

SCHOOL OF LAW

HAMDARD INSTITUTE OF LEGAL STUDIES & RESEARCH (HILSR)

JAMIA HAMDARD, NEW DELHI - 110062

End Semester Theory Examination, May/June 2024

B.A.LL.B. VIth Semester

Subject: Intellectual Property Laws- II (BALLB-603)

Time: 3 Hours

Maximum Marks: 75

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

1. What is a trade mark? Describe the remedies available to a trade mark (registered or unregistered) under section 29 of Trade Marks Act, 1999?

OR

2. Discuss the various relative grounds for refusal of registration provided under section 11 of Trade Marks Act, 1999. (15 Marks)

Unit II

3. "Geographical Indications are not just marker of heritage and culture, but also give our community an opportunity to lift up their lives." In the light of the statement given by Daren Tang, Director, World Intellectual Property Organization, discuss about the significance of protecting any agricultural, natural, or manufactured goods by attaining GI tag and also about the various challenges faced by its registered proprietor or authorized user.

OR

4. Explain the procedure for registration of a Geographical Indication under Geographical Indications of Goods (Registration and Protection) Act, 1999. Also, discuss about the undue advantage taken by the deception caused due to similarity in concerned geographical origin in the light of recent providing the status of GI tag to Odisha Rasgulla, in contrast of the dispute with Banglar Rasogulla. (15 Marks)

Unit III

5. "The purpose of the Design Act is to protect novel designs devised to be applied to the particular articles to be manufactured and marketed commercially." Explain the scope of Design Act, 2000 in the light of

observations made by Hon'ble Justice Mr. Rajiv Sahai Endlaw in *CARLSBERG BREWERIES A/S V. SOM DISTILLERIES AND BREWERIES CS (COMM) 690 OF 2018, DHC*, commonly known as Identical Bottle case.

OR

6. Explain the following:

- (a) Protection of Artistic works related to Designs in the light of the judgement of *OK Play India Limited Vs. Mayank Agarwal (2016) 67 PTC 665*
- (b) Overlapping in the scope of Design and Patent within the Intellectual property laws regime in India. (15 Marks)

Unit IV

7. According to *Semi-Conductor Circuit Layout Design Act, 2000*, layout-design is to be considered as original if it is the result of its creator's intellectual efforts and is not commonly known to the creators of layout-designs and manufacturers of semiconductor integrated circuits at the time of its creation. Discuss the significance of the mentioned statement in light of usage of Semiconductor circuit layout design in today's era. Also discuss the opposition of application for registration filed before the Controller of Trade Marks, Design and Copyright.

OR

8. Discuss the different forms of Semiconductor circuit layout design envisaged in *Semi-Conductor Integrated Circuits Layout- Design Act, 2000*. Also discuss about the difference in the ambit covered by SCICLD and other Intellectual Property Domains prevalent. (15 Marks)

Unit V

9. Unlike copyrights, patents, designs and layout circuit designs, trade secret is not really a "property right" as there are no exclusive rights assigned to the trade secret owner. Rather, Trade Secret in common parlance is "information of commercial value kept secret. The trade secret regime allows independent discovery/reverse engineering and its use by a third party. In the light of above statement, discuss the concept of Trade Secrets essential to secure the Intellectual rights guaranteed in any property.

OR

10. Article 39 of the *Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement* mandates every member state to protect trade secrets. Recently, the 22nd Law Commission, in its 289th report, recommended the need to adopt a separate legislation on the issue, and has proposed a draft *Protection of Trade Secrets Bill, 2024 (the draft Bill)*. In the light of statement, about the need of enunciating a statutory protection for the Trade Secrets in the light of above statement. (15 Marks)