



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, December 2021

Course: Intellectual Property Law in Cyber Space

Program: B. Tech ,LL.B-CSE& IPR (2018)

Course Code: CLCB4001

Semester: VII

Duration: 03 hrs.

Max. Marks: 100

Instructions:

SECTION A

(Scan and upload)

(5Qx 4M = 20 Marks)

		Marks	COs
Q 1	Explain the jurisprudential ‘Labour Theory’ in the context of Intellectual Property Rights	4	CO1
Q 2	What is the concept of the ‘Passing off’ remedy under the Trademark Law	4	CO1
Q 3	What are the Moral rights of the Author under the Copyright Law	4	CO1
Q 4	Describe the ‘NUN’ test which is a ground of establishing a Patent	4	CO1
Q 5	Explain your understanding about the ‘Geographical Indications’.	4	CO1

SECTION B

(Scan and upload)

(4Qx10M = 40 Marks)

Q 1	Mr. Ajay, a scientist once visits his village. There few villagers told him that they witnessed that Blue-green algae (this algae can cause serious health hazards) suddenly disappeared from the village pond. This has never happened in ages. He examines and finds out that it was due to presence of new bacteria which can be helpful in solving the problem of algae, as it eats algae and leaves no trace of the same. He names this bacterium as ‘bacteriaX’ and wants to claim patent over it as he believes he was the first one to identify the use of this bacteria. When people questioned Mr Ajay, he cited <i>Diamond v Chakrabarty</i> to establish his claim of patent. Can Mr Ajay get Patent over the new found bacteria?	10	CO3
Q 2	Critically analyze the decision of Delhi High Court in the <i>Chancellor, Masters and scholars of the university of oxford and others vs. Rameshwari photocopy service and others (2016)</i> .	10	CO2
Q 3	‘Spectrum of distinctiveness’ was the test laid down under “ <i>Abercrombie & Fitch Co. v. Hunting World</i> ”. What is this Test under the trademarks Laws?	10	CO2
Q 4	“ <i>As per Indian Patent Act, all inventions should fall under patentable criteria for patenting process but those inventions must not fall under Section 3 related to non-patentable subject matter</i> ” In the light of the above statement, critically highlight the Importance of section 3 under the Patent act. Or Elaborate on the different types of intellectual property laws and how do they differ from each other.	10	CO3

SECTION-C

(Scan and upload)

(2Qx 20M= 40 Marks)

Q 1	Mr Adarsh has uploaded a song on SongsPK.com website, which allows its users to upload and download the songs and videos. SongsPK.com receives a notice by Tseries for infringing	20	CO4
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	<p>their copyright work but they do not take any action with respect to this notice. Discuss the relevant laws relating to copyright in the above-mentioned facts.</p> <p style="text-align: center;">Or</p> <p>Naresh is a Famous playwright and makes a play titled 'India' where he describes social evil of corruption in the country. One filmmaker, Mr Ganesh wants to make a movie on this and contacts Naresh. Things do not work out and so they do not collaborate. Later on Mr Ganesh makes a movie names Hindustani and shows rampant corruption in the government departments in india but has a different story than the play 'India'. Mr Naresh watch the movie and thinks that his work has been infringed, and brings up a suit against Mr Ganesh. Decide in the light of various case laws, whether Mr Ganesh has infringed the work of Mr Naresh?</p>		
Q 2	<p>Mr. gaurav has created a website based on a business plan where people can connect with event managers for arranging their marriage function. This name of the website is www.Shaadimanager.com. This gets huge success and is a well-known name in the market. Seeing the success of this website, many other players also thought of creating something similar based on this business plan. Mr Ajay, makes a website on the similar business plan and names it as www.Shaadidamanager.com. This come to the knowledge of Mr Gaurav and he considers bringing up a suit against Mr Ajay as the traffic of consumers has diverted towards Mr Ajay's website.</p> <p>Kindly suggest legal recourse that is available to Mr Gaurav in this case citing provisions and Case Laws.</p>	20	CO4