

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

Term-End Examination

00357

June, 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.*

10×2=20

1. _____ provides that, if the trademarked product, legally entered the market somewhere, reselling the product anywhere in the world is not infringement.
- (a) Principle of resale
 - (b) Universality principle
 - (c) Principle of well-known mark
 - (d) Principle of equity

2. Consider the following :

1. Colour marks
2. Shape marks
3. Sound marks
4. Scent marks

Which term is used to denote all the above given marks ?

- (a) Unusual trade mark
- (b) Conventional trade mark
- (c) Unconventional trade mark
- (d) Universal trade mark

3. The term 'Trade dress' refers to which of the following ?

- (a) Label
- (b) Package
- (c) Covers of book
- (d) All of the above

4. Country of origin of 'genetic resources' means

- (a) The country which possess those genetic resources in in-situ condition
- (b) The country supplying genetic resources collected from in-situ sources
- (c) Both (a) and (b)
- (d) None of the above

5. 'X' invented a machine which is capable of cutting grass by itself. He obtained patent for his invention. 'X' entered into contract with 'Y' whereby 'X' granted license to 'Y' to use his invention for a period of 5 years in return of royalty of ₹ 2,00,000 per annum. However 'Y' committed default without paying the amount even after repeated demands by 'X'. Which is the appropriate action to be filed against 'Y' ?
- (a) A suit for recovery of royalties
 - (b) A suit for infringement of patent
 - (c) A suit for specific performance of contract
 - (d) A suit for permanent injunction
6. What is the scientific research that investigates for a useful process or product in nature ?
- (a) Traditional knowledge
 - (b) Geographical indication
 - (c) Bio-prospecting
 - (d) Natural Science research
7. Which is the first unmanned satellite launched into outer space and which country launched it ?
- (a) Sputnik-1, United States
 - (b) Sputnik-1, Russia
 - (c) Explorer-1, United States
 - (d) Explorer-1, Russia

8. _____ provides international legal backup to the artistic work which includes the work of architecture.
- (a) The Berne Convention for the Protection of Architectural Work
 - (b) Paris Convention
 - (c) Both (a) and (b)
 - (d) None of the above
9. _____ is generally described as a collection or collage or ensemble of various works like story, screenplay, dialogue, sound track, lyrics, video images, performances etc.
- (a) Cinematographic work
 - (b) Artistic work
 - (c) Performing arts
 - (d) None of the above
10. Under PCT system, international application can be filed in _____ months from the date of filing of national/local or regional patent application.
- (a) 24
 - (b) 12
 - (c) 6
 - (d) 18

PART B

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

11. Evaluate the Patent Co-operation Treaty (PCT) system and discuss its advantages for the applicants.
 12. Write a note on deep sea bio-prospecting and its uses.
 13. What do you mean by harmonisation of substantive Patent laws ? Discuss.
 14. Discuss the legal rights of owners in a musical work under the Copyright Act, 1957.
 15. Discuss the initiatives taken by WIPO for the protection of Traditional Knowledge.
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