

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

Term-End Examination

December, 2015

**MIR-040 : INTERNATIONAL AND
COMPARATIVE IP LAW**

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 :

2×10=20

1. Which of the following terms most accurately describe the principle of trade policy that allow traders to trade across national boundaries without interference from their respective governments ?
 - (a) Free Trade
 - (b) Inter State Trade
 - (c) Independent Trade
 - (d) Trade Between Nations
2. The term of copyright for musical work under the Indian copyrights Act 1957 is _____ after the death of Author.
 - (a) 20 years
 - (b) 15 years
 - (c) 60 years
 - (d) Life term

3. If the product is not 'inherently distinctive' for the purpose of trade dress, then to be protectable it is required to be determined that product has acquired :
- (a) primary meaning
 - (b) secondary meaning
 - (c) importance
 - (d) value
4. Consider the following :
- (a) Doctrine of pith and marrow
 - (b) Doctrine of equivalents
 - (c) Doctrine of single claim.
- The above doctrines are related to _____.
- (i) Infringement of copyright
 - (ii) Infringement of trademark
 - (iii) Infringement of patent
 - (iv) Infringement of Geographical indication
5. What is the purpose of a National Gene Fund ?
- (a) Different kinds of genes of plant varieties are saved
 - (b) The 'benefit sharing' received from the breeders is credited
 - (c) The annual fee payable by the breeders as royalty is credited
 - (d) Both (b) and (c)
6. Who is the developer custodian and right holder of traditional knowledge ?
- (a) Head of the community
 - (b) Traditional Community
 - (c) Guardian of Community
 - (d) Elders of Community

7. 'Country of origin of Genetic Resources' means :
- (a) The country which possesses those Genetic Resources in in-situ conditions
 - (b) The country supplying Genetic Resources collected from in-situ sources
 - (c) Both (a) and (b)
 - (d) None of the above
8. _____ is the appropriation and monopolisation of traditional population's Knowledge and Biological Resources.
- (a) Infringement of copyright
 - (b) Knowledge theft
 - (c) Biopiracy
 - (d) Infringement of patent
9. _____ states that, "Every one has the right to protection of the moral and material interests resulting from any scientific, literary or artistic production of which he or she is the author.
- (a) Art 27(2) of UDHR (Universal Declaration of Human Rights)
 - (b) Art 15.1 of International Covenant on Economic, Social and Cultural Rights (ICESCR)
 - (c) Art 25(1) of UDHR
 - (d) Art 12 of ICESCR
10. The Space Treaty of 1967 provides for which of the following :
- (a) Freedoms of outer space and its uses for the benefit of all countries
 - (b) Outer space is not subject to National appropriation
 - (c) Both (a) and (b)
 - (d) None of the above

PART - B

Attempt **any three** questions from this Part. Each question carries **10** marks : **3x10=30**

1. Explain in brief the features of Free Trade Agreements.
 2. What is meant by traditional cultural expressions ? Discuss some of the International legal instruments for the protection of traditional cultural expression.
 3. Discuss the concept of 'Evergreening of Patents'.
 4. Write a note on interface between Intellectual Property and Competition Law.
 5. Discuss sui generis protection of Traditional Knowledge.
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