

SCHOOL OF LAW
HAMDARD INSTITUTE OF LEGAL STUDIES & RESEARCH (HILSR)
JAMIA HAMDARD, NEW DELHI
Even Semester Theory Examination, May 2025
LL.M (II Semester)
Subject: Intellectual & Industrial Property Laws – LLM (B) 202

SET B

Time : 10:00 AM to 01:00 PM

Maximum Marks-60

Date: 09/05/2025

Instructions

- I. Write your Roll Number on the top immediately on receipt of this question paper.
- II. Attempt five questions selecting one from each Unit. All questions carry equal marks.

Unit -I (12 marks)

1. Explain the nature and concept of intellectual property rights. What are the various theories of intellectual property rights? How intellectual property rights help in economic development of the nation?

OR

2. Elaborating historical background of intellectual property right, write a note on the treaties and conventions preceding TRIPS Agreement which played important role in shaping the modern IPR laws.

Unit-II (12 marks)

3. "They always talk handsomely about the literature of the land, always what a fine, great, monumental thing, a great literature is, and in the midst of their enthusiasm they turn around and do what they can do, discourage it."-Samuel Clemens, Speech in Congress, 1906. In the light of above statement discuss the concept of Moral rights under Copyright law. Refer case laws also

OR

4. What do you understand by the concept of fair dealing? The exceptions and limitations for educational access as were tailored under section 52 of the copyright act, 1957 to the requirements of education in an offline world. Whether the provisions are sufficient for realizing the potential of distance education and digital access?

Unit- III (12 marks)

5. Not an "incentive step!" A "manipulative step" may not be an "incentive step", which is the requirement under Indian law. Analyse the statement in the context of the judgement in Novartis v. Union of India.

OR

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

Unit-IV (12 marks)

7. Under Indian trademark law, it is a well-settled principle that the first user of a trademark is regarded as its true owner or originator. Critically examine the doctrine of prior use with reference to the Supreme Court's decision in N.R. Dongre v. Whirlpool Corporation (1996).

OR

8. In Discuss the concept of deceptive similarity as outlined under Section 11 of the Trademarks Act, 1999, particularly in the context of trademark registration. Examine the key principles that courts apply when determining issues related to deceptive similarity. Further, analyse whether the likelihood of association is distinct from the likelihood of confusion, providing support from relevant case law.

Unit -V (12 marks)

09. Discuss the law for protection of plant varieties under UPOV convention and protection of plant varieties and farmer's rights act, 2001 in recognising traditional and indigenous knowledge.

OR

10. Biopiracy often reflects the recognition and commercial exploitation of traditional knowledge by individuals and corporations. However, existing challenges in protecting such knowledge create opportunities for its misappropriation. In this context, critically discuss the significance of the Neem Patent Controversy. Further, explain the various objectives of the Traditional Knowledge Digital Library (TKDL) as a national initiative aimed at safeguarding traditional knowledge as a form of intellectual property.
