

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

Term-End Examination

June, 2016

MIR-036 : ADVANCED IP ISSUES

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.*

10×2=20

1. Under the Trade Marks Act, 1999, a trademark must cumulatively fulfil the following conditions for registration *except* that
 - (a) it must be capable of being represented graphically
 - (b) it must be abstract
 - (c) it must be a mark
 - (d) it must be used in relation to goods and services of the applicant

2. Which of the following is an example of free culture ?
- (a) Creative Commons
 - (b) Facebook
 - (c) Encyclopaedia Britannica
 - (d) The Right to Information Act, 2005
3. Which of the following is *not* a factor which a Registrar may take into consideration to determine if a mark is a well-known mark ?
- (a) The number of persons involved in the channels of distribution of goods
 - (b) The marketing for the goods is not by way of comparative advertising
 - (c) The business circle dealing with the goods
 - (d) The number of actual or potential consumers of the goods
4. Under which International Treaty, can one seek the Patent Protection for an invention simultaneously in other countries that are party to the Treaty by filing an International Patent Application ?
- (a) TRIPS Agreement
 - (b) Paris Convention
 - (c) The Patent Co-operation Treaty
 - (d) The Patent Law Treaty

5. Which of the following statements is *incorrect* in respect of a mark exhibiting 'acquired distinctiveness' ?
- (a) The mark contains an inventive word.
 - (b) The mark has been continuously used for a long while.
 - (c) There has been uninterrupted use of a non-distinctive mark.
 - (d) Consumers predominantly associate a non-distinctive mark with a particular product or service.
6. Which of the following conventions lays down the minimum requirements for treatment of literary and artistic works under the national laws of all states' parties ?
- (a) The Rome Convention
 - (b) The Paris Convention
 - (c) The Madrid Convention
 - (d) The Berne Convention
7. Which of the following is *not* a type of publishing agreement entered into between a publisher and a musician ?
- (a) Songwriter Agreement
 - (b) Recording Agreement
 - (c) Administration Agreement
 - (d) Co-publishing Agreement

8. Which of the following is *not* considered as a balancing tool for the protection of Public Health under the Patent law ?
- (a) Compulsory License
 - (b) Assignment of Patents
 - (c) Parallel Importation
 - (d) Research Exception
9. Which of the following provides for protection of Integrated Circuits ?
- (a) Berne Convention
 - (b) Rome Convention
 - (c) IPIC Treaty
 - (d) Paris Convention
10. The cases of R. Rajagopal vs State of Tamil Nadu and PUCL vs Union of India are primarily associated with
- (a) The Right to Information
 - (b) The Right to Freedom of Speech and Expression
 - (c) The Right to Privacy
 - (d) The Right to Technology

PART B

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

- 11.** Explain the scope of Infringement of layout designs of Integrated Circuits under Indian law.
 - 12.** Explain any two theories that justify Intellectual Property Rights protection for intangible assets.
 - 13.** What is Comparative Advertising ? How far is it permitted ?
 - 14.** Briefly explain the legislation governing data and database protection in the U.S.A.
 - 15.** Define 'Incremental Innovation.' Why is it needed ? Explain.
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