examination, May 2025</p> <p> Course: Law of Industrial Designs and ICL Semester: II Program: LL.M Course Code: CLIR7003 </p> <p style="text-align: right;"> Time: 03 hrs. Max. Marks: 100 </p> <p>Instructions: All Questions are compulsory</p>			
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q 1	What do you understand by "eye appeal" in industrial designs?	2	CO1
Q 2	Explain the meaning of "made and sold separately".	2	CO1
Q 3	What are the exclusions under Section 2(d) of the Designs Act, 2000?	2	CO1
Q 4	What does Rule 2(e) of the Designs Rules, 2001 state about a 'Set of Articles'?	2	CO1
Q 5	What happens if the registration of a layout design is not completed within 12 months?	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q 6	Critically analyze the functionality exclusion under design law with relevant cases.	5	CO3
Q 7	Discuss the difference between "Artistic Work" and "Design" as per the Copyright and Designs Acts.	5	CO2
Q 8	Explain the criteria used by the Examiner during the formal and substantive examination of a design application.	5	CO2
Q 9	Analyze the significance of the <i>PepsiCo Inc. v. Hindustan Coca-Cola Ltd.</i> decision in Indian design law.	5	CO3

<p style="text-align: center;">SECTION-C (2Qx10M=20 Marks)</p>			
Q 10	<p>“All novel designs are original, but all original designs are not novel.”</p> <p>Examine this statement with legal reasoning and examples.</p>	10	CO3
Q 11	<p>Kriti Innovations Pvt. Ltd. registered a design for a smartwatch strap. After two years, TechEase Ltd. begins marketing a visually identical strap. Kriti files a suit alleging piracy. Meanwhile, TechEase challenges the registration on the ground that the design lacks originality and was disclosed in an international catalogue before the Indian filing date.</p> <p>Evaluate the rights and remedies available to Kriti Innovations and explain the legal grounds and procedures involved in cancellation of a registered design.</p>	10	CO3
<p style="text-align: center;">SECTION-D (2Qx25M=50 Marks)</p>			
Q 12	<p><i>BambooNest Pvt. Ltd.</i>, a startup that manufactures sustainable home decor items, recently filed a design application for a modular bamboo planter with integrated lighting. The application was filed solely in the name of Mr. Arjun, the company’s founder. Two weeks later, it came to light that Ms. Tara, a freelance industrial designer, had co-created the design but was inadvertently left out of the application. Around the same time, an investment agreement was finalized, granting partial ownership of all registered IP to <i>GreenGrowth Ventures LLP</i>, an investor. However, the transfer of rights was not immediately recorded in the Register of Designs.</p> <p>Three months after filing, the Controller issued objections based on incomplete power of attorney documents and inconsistencies in the representation sheets. Meanwhile, the investor seeks enforcement rights, and Tara insists her name be added as a co-applicant.</p>	25	CO4

	<p>Question:</p> <p>As the legal counsel to <i>BambooNest Pvt. Ltd.</i>, advise the company on the following issues with reference to the Industrial Design Law:</p> <ul style="list-style-type: none"> a) What is the procedure to substitute or add a joint applicant to a design application post-filing but before registration? What are the requirements and legal limitations? b) How can <i>GreenGrowth Ventures LLP</i> record their title and interest in the design under Indian design law? What are the consequences of failing to timely register such transfer? c) What is the role of the Controller in such post-filing modifications, and how should the company respond to the procedural objections raised? d) Critically evaluate the legal implications if the power of attorney and representation discrepancies are not corrected within the stipulated time. 		
Q 13	<p>ArchiLine Pvt. Ltd., an architectural design firm, initially developed a 3D artistic model of a geometrically themed decorative wall panel. The design gained popularity and was industrially replicated in more than 50 installations across various interior projects. Subsequently, UrbanScape Interiors began mass-producing similar wall panels and claimed that ArchiLine's copyright no longer subsisted due to mass industrial application.</p> <p>ArchiLine initiates legal proceedings alleging copyright infringement. UrbanScape defends on the basis of Section 15(2) of the Copyright Act,</p>	25	CO4

	<p>1957, arguing that the work now qualifies as an industrial design and has lost its copyright.</p> <p>As a lawyer representing ArchiLine, critically answer the following:</p> <ul style="list-style-type: none"> • Apply the two-step test from <i>Cryogas Equipment Pvt. Ltd. v. Inox India Ltd.</i> to determine whether the wall panel qualifies as an artistic work or a design. • Assess whether the work’s primary purpose was for artistic expression or for commercial and industrial application, and how that affects the scope of protection. • Analyze the implications of the 50-copy threshold rule under Section 15(2), and whether mass production automatically extinguishes copyright. • Examine the functional-aesthetic dichotomy and discuss whether the panel’s aesthetic features can still warrant design protection under the Designs Act, 2000. • Discuss the legal options available: Should ArchiLine pursue copyright, design registration, or both? <p>Provide a reasoned conclusion on the appropriate legal remedy for ArchiLine and the risks of failing to secure protection through registration under the Designs Act.</p>		
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