

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

Term-End Examination

December, 2016

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

Time : 2 hours

Maximum Marks : 50

*Note : This 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. **10x2=20**

1. For filing an International application for patents under PCT, which of the following fee must be paid by the applicant ?
 - (a) transmittal fee
 - (b) 'search fee'
 - (c) international filing fee
 - (d) all of the above

2. Which of the following Act does not constitute infringement of Copyright in musical work ?
 - (a) Reproduction of a musical work in the form of Cinematograph film.
 - (b) Reproduction of a musical work by a teacher or a pupil in the course of instruction/activities of educational institutions.
 - (c) Both (a) and (b)
 - (d) None of the above

3. Which of the following Act governs trade mark rights in the United States of America ?
- (a) United States Trade Mark Act
 - (b) Trade Mark Protection Act
 - (c) The Lanham Act
 - (d) The Morgan Act
4. The infringement of which of the following intellectual property is most likely to be associated with the doctrine of pith and marrow and the doctrine of equivalents :
- (a) Infringement of trade mark
 - (b) Infringement of patents
 - (c) Infringement of copyright
 - (d) Infringement of Geographical indication
5. Which one of the following cases led to the existence of the patent linkage system in the United States of America :
- (a) *Roche Products V. Bolar pharmaceutical Co. Inc.*
 - (b) *Calvin Klein Inc V. International apparel syndicate*
 - (c) *Shaw Bros V. Golden harvest*
 - (d) None of the above
6. Which of the following was the first multilateral agreement that included "indications of source" or "appellations of Origin" as objects of protection ?
- (a) Berne Convention
 - (b) Paris Convention
 - (c) TRIPS Agreement
 - (d) Madrid Agreement

7. The issue of conflict between IPR and the right to health may arise in the context of :
- (i) Pharmaceutical patents
 - (ii) Compulsory licences
 - (iii) Access to medicines particularly anti-retroviral drugs
- (a) (i) and (ii)
 - (b) (i), (ii) and (iii)
 - (c) (ii) and (iii)
 - (d) (i) and (iii)
8. The term 'National treatment' under TRIPS Agreement refers to :
- (a) Equal treatment to all the Citizens
 - (b) Equal treatment to all the foreigners
 - (c) Equal treatment to foreigners and citizens
 - (d) None of the above
9. _____ are often perceived as cultural, religious and political symbols and as work of art.
- (a) Artistic work
 - (b) Literary work
 - (c) Architectural work
 - (d) Both (a) and (b)
10. The _____ are issued for search and seizure in a civil suit, which are passed when there is possibility of a defendants destroying or disposing the incriminating material.
- (a) Anton piller orders
 - (b) Mareva injunctions
 - (c) John Noe orders
 - (d) Norwich pharmacol orders

PART - B

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

11. What is Free trade agreement ? Discuss its essential features.
 12. Discuss the legal rights of the holders of copyright in a musical work under Copyright Act 1957.
 13. Discuss the Law relating to Trade dress in India.
 14. Discuss the concept of Bolar exception under patent Law.
 15. Discuss the interface between Intellectual Property Law and Competition Law.
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