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**MASTER OF INTELLECTUAL PROPERTY
LAW (MIPL)
Term-End Examination
June, 2016**

MIR-032 : COPYRIGHT AND DESIGNS LAW

Time : 2 hours

Maximum Marks : 50

*Note : This paper consists of 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 talks about copyright subsisting 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) Choreographic work

4. What does an Anton Piller order refer to ?

- (a) An injunction granted to restrain the defendants from disposing off their assets within the jurisdiction until the trial or judgment in the action.
- (b) A perpetual injunction, which lasts up to the unexpired term of the copyright, is granted in order to prevent any further repetition of the infringing acts.
- (c) An order granted by the court permitting the inspection of premises where some activity, which infringes the copyright of the plaintiff, is being carried on.
- (d) Both (a) and (c)

5. X gives his car on hire to Y. The latest technology used in this car has digitally programmed chips to control important functions. Does X have a rental right with respect to the computer programs existing as a part of the car that he gives on hire ?

(a) No, X does not have rental rights over the computer programs that form a part of the car and are not separate from it.

(b) Yes, as a computer program has been used, which is a copyrightable work in its own capacity.

(c) Yes, if he takes the permission from the owner.

(d) Both (b) and (c)

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. Which one of the following factors is *not* relevant for 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. Computer program can be included in the definition of

- (a) Literary work
- (b) Artistic work
- (c) Scientific work
- (d) None of the above

10. Which of the following is *not* a defence for the infringement of registered design in India ?

- (a) The design is previously registered in India.
- (b) The design is not original.
- (c) The design is not registerable under the Act.
- (d) The Designs Act allows the infringement of registered design in public interest.

PART B

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

3×10=30

11. Outline the registration procedure of an industrial design.
 12. Give a description of the various kinds of licenses which can be granted under the Copyright Act, 1957.
 13. Discuss the essential conditions of a Protectable Design.
 14. What constitutes infringement of a design ?
 15. Critically analyse the concept of fair dealing or permitted acts.
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