

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

00490

Term-End Examination

June, 2015

**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. Which of the following most accurately describes the principle that protection is provided to a prior unregistered mark which through development, effort and investment has become widely well known among the consuming public ?
 - (a) Principle of well known marks
 - (b) Principle of famous marks
 - (c) Principle of equity
 - (d) Principle of important marks

2. Which of the following legislations governs trade mark rights in the United States of America ?
- (a) United States Trade Marks Act
 - (b) Trade Mark Protection Act
 - (c) The Lanham Act
 - (d) The Morgan Act
3. Which one of the following principles of trade policy allows traders to trade across the National boundaries without interference from their respective governments ?
- (a) Free Trade
 - (b) Inter-State Trade
 - (c) Independent Trade
 - (d) Trade between Nations
4. Which of the following is most likely to amount to the infringement of a patent ?
- (a) Use for non-profit purpose
 - (b) Use for philosophical experimentation
 - (c) Use for identifying the exactness of the verification
 - (d) Use for making and selling an improved invention

5. Which of the following legislations provided statutory status to patent linkage in the United States of America ?
- (a) Bolar Act
 - (b) Lanham Act
 - (c) Hatch-Waxman Act
 - (d) Morgan Act
6. Which one of the following most accurately describes the developer, custodian and right holder of traditional knowledge ?
- (a) Head of the Community
 - (b) Elders of the Community
 - (c) Traditional Community
 - (d) Guardian of Community
7. Which one of the following most accurately describes the scientific research for the investigation of a useful process or product in nature ?
- (a) Traditional Knowledge
 - (b) Geographical Indication
 - (c) Bioprospecting
 - (d) Natural Science Research

- 8.** Which one of the following is most likely to lead to misappropriation of genetic resources ?
- (a) Prior Informed Consent
 - (b) Mutually Agreed Terms
 - (c) Access Permit
 - (d) Application for Patent
- 9.** The doctrine of pith and marrow and the doctrine of equivalents make a party liable for
- (a) Infringement of Copyright
 - (b) Infringement of Patent
 - (c) Infringement of Trademark
 - (d) Infringement of Geographical Indication
- 10.** Which of the following was the first ever statute in the world to govern the patent system ?
- (a) Spanish Statute of 1458
 - (b) English Statute of 1546
 - (c) Venetian Statute of 1474
 - (d) German Statute of 1524

PART B

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

11. What are the consequences of evergreening of patent ? Discuss.
 12. How can traditional cultural expressions be protected under the Copyright Law ? Discuss.
 13. Discuss the relevance of Parallel importation under Trademark Law.
 14. Discuss the case of Spanish champagne with reference to Geographical Indications.
 15. Discuss *sui generis* protection of traditional knowledge.
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