

**HAMDARD INSTITUTE OF LEGAL STUDIES & RESEARCH (HILSR), SCHOOL OF LAW
JAMIA HAMDARD, NEW DELHI – 110062**

**LL.M Second Semester Examination
Intellectual & Industrial Property Laws -Ph.D-C1-B-202**

Time: 3 Hours

Maximum Marks: 60

Write your Roll No. on the top immediately on receipt of this question paper. Attempt five questions selecting one from each unit. All questions carry equal marks.

UNIT I

1. Not an “inventive step”! A “manipulative step” may or may not be an “inventive step”, which is the requirement under Indian law. Analyse the statement in the context of the Judgment in Novartis V. Union of India.

Or

Critically analyse the subjective standards of patentability under Indian Patent law.

UNIT II

2. “While initially designed to prevent fraud on a patent, the doctrine of equivalents has become an often-used second method of proving infringement”. Elucidate

Or

Write a comprehensive note on the scope and ambit of “Patent Infringement” referring to Indian Patent Act.

UNIT III

3. Critically analyse the evolution of spectrum of “originality” in Copyright.

Or

The term ‘copyright’ has different meaning and ambit with reference to different subject matter. Explain in detail the nature and scope of rights associated with each subject matter in the context of ‘fair dealing’.

UNIT IV

4. The concept of deceptive similarity under section 11 of the Trademarks Act, 1999 is relevant in the registration of trademarks. Discuss the principles followed by the courts while deciding the issue of deceptive similarity in this regard. Whether the likelihood of association is different from the likelihood of confusion? Support your answer with relevant case law.

Or

It is an established principle under the trademark law in India that whoever uses the trademark first will be considered the owner or the creator of it. Analyse the ‘doctrine of prior use’ in the light of *N.R. Dongre v. Whirlpool Corporation* [SC 1996].

UNIT V

5. Biopiracy is inherently an act of appropriation of traditional knowledge by individuals and corporations for commercial gain but there are existing difficulties in protecting such knowledge that allow attempts and possibilities at appropriation. In this context, discuss the significance of the ‘*Neem Patent controversy*’ in detail. Also specify the various objectives of the Traditional Knowledge Digital Library as a measure adopted at National level to protect the Traditional Knowledge as an Intellectual Property right.

Or

“Farmer includes a Breeder”. Critically analyse the scope of farmers right under the **Indian Plant Variety and Farmers right Act**.