

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

**Term-End Examination**

**June, 2011**

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

*Time : 2 hours*

*Maximum Marks : 50*

**Note : All questions are compulsory.**

1. Attempt **any five** parts : **5x2=10**
- (a) What does National Initiative against Piracy and counterfeiting (NIAPC) emphasize on ?
  - (b) Name two pre - trial relief.
  - (c) Who can initiate proceedings in case of infringement of patent and trade mark ?
  - (d) What is national treatment ?
  - (e) What exceptions may be provided to the exclusive rights of owner of patent as per TRIPS Agreement ?
  - (f) When mediation is terminated ?
  - (g) When the mandate of an arbitrator is terminated under the Arbitration and conciliation Act, 1996 ?
  - (h) When can an award, which is delivered by WIPO Arbitration and Mediation Centre be disclosed to third party ?

2. Attempt any three parts : 3x5=15

- (a) What do you mean by “enforcement of IPR” ? How enforcement of IPR is made effectively ?
- (b) Discuss various stages when infringement of a patent is made. Does a mechanical equivalent infringe a patent ?
- (c) Discuss various grounds of infringement of a registered trade mark.
- (d) Discuss the administrative procedure and criminal proceedings in case of infringement of IPRs.

3. Attempt any two parts : 2x5=10

- (a) What provisions have been made in the TRIPs Agreement for the protection of performers, producers of phonograms and broadcasting organisations ?
- (b) Discuss special requirements related to border measures as provided by TRIPs Agreement for Members in relation to counterfeit trademark goods and pirated copyright goods.
- (c) Discuss the issues considered and the recommendations made for combating counterfeiting at the First Global Congress on Combating Counterfeiting held in 2004.

4. Attempt **any three** parts :

**3x5=15**

- (a) Discuss the preliminary remedies available to the owner for infringement of his IPRs.
  - (b) How the domain name disputes are resolved under the Uniform Dispute Resolution Policy (UDRP) of WIPO ?
  - (c) How the arbitral awards are made as per the WIPO Arbitration Rules ?
  - (d) Discuss the composition of Arbitral Tribunal under the Arbitration and conciliation Act, 1996. What are the grounds for challenging the appointment of an arbitrator ?
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