

Name:			
Enrolment No:			
UNIVERSITY OF PETROLEUM AND ENERGY STUDIES End Semester Examination, December 2022 Course: Intellectual Property Law Semester: III Program: LLB [H] Time : 03 hrs. Course Code: CLCC 2031 Max. Marks: 100			
Instructions:			
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO1
Q1	A well known trademark should be: a. Known by all the people of the world b. Used by the consumers in a given country c. Known by the substantial segment of the people d. Any of the above	2	
Q2	The Design should be _____ under the Indian Design Act, 200 a. New or Original b. Innovative c. Distinctive d. All of the above	2	
Q3	IPRS stands for a. Indian Performing Rights Society b. Indian Phonogram Rights Society c. Indian Performers Rights Society d. None of the above	2	
Q4	Which of the following cannot be registered as a trade mark? a. The mark is an image b. The mark is made up of letters and numbers. c. The mark is made up of a symbol with no words or letters. d. The mark represents the natural or technical shape of the goods.	2	

Q5	The proprietor of the trademark will not be able to enforce any remedy through the court, if he/she had acquiesced to the use of the trademark by other entity for a continuous period of: a. 5 years b. 3 years c. 2 years d. 1 year	2	
SECTION B (4Qx5M= 20 Marks)			
Q6	Explain the overlap between trademark, design and copyright.	5	CO2
Q7	Discuss the technological protection measures provided under the Copyright Act of 1957.	5	CO2
Q8	Shape of goods that gives some technical advantage to the goods shall not be granted registration. Comment with the help of case laws and test evolved by the court.	5	CO2
Q9	Explain the Doctrine of Exhaustion under the Trademark Law.	5	CO2
SECTION-C (2Qx10M=20 Marks)			
Q10	Critically explain the concept of State of the Art and PHOSITA under the Patent Act of 1970 with the help of relevant case laws and examples.	10	CO3
Q11	Analyse whether domain names qualify as trademark? Discuss some of the disputes with the help of cases and illustrations.	10	CO3
SECTION-D (2Qx25M=50 Marks)			
			CO4

<p>Q12</p>	<p>An Indian fried chicken restaurant used a trademark called “Welcome Ji” with an image of Namaste [folded hands]. They have been using the mark since 1965 and got it registered also in 1970. ITC group famous Indian hotel group also holds a registered trademark Welcome Group with Namaste logo. They also hold registration since 1960. The Indian restaurant's logo and packaging closely mirrored interior of various hotels of the ITC.</p> <div data-bbox="548 485 899 716" data-label="Image"> <p>The logo for ITC Hotels features a stylized golden 'W' symbol above the text 'ITC HOTELS' in a serif font. Below this, the tagline 'RESPONSIBLE LUXURY' is written in a smaller, sans-serif font. A decorative horizontal line with a central flourish is positioned at the bottom of the logo.</p> </div> <p>Answer the following:</p> <ul style="list-style-type: none"> A) Draft five issues that should be addressed by the court. [5 Marks] B) Whether a suit of infringement can be filled against Indian fried chicken restaurant by the ITC group? Draft atleast five arguments from the side of ITC Group [10 Marks] C) Elaborate five grounds of defense from the side of the Indian restaurant? [10 Marks] 	<p>25</p>	
<p>Q13</p>	<p>Company Bravla Ltd has a patent in India for a process to manufacture a drug that cures malaria. There is a severe epidemic of malaria in some regions in India. Bravia is however unable to supply the required volume of the drug in India during the crisis. A company, Highthel Ltd approaches Bravla Ltd for a license to manufacture the wonder drug to supply during the crisis period. However the negotiation for a license fails. What options does Highthel now have, if it still wishes to make the drug and supply it in India? Explain with the help of relevant provisions and case laws.</p>	<p>25</p>	