


Name:			
Enrolment No:			
<b>UPES</b> <b>End Semester Examination, May 2023</b>			
<b>Course: Cyber Law and IPR</b> <b>Program: LL.M.</b> <b>Course Code: CLCY 7004P</b>		<b>Semester: II</b> <b>Time 03 hrs.</b> <b>Max. Marks: 100</b>	
<b>Instructions:</b>			
<b>SECTION A</b> <b>(5Qx2M=10Marks)</b>			
S. No.	Write short notes on the following:	<b>Marks</b>	<b>CO</b>
Q 1	Mareva injunction	2	CO1
Q 2	Copyleft	2	CO1
Q 3	Invisible use of Trademark	2	CO1
Q 4	Meta tagging	2	CO1
Q 5	Dynamic injunction	2	CO1
<b>SECTION B</b> <b>(4Qx5M= 20 Marks)</b>			
Q 6	How blockchain technology can help in better administration and enforcement of IPRs?	5	CO2
Q 7	Write short note on Digital Rights Management with respect to Copyright Act in India.	5	CO2
Q 8	Discuss how initiatives like TKDL helps in strengthening Patent system.	5	CO2
Q 9	What is Trademark disparagement? Discuss relevant case and legal provisions.	5	CO2
<b>SECTION-C</b> <b>(2Qx10M=20 Marks)</b>			
Q 10	Examine the application of fair use provisions in copyright infringement cases in cyber world. Cite relevant provisions and case laws.	10	CO3
Q 11	Critically analyse the enforcement measures to control online movie piracy in India. Cite relevant case laws.	10	CO5
<b>SECTION-D =50 Marks</b>			
	<b>Read the passage and answer the questions:</b>		

	<p>Srikanth created a group through a popular messaging app (Heligram) and started sharing his mathematics class notes on the group. After 2 years his group gained popularity and then he started charging nominal fee for the membership of his Heligram group. On demand from his free and paid members he started sharing materials related to preparation of competitive exams also on the group. Such material collected from various sources allegedly contained some study material of popular coaching centers for competitive exams. Later Srikanth increased the membership fee and provided all material to such members.</p> <p>One such material for Nasik State exam allegedly contained wrong solutions and incorrect information. Paid members of the group suffered loss and were not selected allegedly due to such incorrect information. Alleged incorrect material contained tradename and trademarks of popular coaching center Rajrams. This led to lot of students sharing information &amp; blogs on social media about incorrect material by Rajrams. Rajrams examined the impugned material and came to conclusion that most of the study material in question was not theirs. Some one has applied the trademarks and tradename of Rajrams on impugned material and circulated it. Rajrams brought a suit for infringement and trademarks infringement and dilution against Heligram and Srikanth.</p> <p><b>Answer questions 12, 13(a) and 13(b) in light of the above passage.</b></p>		
Q 12	Discuss the principles related to infringement and state whether infringement has taken place in this case. Identify the acts which amount to violation of IP laws in India.	20	CO3
Q 13 (a)	Illustrate with help of IP policy of any social media platform as to how the action is taken in cases of IP infringement.	15	CO4
Q 13 (b)	With the help of latest rules under IT Act, examine the liability of intermediaries in such cases.	15	CO4