

LLM
FIRST SEMESTER
INTELLECTUAL PROPERTY LAW -I
LLM - 1.6 CCL-3

[USE OMR SHEET FOR OBJECTIVE PART]

SET
A

Duration: 3 hrs.

Full Marks: 70

Time: 30 min.

Marks: 20

(Objective)

1×20=20

Choose the correct answer from the following:

1. The principle of National Treatment under the Paris Convention stipulates that:
a. A person from a Union country must file their trademark application in all other Union countries simultaneously
b. Each Union country must grant the same protection to nationals of other Union countries as it grants to its own nationals.
c. All Union countries must adopt identical national trademark laws
d. The Convention applies only to industrial property, excluding trademarks
2. The Berne Convention, 1886, primarily deals with the protection of which form of Intellectual Property?
a. Patents
b. Trademarks
c. Industrial Designs
d. Copyrights
3. Which Intellectual Property Right (IPR) theory is most closely associated with the philosophy of John Locke, suggesting that a creator has a natural right over the 'fruits of their labor'?
a. Utilitarian Theory
b. Ethic & Reward Theory
c. Personality Theory
d. Natural Rights Theory
4. The primary function of the World Intellectual Property Organization (WIPO) is best described as:
a. To promote the protection of intellectual property throughout the world and administer treaties
b. To resolve commercial contract disputes between private companies
c. To issue and register all patents and copyrights globally
d. To set global tariffs on imported goods and services
5. In India, a "mere discovery of a scientific principle" is considered:
a. Patentable, with limitations
b. Non-patentable subject matter.
c. Patentable if industrially applicable
d. Only patentable in the pharmaceutical sector

6. The act of registering an internet domain name in bad faith, especially a name confusingly similar to an existing trademark, is called:
 - a. Linking
 - b. Framing
 - c. Cybersquatting
 - d. Digital Rights Management
7. When the World Trade Organization (WTO) was formally established?
 - a. 1948
 - b. 1991
 - c. 1995
 - d. 2001
8. The principle of Most Favoured Nation (MFN) in the WTO mean-
 - a. Giving special treatment to one's preferred trade partner.
 - b. No discrimination among trade partners (equal treatment for all).
 - c. Importing only from neighboring countries
 - d. Taxing imports higher than domestic goods.
9. Who is eligible to apply for a Patent in most jurisdictions?
 - a. The true and first inventor, or their assignee.
 - b. Only a legally registered company.
 - c. Only government institutions
 - d. Any person who can afford the filing fees.
10. The symbol TM indicates:
 - a. Registered Trademark
 - b. An Unregistered Trademark
 - c. Registered Trademark
 - d. Copyrighted work
11. "Linking" in the context of the internet generally involves:
 - a. Using a hyperlink to direct users to another website or resource
 - b. Connecting two physical computers together.
 - c. The process of data encryption.
 - d. Filing multiple legal actions together
12. The doctrine of 'Fair Use' or 'Fair Dealing' is most commonly associated with which IPR?
 - a. Patent
 - b. Trademark
 - c. Copyright
 - d. Geographical Indication
13. Traditional Knowledge is often associated with which two main areas?
 - a. Space travel and physics,
 - b. Modern art and literature
 - c. Agriculture and medicine
 - d. Finance and technology
14. What is the "Golden Rice" genetically modified to produce?
 - a. Vitamin C
 - b. Beta-carotene
 - c. Iron
 - d. Vitamin A
15. Which crop was one of the first commercially successful insect-resistant GMOs?
 - a. Arctic Apple
 - b. Bt Cotton,
 - c. Golden Rice
 - d. Flavr Savr Tomato
16. Which everyday technology uses AI-powered algorithms to analyze your viewing history and suggest movies or shows you might like?
 - a. An email spam filter
 - b. A toaster oven
 - c. A digital streaming service
 - d. A traditional analog radio

17. Copyright law primarily protects which of the following?
- a. The recipe for a beverage
 - b. A logo used on clothing
 - c. The expression of an original idea
 - d. A new, non-obvious invention
18. Certified Mark is generally defined as a mark used to indicate:
- a. The mark owner is certified to use the trademark in a specific industry.
 - b. The mark is owned by a non-profit organization.
 - c. That the goods or services meet a certain standard of quality, material, or origin, as certified by a third party
 - d. A specific geographic origin of the goods.
19. The Right of Priority established by the Paris Convention means that an applicant who files for a trademark in one member country has how long to file the same application in other member countries and claim the benefit of the first filing date?
- a. 3 months
 - b. 6 months
 - c. 12 months
 - d. 18 months
20. Which bacterium's gene is typically inserted into Bt Cotton to provide insect resistance?
- a. Escherichia coli
 - b. Bacillus thuringiensis
 - c. Lactobacillus acidophilus
 - d. Streptococcus pyogenes

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(Descriptive)

Time : 2 hrs. 30 min.

Marks : 50

[Answer question no.1 & any four (4) from the rest]

1. Explain the concept of Non-patentable Subject Matter in India under the Patents Act, 1970, with a focus on Sections 3(b), 3(c), and 3(d). 5+5=10
2. Discuss the protection accorded to different categories of trademarks in India, specifically focusing on Collective Marks, Well-known Trademarks, and Service Marks. What are the enhanced protections available for a well-known? 5+5=10
3. Discuss the Development of Intellectual Property Laws on Artificial Intelligence (AI) from an Indian perspective. Specifically, address the IPR issues related to Access to Data as Input for AI and the complex question of Criminal Liability for AIs' actions. 10
4. Discuss the Copyrights Vs. Patents debate in the context of computer Software in India. 5+5=10
5. Detail the purpose and main principles of the Paris Convention for the Protection of Industrial Property, 1883, and the Berne Convention, 1886. How have these conventions contributed to the principle of "national treatment"? 10
6. What are the three essential criteria (tests) that an invention must satisfy to be eligible for a Patent? Elaborate on the concept of 'Inventive Step'. 5+5=10
7. Identify and describe the three main categories of monetary remedies available in trademark infringement cases 10
8. Describe the evolving landscape of online IP infringement, detailing specific issues such as cybersquatting, domain name disputes, online piracy of copyrighted material, and the unauthorized use of trademarks 10

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