

F 4483

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Reg. No.....

Name.....

**FIVE YEAR B.A., LL.B. (HONS.)/B.B.A., LL.B. (HONS.)/B.Com., LL.B. (HONS.)
DEGREE EXAMINATION, NOVEMBER 2023**

Tenth Semester

F.L. 37—IPR MANAGEMENT

(2018 Admissions—Regular)

Time : Three Hours

Maximum : 75 Marks

Part A

Write short notes on any five of the following.

Each question carries 3 marks.

1. Provisional and Complete Specification.
2. Rights and obligations of a patentee.
3. Exclusive Marketing Rights.
4. 'Cover version' of a sound recording.
5. Anton Piller Order.
6. Descriptive Marks.

(5 × 3 = 15 marks)

Part B

Answer any three of the following problems.

Each question carries 10 marks.

7. One Mr. 'A' conceived an idea of a reality TV Show in the name of "Swayamvaram", depicting matchmaking in Indian culture, up to the stage of actual spouse selection. He shared the concept note with a film maker Mr. 'Y'. To Mr. A's surprise and shock, he came across a newspaper report about Mr. 'Y' planning to come out with a big basket matchmaking show using his concept. Is there any violation of an Intellectual Property Right? Can Mr. 'A' institute a suit seeking injunction? Give reasons and refer to relevant judicial decisions.
8. Microsoft develops software applications. Thus, it is the "author" with the copyrights. When a person buys the Microsoft software, what is purchased? Is it the software or is it licence to use the software? What are the rights of the user of the software? Does the user have right to free update versions of the software? Decide giving reasons.

9. The plaintiff registered the domain name "lakme. com " in February, 2017. In January, 2018, the defendant registered the domain name "likeme.com". The plaintiff alleged that the defendants had adopted the word "likeme. com " as part of their trading style deliberately to pass off their business services as that of the plaintiffs. Defendants pleaded that the "look and feel" of the plaintiffs website was totally different from that of the defendant's website. They added that the users of the internet can never connect to a website by mistake as users of the website are persons skilled in the use of computer and hence there could be no possibility of confusion between the two names. Are the contentions of the defendants valid ? Can plaintiffs claim trade mark protection of domain names ? Give reasons in support of your answer.
10. Dr. 'K' invented a new method of performing keyhole surgery and a special device for doing the same. He applied for patent on the method of doing surgery and the newly invented instrument. Examine whether he is eligible to receive patent for both.

(3 × 10 = 30 marks)

Part C

Answer any two of the following questions.

Each question carries 15 marks.

11. Explain the nature and characteristics of Intellectual Property and briefly discuss the important theories that are giving a proper jurisprudential basis to Intellectual Property Law regime. What are the objectives of granting Intellectual Property Rights ? What are the economic and labour justifications for protection of IPR ?
12. Explain the nature and purpose of copyright. Also discuss the various rights conferred by copyright. What defences are available to the defendant in a suit for infringement of copyright ?
13. What is a Trademark ? What are the essentials and attributes of a Trademark ? Explain the statutory remedy for infringement of Trademarks and distinguish it from the common law remedy of passing off with the help of decided cases. Is there any difference in tests in their applicability to Trade Marks in services ?

(2 × 15 = 30 marks)