

SET - B

Roll No.
SAP ID



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, July 2020
Open Book – Through Blackboard Learning Management System

Course: Intellectual Property Rights
Programme: BBA LL.B (Hons.) Corporate Laws/

Semester: VIII

BBA LL.B (Hons.) International Trade & Investment Law/ Banking, Finance & Insurance Law

Course Code: LLBL 401

Time: 03 hrs.

Max. Marks: 100

Instructions:

As this examination is in open-book format, the students are expected to demonstrate a very high degree of Academic Integrity and not copy contents from resources referred. Instructors would look for understanding of the concept by the students and any similarity found from resources online/ offline shall be penalized in terms of deduction of marks and even cancellation of paper in requisite cases. The online examination committee of the School would also look for similarity of two answer scripts and if answer scripts of two or more students are found similar, both the answer scripts shall be treated as copied and lead to cancellation of the paper. In view of the aforesaid points, the students are warned that they should desist from using any unfair means.

All Questions are Compulsory
Answer each question in not more than 500 words

S. No.		Marks	CO
1	Originality is the basic yardstick used by the copyright regimes in the world to evaluate the eligibility of copyright protection to a particular work. It is one of the necessary requirements for attribution of Copyright to a work and yet Indian Copyright Act 1957 does not define the term itself. In such circumstances, it falls upon the court to decide whether a work is original or not? However, the same makes it subjective and not consistent, elaborate upon this concept with the help of decided case laws.	20	CO2
Ans.			
2	Company A with the intention of getting a patent, files an application for a crystalline salt form of “Imatinib” and its use in cancer treatment. It specifically claims that the crystalline salt form of “Imatinib”, claimed in the application, commonly referred to as “Glivac or Glivec”, is non-needle shaped and has better flow properties, thus better processible, less hygroscopic and more thermodynamically stable. It is also better	20	CO4

	<p>storable than its needle shaped; alpha crystalline form (for which a patent already exists) characterized by the differences in the melting points and the X-ray diffraction diagrams.</p> <p>Should they be granted a patent in such conditions, support your answer with help of case laws and relevant provisions of law.</p>		
Ans.			
3	<p>Section 2 (zb) of Trademarks Act 1999, “trade mark” means a mark capable of being represented graphically and which is capable of distinguishing the goods or services of one person from those of others and may include shape of goods, their packaging and combination of colour”. Thus, as per provisions of the Act in order for a mark to be registered as a Trademark it should be capable of graphical representation, keeping this in mind discuss about “non-conventional” trademarks.</p>	20	CO3
Ans.			
4	<p>Elaborate upon the copyright – design interface as was elucidated in the case of Microfibers v. Girdhar.</p>	20	CO2
Ans.			
5	<p>There are many theories for justification of intellectual property, like the labour theory, personality theory, utilitarian theory etc. which theory in your opinion provides the best justification for grant of IP. Support your answer with reasons.</p>	20	CO4
Ans.			

I,, understand that submitting work that isn't my own may result in failure in this paper and I may also be subject to Disciplinary Proceedings as per the Academic Integrity policy of the University.