

S.D.E.

LL. M. Part-I (2008 Course) : WINTER - 2018

SUBJECT: III - LAW OF INDUSTRIAL & INTELLECTUAL PROPERTY

Day : Wednesday  
Date : 12/12/2018

W-2018-4393

Time : 02.30 P.M. TO 05.30 P.M.  
Max. Marks : 100

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N.B.:

- 1) Attempt **ANY FOUR** questions.
  - 2) Each question carries **EQUAL** marks.
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- Q.1 “Intellectual property is creation of human mind and all kinds of intellectual property are protected under Intellectual Property Law.” Comment and Discuss the legal status of hazardous research protected by regime of Intellectual Property Law.
- Q.2 ‘Computer programming is not patentable’. How would you come up with a case of patentability for Computer Software? Also highlight the judicial approach in India.
- Q.3 ‘The proprietor of unregistered Trademark shall not be entitled to institute any proceeding for infringement of unregistered Trademark; the only remedy available is action for passing off’. Discuss evidentiary problems in passing off action.
- Q.4 “Plants and animals in whole or any part thereof including seeds, varieties and species excluding microorganisms are not patentable”, but TRIPS mandates *Sui Generis* Protection to plant varieties. Comment.
- Q.5 Examine the differences in resources for patent examination between developed and developing countries. Evaluate how Patent Co-operation Treaty tries to establish an international and global patent retrieval system.
- Q.6 “Biotechnology has become a new and challenging technique for established industries and for specialist entrants”. Comment.
- Q.7 Intellectual property is ever growing field, which contributes to technology, industry, trade and commerce. Explain the importance and need to bring changes and reforms in Intellectual Property Laws.
- Q.8 Write short notes on **ANY TWO** of the following:
- a) Trademarks and Consumer Protection
  - b) Freedom of speech and expression as the basis of the regime of intellectual property law
  - c) Evidentiary problems in Piracy
  - d) Traditional Knowledge Protection

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