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**POST GRADUATE DIPLOMA IN  
INTELLECTUAL PROPERTY RIGHTS (PGDIPR)  
Term-End Examination  
December, 2015**

**MIP-005 : PROTECTION OF INDUSTRIAL  
PROPERTY AT THE NATIONAL LEVEL**

Time : 2 hours

Maximum Marks : 50

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**Note : All questions are compulsory.**

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1. Attempt **any five** questions briefly : **5x2=10**
- (a) Registration of trademarks under the Trademarks Act, 1999.
  - (b) The term 'industrial application' as a criterion for patentability of an invention.
  - (c) Meaning of an original relation to an industrial design.
  - (d) Certification marks.
  - (e) Geographical indication.
  - (f) 'Biological diversity'.
  - (g) Dominant position of the enterprise.
2. Answer **any two** questions : **2x5=10**
- (a) What is a Patent ? How is an invention defined in the (Indian) Patents Act, 1970 ?
  - (b) Can a design be registered which falls in more than one classes ? Can it be registered for several articles falling in the same class ?

- (c) Distinguish between 'infringement' and 'passing off' in the case of a trademark. What injunctive relief is available in a suit for violation of a trademark ?

3. Answer **any two** questions : **2x5=10**

- (a) What is the difference between 'falsifying a trademark' and 'falsely applying a trademark' ? When is the offence considered to have been committed under the Trademarks Act ?
- (b) Discuss the criteria for plant variety to be eligible for protection by registration ?
- (c) Is it permissible in India to file opposition to a patent post-grant ? What are the grounds on which such opposition can be filed ?

4. Answer **any two** questions. Each question carries **Ten** marks. **2x10=20**

- (a) In the context of trademark, discuss
- (i) Parallel importation
  - (ii) exhaustion principle
- (b) Discuss the objectives of the Biological Diversity Act, 2002 ? How does the Act mandate to regulate the access to biological diversity ?
- (c) What constitutes :
- (i) Restrictive Trade Practices.
  - (ii) Monopolistic Trade Practices ?
- If the competition commission, after an enquiry, concludes that an enterprise is guilty of abuse of dominant position, what orders it may pass ?
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