

**POST GRADUATE DIPLOMA IN
INTELLECTUAL PROPERTY RIGHTS (PGDIPR)**

Term-End Examination

June, 2016

**MIP-007 : ENFORCEMENT OF INTELLECTUAL
PROPERTY RIGHTS**

Time : 2 hours

Maximum Marks : 50

Note : *All parts are compulsory.*

1. Attempt any five parts : 5x2=10
- (a) Give the formula for calculating the World Piracy Rate.
 - (b) Who can initiate infringement proceedings in the case of trademark violation ?
 - (c) Procedures for enforcement of IPR are required under the TRIPS Agreement to fulfil certain requirements. What are these requirements ?
 - (d) Discuss the Provisional Measures contained in the TRIPS Agreement.
 - (e) What is the major role of the Customs Department in fighting the incidence of counterfeiting ?
 - (f) Is the Appellate Board, established under the Trademark Act, 1999, board by the procedure laid down in the code of Civil Procedure ? Does the Appellate Board enjoy the same powers as are vested in a civil court under the Code of Civil Procedure ?

2. Attempt any three parts :

3x5=15

- (a) Counterfeiting and piracy make newer goods available to the people at cheaper rates. Increasingly the quality of such goods is becoming as good as the quality of the original goods. Even then counterfeiting and piracy are regarded as very harmful to the society and the country. Discuss why ?
- (b) Criminal legal proceedings provide stricter penalties in cases of infringement of IPR. However, people in business generally prefer civil action in cases of infringement. Why is it so ?
- (c) Discuss the alternatives to litigation in the resolution of IP disputes.
- (d) Define the exclusive rights conferred on the owner of a registered trademark ? When is a registered trademark said to be infringed ?

3. Attempt any two parts :

2x5=10

- (a) What is Geographical Indication (GI) ? Discuss the general provisions relating to GI in the TRIPS Agreement.
- (b) Discuss 'Suspension of Release' by Customs Authority as a special requirement related to border measures under the TRIPS Agreement.
- (c) Discuss the role of the Indian Police in the enforcement of IPR.

4. Attempt any three parts : 3x5=15

- (a) What are the basic objectives of civil litigation in cases of infringement of IPR ? Discuss 'Damages or Account of Profits' as a remedy in civil litigation.
 - (b) What measures are advocated to reduce piracy and make the enforcement of IPR TRIPS - Compliant ?
 - (c) Discuss arbitration in the international context. Is the Arbitral Award binding on the parties ?
 - (d) Discuss the role of a 'mediator'. How can mediation proceedings be terminated ? Explain.
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