

<b>Name:</b>	
<b>Enrollment Number:</b>	

**UNIVERSITY OF PETROLEUM AND ENERGY STUDIES**  
**Online End Semester Examination, May 2021**

<b>Course: Intellectual Property law</b>	<b>Semester: VIII</b>
<b>Programme: BA. LL.B. CL/LL/CL , BA LL.B (Hons.) (Energy Law), BBA LL.B (Hons.) (ITIL / BFIT), BBA LL.B (Hons.) (Corporate Law) B. Com. LL.B (Hons.) (TL)</b>	<b>Time: 03 hrs.</b>
<b>Course Code: CLCC4007</b>	<b>Max. Marks: 100</b>

**SECTION A**

1. Each Question carries 5 Marks
2. Instruction: Word Limit 150-200 words

		<b>CO</b>
<b>Q1</b>	Briefly define dilution of trademark with help of case law.	<b>4</b>
<b>Q2</b>	Whether computer program in a cell phone is a “work” under the Copyright Act, 1957?	<b>2</b>
<b>Q3</b>	What are the differences between Product Patents and Process Patents?	<b>1</b>
<b>Q4</b>	Write a short note on how TRIPS aim to create a balanced IP regime.	<b>4</b>
<b>Q5</b>	What are moral rights? Illustrate	<b>1</b>
<b>Q6</b>	Write a short note on “De minimis principle” with respect to copyright infringement.	<b>3</b>

**SECTION B**

1. Each Question carries 10 marks
2. Word Limit 350-500 words.
3. Q9 has an option.

<b>Q7</b>	In the current Covid-19 scenario, analyse the key provisions of Indian Patents Act, which deal with compulsory licensing and government use of patents.	<b>4</b>
<b>Q8</b>	Explain the concept of originality under the copyright law. Discuss the doctrine of “sweat of the brow”. Is it different from the “minimal creativity” approach for copyright protection? Discuss with the help of case law.	<b>1</b>
<b>Q9</b>	Define Geographical Indications and discuss key characteristics. Illustrate how registered GIs benefit local populations.	<b>2</b>
<b>Or</b>		
	Define Industrial Design and discuss the need to protect it as an intellectual property. Explain the grounds for registration of designs and the rights of a design holder.	

<b>Q10</b>	What is the effect of Registration of Trademark? Can the proprietor of unregistered Trademark file a suit for infringement? If no, then what is the remedy left to him?	<b>2</b>
<b>Q11</b>	“Infringement of copyright can be by way of primary acts such as direct copying, indirect copying etc.” Analyze the statement highlighting the relevant remedies in case of copyright infringement highlighting the approach towards innocent and intentional infringement in India.	<b>3</b>
<b>SECTION C</b> <b>1. Each Question carries 20 marks.</b> <b>2. Word Limit 500-750 words for each question.</b>		
<b>Q12</b>	<p>Tradelink Ltd. is an Indian Company which is involved in the business of power generation and transformation. One of the employees of the company Mr. Vasu along with his research and development team, invents a process to generate electricity using radioactive element called plutonium. The process is extremely efficient as compared to the existing power generation techniques and prior art. The company wants to file patent in India and thereafter in several other countries.</p> <p>a) Discuss the patentability criteria as per provisions of Indian law. Cite relevant case law.  b) Advise Tradelink Ltd about the availability of patent for their inventions. Critically discuss the provisions of Indian Patent Act, 1970 wherein the patents are not granted to several inventions.</p>	<b>3</b>