

**POST GRADUATE DIPLOMA IN
INTELLECTUAL PROPERTY RIGHTS (PGDIPR)**

Term-End Examination

December, 2015

**MIP-007 : ENFORCEMENT OF INTELLECTUAL
PROPERTY RIGHTS**

Time : 2 hours

Maximum Marks : 50

Note : *All parts are compulsory.*

1. Attempt any five parts : 5x2=10
- (a) Fill up the blanks :
- (i) Counterfeiting is a term generally used in relation to the infringement of _____ .
- (ii) Piracy is a term generally used in relation to the infringement of _____ .
- (b) What is a 'mechanical equivalent' in the context of infringement of a Patent ?
- (c) Country 'A' accords a Most Favoured Nation to another Country 'B'. Does that mean 'B' would get better treatment in 'A' than other Nations ? Does the MFN treatment involve reciprocity ?
- (d) What is meant by 'Indemnification of Defendant' ?
- (e) Give two major causes of growth in Intellectual Property Crimes.

- (f) In mediation which takes precedence : respective interests of the contending parties or their legal position ? Does the same consideration prevail in arbitration ?

2. Attempt **any three** parts : **3x5=15**

- (a) Discuss 'the burden of proof' in 'IP litigation'. What are the two forms of evidence which are particularly important in determination of facts in IP cases ?
- (b) What does enforcement of IPR mean ? Discuss the actors and agencies involved in the enforcement of IPR.
- (c) Discuss Anton Piller Orders.
- (d) What constitutes infringement of IPR in the case of Patents ? What is the Fence Post approach to determine whether infringement has taken place ?

3. Attempt **any two** parts : **2x5=10**

- (a) Discuss the provisions in the TRIPS Agreement concerning the availability, scope and use of copyright.
- (b) Why does the TRIPS Agreement provide for international obligations for the enforcement of IPR ?
- (c) What role does the World Customs Organization play in the enforcement of IPR ?

4. Attempt **any three** parts :

3x5=15

- (a) How can counterfeiting be fought ? Discuss in the light of the special report on counterfeiting brought out by the International Trademark Association in 2004.
 - (b) What criminal remedies are available for violation of trademarks under the Trademarks Act 1999 of India ?
 - (c) What is a domain name ? Discuss the Uniform Domain Name Dispute Resolution Policy.
 - (d) Describe the situations when it may become necessary to file a pre-grant appeal, challenging the decision of the Patent Office relating to an application for the grant of patent for an invention.
-