

B.B.A. LL.B. (FIVE YEAR DEGREE COURSE) (CBCS - 2015 COURSE)

B.B.A. LL. B. Sem - X : SUMMER : 2022

SUBJECT : INTELLECTUAL PROPERTY LAW

Day : Wednesday
Date : 11/5/2022

S-12574-2022

Time : 02:00 PM-04:30 PM
Max. Marks : 60

N.B.:

- 1) All questions are **COMPULSORY**.
- 2) All questions carry **EQUAL** marks.

Q.1 a) Discuss in detail the nature and scope of Intellectual Property.

OR

- b) "Patent protection is a result of a statute, hence the statutes may not grant the protection to certain inventions". Justify.

Q.2 a) Elaborate the concept of compulsory licences in respect of Patents, and also state the factors to be taken into consideration by the controller before granting or non-granting of the compulsory licensing.

OR

- b) Explain the concept of trademark and state the essentials of a good trademark.

Q.3 a) Discuss the significance of registration of trademark and also throw light on absolute grounds of refusal of trademark and relative grounds of trademark.

OR

- b) Explain the concept of Industrial Design Act and state the essential features which has to be applied to a designs in order to get protection of Industrial Designs.

Q.4 a) Discuss the concept of copyright and state the nature of copyright in detail.

OR

- b) Explain in detail the concept of author and owner of copyright and state the instances where author and owner regarding the same work may differ.

Q.5 a) i) Explain the facts and ratio in Novartis vs. Union of India.

- ii) Mr. 'X' had written many poems. He never registered the copyright. However after his death his two out of three sons decided to publish and approached the publisher with poems of their fathers without giving any knowledge or share to their third brother. When third brother became aware he sued his brothers as well as the publisher. Both the brothers stated that they were copyright owners as the poems were of their father. The publisher state that he cannot be held liable as he is the honest publisher. Predict the outcome of the case.

OR

- b) i) Explain the facts and ratio in The Coca-Cola Company vs. Bisleri International Pvt. Ltd.

- ii) Mr. A wrote a sense of fiction stories about one hero. In that story Mr. 'X' is brought up and trained by one 'Z' who often tells him the stories of 'Y' who was his father. In the story of Mr. 'A', Mr. 'Y' was only referred by 'Z' in stories. The fiction of Mr. A became very popular. One Mr. 'B' after reading the entire fiction series, launched the prequel of the same fiction, in which he narrated the story of Mr. 'Y' wherein he incorporated all the stories from that fiction and also added a few. Mr. 'A' filed an infringement suit on Mr. 'B'. Predict the outcome of the case.

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