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Reg. No.....

Name.....

**FIVE YEAR B.A., LL.B. (HONOURS)/B.B.A., LL.B. (HONOURS)/B.Com., LL.B.
(HONOURS) DEGREE EXAMINATION, JUNE 2024**

Tenth Semester

F.L. 37—IPR MANAGEMENT

(2019 Admissions—Regular/2018 Admissions—Supplementary)

Time : Three Hours

Maximum : 75 Marks

Part A

*Write short notes on any five of the following.
Each question carries 3 marks.*

1. Revocation of patents.
2. Patent Co-operation Treaty.
3. Concept of 'originality' under the Copyright Act.
4. Criminal remedies against infringement of copyright.
5. Certification Marks.
6. Passing off of a Trade Mark.

(5 × 3 = 15 marks)

Part B

*Answer any three of the following problems.
Each question carries 10 marks.*

7. Mr. 'A' developed a method of hedge against price fluctuation in energy market. He used a simple concept of mathematics and familiar statistical approach to achieve the above purpose. Mr. 'A' termed it as innovative procedure to calculate the risk in this highly competitive time. Advise him on the patentability of his innovative method of calculation.
8. Ms. 'X', a researcher in a pharmaceutical company, has discovered a molecule that may have a significant effect in the treatment of melanoma, a type of skin cancer. Research was done in patent databases to verify if any patents have been issued for the chemical compound. The researcher found that in 1993, a patent was sealed in the name of another company for a compound that had the same chemical structure, but it had expired due to non-payment of renewal fees. Can Ms. 'X' make an application for the sealing of the patent in her name under the Patents Act? Give reasons in support of your answer.

Turn over

9. A Law Journal copy-edited a Court Judgment. It sought copyright in the copy-edited Judgment by establishing the amount of skill, labour and capital put in the inputs of the copy-edited Judgment. It was contested on the ground that judicial pronouncements are in the public domain and that their publication will not infringe the copyright. Will the Law Journal succeed in its copyright of a copy-edited Judgment? Decide giving reasons.
10. 'P' is the registered proprietor of Trademark 'M-SEAL'. 'Q' adapted and used the Mark 'SM-SEAL' with all essential characters of Trademark 'M-SEAL'. Can 'Q' be restrained from using the Mark 'SM-SEAL'? Decide.

(3 × 10 = 30 marks)

Part C

Answer any two of the following questions.

Each question carries 15 marks.

11. Give an overview of the law relating to grant of patents in India. Explain the meaning of 'invention', 'inventive step' and the concept of 'patent evergreening'. Also examine whether the method of curing a disease in human beings is patentable. Can an invention which is based on traditional knowledge be patented?
12. What is copyright? Why should copyright be protected? What are the classes of works for which copyright protection is available in India. Discuss the economic rights of the copyright owner in literary, dramatic and musical works. How are these rights different from the economic rights of the copyright owner in cinematograph film and sound recording?
13. What constitutes a Trade Mark? Explain the procedure for and duration of registration of trade marks in India. Also, discuss the various grounds for 'opposition to registration' and 'refusal to registration' of a trademark. What are the tests for determining similarity of a later trade mark with an earlier trade mark? Examine and comment on the overlap of Section 11 with Section 9 (2) (a) where Registrar has wide powers to refuse registration.

(2 × 15 = 30 marks)