

00051

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

Term-End Examination

December, 2016

MIR-036 : ADVANCED IP ISSUES

Time : 2 hours

Maximum Marks : 50

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- Note :** (i) *This paper is divided into two Parts, Part - A and Part - B.*
- (ii) *Both the Parts are compulsory.*
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PART - A

Attempt **all** the questions from this part. Each question carries **2** marks. **10x2=20**

1. What is the grace period given to India to comply with TRIPS Agreement with respect to Patent Law ?
 - (a) 15 years
 - (b) 10 years
 - (c) 5 years
 - (d) 2 years

2. A performer has special right to :
 - (a) Make a sound or visual recording of the performance
 - (b) Reproduce a sound or visual recording of the performance
 - (c) Broadcast the performance
 - (d) All of the above

3. A Generic drug is :
- (a) Produced with patent protection but distributed without patent protection.
 - (b) Produced without patent protection and distributed with patent protection.
 - (c) Produced and distributed without patent protection.
 - (d) Produced and distributed with patent protection.
4. The Bayer V. Cipla case is related to :
- (a) data exclusivity
 - (b) drug adulteration
 - (c) generic drugs
 - (d) Both (a) and (c)
5. Arrange the following treaties chronologically in ascending order :
- (i) Berne Convention
 - (ii) Phonograms Convention
 - (iii) Rome Convention
 - (iv) WIPO Copyright Treaty (WCT)
- (a) (i), (ii), (iii), (iv)
 - (b) (i), (iii), (ii), (iv)
 - (c) (iii), (i), (iv), (ii)
 - (d) (iii), (ii), (i), (iv)

6. Under the Cable TV (Regulation) Act, 1995, a person can :
- (a) transfer, transmit, retransmit programmes and advertisements through cable network without restraint.
 - (b) transfer, transmit, retransmit programmes and advertisements after conforming to the programming code and the advertisement code respectively.
 - (c) operate the cable network without registration with the registering authority as a cable operator.
 - (d) Use any equipment without conforming any standards.
7. The legal protection of well-known mark is contained in :
- (a) S. 11 of Trademark Act, 1999
 - (b) S. 12 of Trademark Act, 1999
 - (c) S. 10 of Trademark Act, 1999
 - (d) S. 21 of Trademark Act, 1999
8. Which Rule of Trademark Rules 2001 empowers the Registrar to accept evidence in the form of documents or any such other evidence as he may specify ?
- (a) Rule 107
 - (b) Rule 108
 - (c) Rule 109
 - (d) Rule 110

9. Select the appropriate OECD principles for data protection :
- (a) Data quality principle
 - (b) Data quantity principle
 - (c) Openness principle
 - (d) Both (a) and (c)
10. Which one of the following theory describes the constraints limiting a developing country's ability to gain technology ?
- (a) "Two Gap" theory
 - (b) "Pre-Gap" theory
 - (c) "Post-Gap" theory
 - (d) "Four Gap" theory

PART - B

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

11. Write a note on Patenting of Pharmaceutical Products.
12. Discuss the moral and ethical issues involved in patenting living organisms.
13. Explain the existing framework for protection of folklore in India.
14. Discuss the jurisdictional issues involved in cyber space.
15. What is a well known trademark ? Discuss the criterion to identify to well known trademark.
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