


Name:	
Enrolment No:	
UNIVERSITY OF PETROLEUM AND ENERGY STUDIES	
End Semester Examination December 2018	
Course: B. TECH. (ET), LL.B. (Hons.) IPR 2013 Subject: Law of Industrial & ICL Designing- (Hons-6) Code : LLBL651	Semester –XI Duration: 3 Hrs. Max. Marks: 100
No. of page/s: 05	



<u>Part I (Total Marks 10)</u>		
1. Fill in the blanks:		
Questions	Marks	Mapping
a. In registration of designs, a priority of ____ months may be claimed from application in convention countries.	1	CO3
b. _____ may be used in representation to indicate those elements of the article for which no protection is sought. In such a case, features of design for which protection is sought must be shown in _____ in the drawing.	2	CO3
c. The proprietor shall have copyright in the design for ____ from the date of registration.	1	CO3
d. After the registration of a design, it is ordinarily published in the Patent Office Journal (Design Journal) within 3 months of the registration. (True/False)	1	CO3
e. If an application for a design has been abandoned or refused, the related documents cannot be published and are not open to public inspection. (True/False)	1	CO3
f. All the registered designs are entered in the Register of Designs maintained at _____ Patent Office.	1	CO3

g. Protection under the Integrated Circuits Layout Design Act, 2000 for layout designs is ____ years which is line with Article ____ of the TRIPS Agreement.	2	CO1
h. An EU Directive with implementing legislations in all Member States of the EU accelerated international efforts resulting in formulation of 1989 ____ under the auspices of WIPO.	1	CO1

<u>Part II (Total Marks 20)</u>		
2. Answer the following:		
Questions	Marks	Mapping
a. Define Layout Designs. Also discuss the essentials for registering a Layout Design under the Integrated Circuits Layout Design Act, 2000.	10	CO1
b. Describe the procedure for filling the international registration of industrial design under International Agreement.	10	CO3


<u>Part III (Total Marks 20)</u>		
3. Answer the following :		
Questions	Marks	Mapping
a. Discuss the procedure for registration of Layout Designs under Layout Design	8	CO1
b. Discuss the meaning of Infringement of Layout Design and exceptions given under the Integrated Circuits Layout Design Act, 2000.	8	CO4
a. Powers and functions of the Layout Design Appellate Board, under the Semiconductor Integrated Circuits Layout Design Act, 2000.	4	CO3

<u>Part IV (Total Marks 50)</u>		
4. Answer the following:		
Questions	Mark s	Mapping

<p>a. Atlas Ltd., a company registered in India, starts manufacturing, marketing and selling the following electronic devices in India. Apple India approaches you to advise them on potential legal actions that they may take against Atlas. Answer the following:</p> <ol style="list-style-type: none"> 1. Make a list a questions you would ask Apple. Advise on potential legal actions. Answer with the help of relevant legal provisions and case laws. (10 Marks) 2. What constitutes piracy of a registered design? What penalties have been provided for piracy of a registered design under the Designs Act, 2000? (15 Marks) <div style="text-align: center;">   </div>	25	CO5
<p>b. A Korean automobile company known as Kizushiban Ltd have invented an improved version of electric car which is more efficient as compared to existing technology. However to make it more successful the company has outsourced the task of designing the car to another company known as Autodesigners Ltd which is based out in Germany. You work in the IP legal department of Kizushiban Ltd. You are being asked to draft and manage the agreement.</p>	25	CO5

Based on the facts stated. Answer the following:

1. What kind agreement be entered into Kizushiban Ltd and Autodesigners Ltd. Whether the fact that Autodesigners Ltd is based out in Germany will be relevant in drafting the agreement considering IP laws are territorial. Analyze (10 Marks)
2. Kizushiban Ltd wants to grant the license to manufacture their car to a Chinese company. Elaborate the clauses that should be included in a license agreement. (10 Marks)
3. Also discuss the provisions dealing with the Avoidance of certain restrictive conditions under The Designs Act, 2000. (5 Marks)

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Part I (Total Marks 10)

1. Write short notes on:

Questions	Marks	Mapping
a. Non-registrable designs (2.5) b. Avoidance of certain restrictive conditions under The Designs Act, 2000. (2.5) c. Define Integrated layout designs (2.5) d. Locarno classification (2.5)	10	CO1 CO3 CO1 CO1

Part II (Total Marks 20)

2. Answer the following :

Questions	Marks	Mapping
a. What are the essential requirements for the registration of design under the Designs Act, 2000 ?	10	CO2
b. Describe the procedure for filling the application for industrial design under Hague Agreement.	10	CO2

Part III (Total Marks 20)

<u>Part III (Total Marks 20)</u>

3. Answer the following :		
Questions	Marks	Mapping
a. Discuss and analyze the case of Dart Industries Inc & Anr. vs Techno Plast & Ors. (2016)	10	C03
b. Discuss the meaning of Infringement of Layout Design under section 18 of the Semiconductor Integrated Circuits Layout Design Act, 2000	10	C04

Part IV (Total Marks 50)

4. Answer the following :		
Questions	Marks	Mapping
<p>a. The Plaintiff is a famous boutique apparel designer brand in India. The Defendant is also a famous apparel designer and manufacturer in India. Both companies design attractive contemporary ethnic wear – creative fusion fashion.</p> <p>The Plaintiff brought a suit against the Defendant seeking an injunction against the Defendant from reproducing, printing, publishing, selling or offering etc. prints or garments which are a reproduction of the Plaintiff's prints and garments. The Plaintiff claimed to be the first owner of the copyright in the artistic works related to these garments and also claimed trade secret violation by its ex-employees. However, the Plaintiff's designs were not registered under the Designs Act, 2000.</p> <p>In the light of above facts answer the following with the help of case laws, provisions, illustrations etc.:</p> <p>a) Frame the possible issues based on the facts stated above. (5 marks)</p> <p>b) Write possible contentions on behalf of the Defendants with the help of case laws and provisions of the Copyright Act, 1957 and The Designs Acts, 2000. (5 marks)</p> <p>c) What is the position of the law of designs, as it stands today in India, on industrial application of a work to an article, when the status of the work as an artistic work under the Copyright Act, 1957 is not in doubt? (10 marks)</p> <p>d) What are the tests developed by American Courts in deconstructing the Copyright and Design overlap. (5 Marks)</p>	25	CO5
b. Suruti., a company registered in India, starts manufacturing, marketing and selling the fancy designer watches which resembles	25	CO5

<p>original Rolex watches. Rolex approaches you to advise them on potential legal actions that they may take against Suruti. Answer the following:</p> <ul style="list-style-type: none">a) Make a list a questions you would ask Apple.(10 Marks)b) Advise on potential legal actions.Cite relevant legal provisions and case laws.(15 Marks)		
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