

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

00381

Term-End Examination

June, 2015

MIR-032 : COPYRIGHT AND DESIGNS LAW

Time : 2 hours

Maximum Marks : 50

Note : The paper is divided into 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. Which Article of the TRIPS Agreement states that copyright subsists only in expression and not in ideas ?
 - (a) Article 5 (3)
 - (b) Article 3 (1)
 - (c) Article 9 (2)
 - (d) Article 8 (5)

2. The World Intellectual Property Organisation Copyright Treaty, 1996, is a special agreement within the meaning of Article 20 of which of the following ?

- (a) The Treaty on the International Registration of Audiovisual Works, 1989
- (b) The Berne Convention, 1886
- (c) The Paris Convention, 1883
- (d) The Brussels Convention relating to the Distribution of Program-Carrying Signals Transmitted by Satellite, 1974

3. Which of these is **not** a type of dramatic work ?

- (a) Ballet
- (b) Scenic Arrangement
- (c) Photograph
- (d) Any piece of recitation

4. The term _____ means communication to the public, by any means of wireless diffusion, whether in any one or more of the forms of signs.

- (a) Issuing copies of the work
- (b) Broadcast
- (c) Reproduction of work
- (d) Performance

5. The case of *Najma Heptullah vs M/s Orient Longman Limited* deals with the issue of

- (a) First owner of a copyright
- (b) Copyright in a musical work
- (c) Joint authorship
- (d) None of the above

6. An assignee of a copyright can make alterations in the work subject to the author's special rights under

- (a) Section 10
- (b) Section 26
- (c) Section 57
- (d) Section 65

7. What are the factors determining fair dealing ?

- (a) The nature of the copyrighted work
- (b) The amount and substantiality of the portion used in relation to the copyrighted work as a whole
- (c) The effect of the use upon the potential market or value of the copyrighted work
- (d) The fact that the work in question is unpublished

8. What does the term 'Industrial Design' refer to ?
- (a) Any mode or principle of construction or anything which is in substance a mere mechanical device.
 - (b) The features of shape, configuration, pattern, ornament, or composition of lines or colours applied to any article.
 - (c) A three-dimensional disposition, of the elements or such a three-dimensional disposition prepared for an integrated circuit intended for manufacture.
 - (d) None of the above
9. Which of these is *not* a test to determine infringement of design ?
- (a) Side-by-Side Comparison
 - (b) Design is always original
 - (c) Appealing to the eye
 - (d) Imperfect recollection
10. The case of *Dabur India Limited vs Rajesh Kumar and Others* deals with
- (a) Permanent injunctions
 - (b) The passing off of unregistered designs
 - (c) Temporary injunctions
 - (d) None of the above

PART B

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

3×10=30

11. Copyright subsists in expression, not in ideas. Discuss the idea-expression dichotomy.
 12. Discuss the various rights available to Broadcasters and Performers under the Copyright Act, 1957.
 13. Give a description of the various kinds of licenses which can be granted under the Copyright Act, 1957.
 14. Discuss the essential conditions of a Protectable Design.
 15. Define Community Design. Describe the procedure for its registration.
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