

**MASTER OF INTELLECTUAL PROPERTY
LAW (MIPL)**

Term-End Examination

December, 2014

00192

MIR-037 : IP LITIGATION

Time : 2 hours

Maximum Marks : 50

*Note : This paper consist of two parts, Part A and Part B.
Both the parts are **compulsory**.*

PART A

*Attempt **all** the questions from this part. Each
question carries 2 marks. 10×2=20*

1. By what time does a complete specification need to be submitted ?
 - (a) Within 6 months of filing the provisional specification.
 - (b) Within 3 months of filing the provisional specification.
 - (c) Within 12 months of filing the provisional specification.
 - (d) Within 9 months of filing the provisional specification.

2. _____ specify the scope of ownership in a piece of Intellectual Property.
- (a) Claims
 - (b) Specifications
 - (c) Due diligence
 - (d) Utility
3. The validity of patents and trademarks is to be challenged before
- (a) Controller of Patents, Trademarks and Designs
 - (b) Intellectual Property Appellate Board
 - (c) High Court
 - (d) Registrar of Copyright
4. Which of the following is **not** a factor to be considered in establishing a likelihood of deception or confusion for the evidential purpose of proving infringement of a trademark ?
- (a) The trademark has lost its distinctiveness by reason of several or numerous users and hence is deceptive.
 - (b) There is a high degree of visual, phonetic, or conceptual similarity between the infringing mark and the trademark in question.
 - (c) The infringing mark is used on goods that are complementary to the goods bearing the trademark.
 - (d) The intention behind using the infringing mark is to deceive consumers to believe that the goods belong to the owner of the trademark in question.

5. Which of the following is **not** entered into register of patents ?
- (a) Names and addresses of grantees of patents.
 - (b) Notifications of assignments and transmission of patents.
 - (c) Number of oppositions filed before and after grant of patent.
 - (d) Particulars of matters affecting the proprietorship or validity of patent.
6. Which of the following is an incorrect method for determining infringement of patents ?
- (a) Fence Post Approach
 - (b) Cost Based Approach
 - (c) The Pith and Marrow Doctrine
 - (d) Mechanical Equivalent
7. In which of the following landmark decisions did the Madras High Court recognise the trans-border reputation of the trademark and held that "a case of injunction is made out if there is likelihood of the offending mark invading the proprietary right" ?
- (a) Mars Incorporated v. Chanda Softy Ice Cream and others
 - (b) Virendra Dresses v. Varinder Garments
 - (c) P.M. Diesel Ltd. v. S.M. Diesel
 - (d) K.P.M. Sunderam v. Rattan Prakashan

8. _____ is a kind of anti-competitive agreement made by companies in the pharmaceutical industry, whereby the innovator company pays a generic competitor to hold-back its competing product off the market for a certain period of time.
- (a) Hold-back settlement
 - (b) Reverse payment settlement
 - (c) Generic delay settlement
 - (d) Original innovator settlement
9. Which one of the following Alternative Dispute Resolution (ADR) methods has been developed as a hybrid method from the three basic models of ADR ?
- (a) Mediation
 - (b) Mini trial
 - (c) Arbitration
 - (d) Negotiations
10. _____ is a provision of a statute or a regulation that reduces or eliminates a party's liability under the law on the condition that the party has performed its action in good faith.
- (a) Private Harbour
 - (b) Safe Harbour
 - (c) Bonafide
 - (d) Malafide

PART B

Attempt any **three** questions from this part. Each question carries 10 marks.

3×10=30

11. Discuss the jurisdictional issues that arise in IP litigation in India.
 12. Explain the Doctrine of Equivalent and state in brief the position in India with the help of case laws.
 13. What is Counterfeiting ? How does it affect the IP protection regime ? Discuss the aims of Anti-Counterfeiting Trade Agreement.
 14. What are the provisional remedies under the TRIPs Agreement for infringement of IPRs ?
 15. What do you understand by the term 'Global IP Watch' ? What are its key objectives ? Discuss.
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