

(Please write your Exam Roll No.)

Exam Roll No.

END TERM EXAMINATION

EIGHTH SEMESTER [LLB] JUNE 2024

Paper Code: LLB-402

Subject: Intellectual Property Rights

Time: 3 Hours

Maximum Marks: 75

Note: Attempt five questions in all including Q.No.1 of Part A which is compulsory. Select one question from each unit of Part B.

PART-A

Q1 Differentiate between: [5x5=25]

- a) Economic rights and Moral rights in copyright.
- b) Well known trademarks vs. Unconventional trademarks
- c) Licensing vs. Compulsory licensing
- d) Design vs. Copyright
- e) Process patent vs. Product patent

PART-B

UNIT-I

Q2 Discuss the role of International Conventions in the evolution of Indian Copyright Act 1957. [12.5]

OR

Q3 What are the various methods recognised under the Indian Copyright Act 1957 for the transfer of copyright. [12.5]

UNIT-II

Q4 Discuss the procedure of registration of trademark recognised under the Trademark Act 1999. What are the grounds of refusal of registration of well known trademark? [12.5]

OR

Q5 Elaborate the concept of domain name. How domain name is protected under the Trademark law. Explain with the help of case laws. [12.5]

UNIT-III

Q6 What are the prerequisite for the patent under the Indian Patent Act? Elaborate the instances when inventions are not allowed protections under Patent Act. [12.5]

OR

Q7 What are the rights of Patentee? In a patent infringement cases what are the defend defences allowed? [12.5]

UNIT-IV

Q8 Discuss salient features of International Conventions with regards to Design. [12.5]

OR

Q9 Discuss the registration process of design, its revocation and remedies relating to design under the Design Act. [12.5]

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EIGHTH SEMESTER [BALLB/BBALLB] JULY 2023

Paper Code: LLB402

Subject: Intellectual Property Rights

(BATCH 2014 ONWARDS)

Time: 3 Hours

Maximum Marks: 75

Note: Attempt five questions in all including Q.No 1 of Part A which is compulsory. Select one question from each unit of Part B.

PART-A

Q1 Write **Short Notes** on the following:

(5x5=25)

- Unconventional Trademarks
- Non-patentable inventions
- Piracy of registered designs
- Fair dealing as an exception to Copyright Infringement
- Parallel imports

PART-B

UNIT-I

Q2 What constitutes infringement of a copyright? What are the remedies available for such infringement? (12.5)

OR

Q3 The advancement of digital technology has brought with it the biggest threat to the copyright. Discuss this statement in relation to issues related to Digital Copyright. (12.5)

UNIT-II

Q4 Elaborate the grounds of refusal for registration of a trademark? Whether the same grounds of refusal are applicable on well know trade mark? Justify your answers with the help of case laws. (12.5)

OR

Q5 Elucidate the differences between passing off and infringement with the help of decided cases and relevant provisions in the statute. (12.5)

UNIT-III

Q6 What are the rights of a patentee? Whether the provisions of Compulsory Licencing take away the rights available to patentee? Discuss with special focus on Indian public health sector. (12.5)

OR

Q7 What are patentable and non-patentable inventions? Discuss the grounds on which registration of a patent may be refused in India. (12.5)

UNIT-IV

Q8 Discuss the procedure for registration of designs in India. On what grounds, the registration of design can be cancelled under Section-19 of the Designs Act,2000? (12.5)

OR

Q9 In India, Copyright and trademarks are given protection even without registration. What is the status of unregistered designs in India? Discuss in light of applicability of section 22 of the Designs Act, 2000. (12.5)

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END TERM EXAMINATION

EIGHTH SEMESTER [LLB] NOVEMBER 2020

Paper Code: LLB-402

Subject: Intellectual Property Rights

Time: 2 Hours

Note: Attempt any three questions. All questions carry equal marks.

Maximum Marks: 75

- Q1 X started a law journal, by selecting the important judgments of the High Courts and the Supreme Court and reproducing them with the head notes in the journal. Y, too, came up with the same judgments in his journal along with the head notes copied from X's journal. X filed a suit for infringement of copyright against Y. The contention of Y was that there is no copyright in judgments as they do not fall within the ambit of original literary work and are in public domain. On the other hand, X claimed copyright in the head notes and editing the judgments. Decide. Substantiate your reasoning with relevant provisions of the Copyright Act, 1957 and the relevant case laws.
- Q2 Comment on the exception to copyright infringement. Explain 'fair dealing' with relevant statutory provisions.
- Q3 Explain the content and scope of any three International Treaties or Agreement on law of Trade Marks.
- Q4 Distinguish between trademark infringement and passing off referring to suitable provisions in the statute and decided case laws.
- Q5 Discuss the procedure of filing an application for the patent and granting the same under the Patents Act, 1970.
- Q6 Explain the purpose, grounds and procedure of granting Patent Compulsory License.
- Q7 Define "Design" under the Designs Act, 2000. What are the prohibitions for registration of an industrial design under the Act? Refer to the relevant provisions and judicial pronouncements.
- Q8 Discuss the procedure to register an industrial design under the Designs Act, 2000. What is the effect of registration? For how long the protection is granted and what are the grounds of cancellation of a design under the Designs Act, 2000? Substantiate your answer with relevant provisions of the Act.



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END TERM EXAMINATION

EIGHTH SEMESTER [LLB] APRIL - MAY 2019

Paper Code: LLB-402

Subject: Intellectual Property Rights

(Batch 2014 onwards)

Time: 3 Hours

Maximum Marks: 75

Note: Attempt five questions in all including Q. No. 1 of Part A which is compulsory. Select one question from each unit of Part B.

PART-A

- Q1 Write short notes:
- (a) Well known trademarks
 - (b) Specification
 - (c) Term of copyright
 - (d) IPAB
 - (e) Non registrable designs

(5x5=25)



PART-B UNIT-I

- Q2 Establish that the concepts of 'authorship and ownership' are different in copyright law. (12.5)
- Q3 Discuss what constitutes infringement of copyright? What are the remedies and defenses for the same? Use laws wherever needed. (12.5)

UNIT-II

- Q4 Explain the difference between passing off and infringement of trademarks. (12.5)
- Q5 Elaborate the concept of unconventional trademarks with suitable examples and case laws. (12.5)

UNIT-III

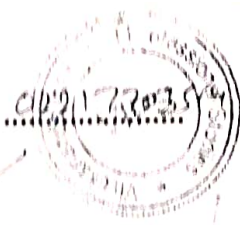
- Q6 Can invention be patentable? Discuss the procedure for registering a patent? (12.5)
- Q7 What is 'Novelty' of an invention? What is the effect of anticipation on novelty? (12.5)

UNIT-IV

- Q8 Explain the definition of industrial design. Also elaborate the pre-requisites for legal protection of a design? (12.5)
- Q9 What is piracy? What are the statutory remedies for piracy of design? (12.5)

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END TERM EXAMINATION

EIGHTH SEMESTER [LLB] MAY-JUNE 2018

Paper Code: LLB-402

Subject: Intellectual Property Rights

(Batch 2014 Onwards)

Time: 3 Hours

Maximum Marks: 75

Note: Attempt any five questions including Q no.1 of Part A which is compulsory. Select one question from each unit of Part B.

PART-A

Q1 Write short notes on the following:-

(5x5=25)

- (a) Goodwill
- (b) Inventive step
- (c) Derivative works
- (d) Privacy of registered design
- (e) Parallel imports



PART-B UNIT-I

Q2 "Copyright is a bundle of rights." What are the economic and moral rights associated with Copyright? (12.5)

Q3 Explain the content and scope of (i) WIP Copyright Treaty and (ii) Copyright related provisions in TRIPS Agreement? (12.5)

UNIT-II

Q4 Explain with case laws and relevant statutory provisions the concept of 'Distinctiveness' as a per-requisite for trademark registration. (12.5)

Q5 Narrate the statutory procedure to register a trademark in India. Can a trademark be renewed and how? (12.5)

UNIT-III

Q6 What is meant by compulsory licensing? What is the procedure in India to grant compulsory license for patents? Explain your answer by referring to the Patent Act 1970 and any two judicial decisions. (12.5)

Q7 Are all inventions patentable? Discuss with reference to section 3 of Indian Patent Act? (12.5)

UNIT-IV

Q8 Explain the criteria and procedure to register Industrial Design? (12.5)

Q9 Elaborate the relation and interface between Designs, Copyrights and Trademarks. (12.5)

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END TERM EXAMINATION

SEVENTH SEMESTER [LLB] DECEMBER-2015

Paper Code: LLB-405

Subject: Intellectual Property Rights

Time: 3 Hours

Maximum Marks: 75

Note: Attempt any five questions including Q.No 1 of part A which is compulsory. Select one question from each unit of part B.

PART-A

Write short notes on: -

(5x5=25)

- (a) Nature of Intellectual Property Rights
- (b) 'Invention' under law of patents
- (c) 'Fair Use' under copyright law
- (d) 'Deceptive Similarities' in trade marks
- (e) An 'Industrial Design'

PART-B

UNIT-I

Q2 What is the extent of protection of copyright under the Copyright Law in India? Refer to the "idea-expression dichotomy" as propounded by the Supreme Court of India. (12.5)

Q3 Discuss the position of performers' rights under the Copy Right Act of 1957 in the light of case law. (12.5)

UNIT-II

Q4 What is the criterion for grant of patents under the Patent Act of 1970 as amended up to date? Explain the term 'innovation' as explained by the Supreme Court of India in its NOVARTIS judgment. (12.5)

Q5 What were the modifications brought about in the Patent Law of India after the commencement of new economic regime through the latest Amendment Acts up to 2012 especially regarding procedures and availability of remedies? (12.5)

UNIT-III

Q6 What is 'Trade Mark'? Why are trademarks covered under the law on Intellectual Property Rights? What is their importance under E-Commerce? (12.5)

Q7 In the light of the Trade Marks Act, 1999 and judicial decisions give a detailed descriptions of 'marks' which cannot be registered as trademarks. (12.5)

UNIT-IV

Q8 What is the meaning of 'design' under the Indian Designs Act, 2000? To what extent industrial designs are protected under that Act? Refer to case law. (12.5)

Q9 Describe the nature of piracy prevalent in India and the remedies available to battle with conflicts under the Indian Designs Act, 2000. (12.5)

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END TERM EXAMINATION

MERCY CHANCE [LLB] FEBRUARY 2014

Paper Code: LLB307

Subject: Intellectual Property Law

Time : 3 Hours

Maximum Marks : 75

Note: Attempt any five questions including Q.no.1 of Part-A which is compulsory.

PART-A

Q.1. Write Short Notes on the Following. (Marks 5 each=25)

- Discuss the Concept and Types of IPR
- Berne Convention
- Opposition Proceedings under Patent Act
- Moral Right under Copyright Law
- TRIPS



PART-B

(12.5 each= 50)

Q.2- "In the age of global information technology when all information is available to everybody, the problem of protection of information assumes great importance. The source of all knowledge and information is creativity and unless it is protected it cannot be further encouraged. Hence, the protection of copyright can never become obsolete in the way of dissemination of knowledge and information".

Explain in the light of recent development of Copyright law in India.

Q.3. Explain 'Geographical Indication' with the help of examples in Indian context. Also differentiate between Trademark and Geographical Indication.

Q.4 Discuss the Absolute grounds for refusal of registration of Trade Marks. Discuss the registrability of following marks:

- Yamuna for Mineral water
- Thanda for cold drinks
- TATA for shoes

Q.5 What do you understand by deceptive similarity? Discuss the law as to deceptive similarity?

Q.6 What do you understand by industrial designs? What are the conditions for registration of an Industrial design?

Q.7 What are "patentable" and "non-patentable" inventions under Patents Act? Discuss the procedure for grant of patent under the Act.

Q.8 Explain the salient features of the TRIPS Agreement in relation to different types of IPR. How Indian laws changed to meet the minimum basic standards of protection under TRIPS Agreement.

Q.9 Critically analyse the doctrine of "sweat of the brow" and "idea-expression dichotomy" with the help of case laws in India.

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END TERM EXAMINATION

SEVENTH SEMESTER [LLB] DECEMBER 2014

Paper Code: LLB-405

Time: 3 Hours

Subject: Intellectual Property Rights

Maximum Marks: 75

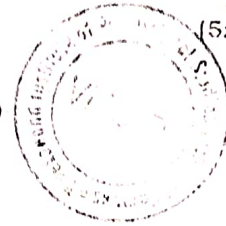
Note: Attempt any five questions including Q.no.1 of Part A which is compulsory. Select one questions from each unit of Part B.

PART-A

01. Write Short notes on the following:-

- (a) Doctrine of "Fair Use" under the Copyright law
- (b) Inherent and Acquired Distinctiveness of trade mark
- (c) Procedure for registration under the Trade Marks Act, 1999
- (d) Conditions of patentability
- (e) Moral Rights of an author under the Copyright Act, 1957.

(5x5=25)



PART-B

UNIT-I

02. Discuss the "idea-expression" dichotomy in law of copyright in the light of the stand taken by the Supreme Court of India in this regard. (12.5)

03. Does copyright vest in the following and if yes, in whom does it vest? (12.5)

- (a) Reporting of the judgements of High Courts and Supreme Courts with head notes in a Law journal.
 - (b) Making video film of a live performance of a singer in a concert and giving the same to a cinematographer without taking consent from the singer.
- Substantiate your answer with relevant provisions of the Copyright Act, 1957 and the case law.

UNIT-II

04. While enlisting specified non-patentable inventions under the Patents Act, 1970, explain the meaning of "Ever greening" of patents. Refer to the relevant judicial pronouncements on the concept of ever greening of patent. (12.5)

05. Write notes on the following:-

- (a) Provisional and Complete specifications
- (b) Grounds for Post-grant opposition to the grant of patents.

(12.5)

UNIT-III

06. Decide whether the followings marks can be registered under the Trade Marks Act, 1999. (12.5)

- (a) Saraswati for a book store
- (b) Smart Talk for a mobile phone with proven distinctiveness
- (c) Shape of a Coca-cola bottle

Refer to the relevant provisions of the Act and decide giving a cogent reasoning.

07. XYZ, a multinational, is dealing in electronic goods under its registered trademark 'SONY' in India. SONY is a renowned brand and famous for its best quality products throughout the world. ABC starts selling cosmetics under the trademark SONNY. XYZ files a suit for infringement under sec.29 (4) of the Trade Marks Act, 1999 alleging that the mark used by ABC is deceptively similar to SONY which may prove detrimental to the reputation of XYZ since it is a well-known trade mark. ABC contends that the goods are entirely different and that is why the question of confusion among the consumers does not arise. Decide. (12.5)

UNIT-IV

08. Define "Design" under the Designs Act, 2000. Analyze the scope of protection of an industrial design under the Act along with the procedure to get the design registered. (12.5)

09. Write notes on the following:-

- (a) Conditions for registration of an industrial design under the Designs Act, 2000.
- (b) Piracy and remedies to combat piracy under the Designs Act, 2000.

(12.5)

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END TERM EXAMINATION

SEVENTH SEMESTER [LLB] DECEMBER 2014

Paper Code: LLB-405

Subject: Intellectual Property Rights

Time: 3 Hours

Maximum Marks: 75

Note: Attempt any five questions including Q.no.1 of Part A which is compulsory. Select one questions from each unit of Part B.

PART-A

Q1 Write Short notes on the following:-

- (a) Doctrine of "Fair Use" under the Copyright law
- (b) Inherent and Acquired Distinctiveness of trade mark
- (c) Procedure for registration under the Trade Marks Act, 1999
- (d) Conditions of patentability
- (e) Moral Rights of an author under the Copyright Act, 1957.

(5x5=25)

PART-B

UNIT-I

Q2 Discuss the "idea-expression" dichotomy in law of copyright in the light of the stand taken by the Supreme Court of India in this regard. (12.5)

Q3 Does copyright vest in the following and if yes, in whom does it vest? (12.5)

- (a) Reporting of the judgements of High Courts and Supreme Courts with head notes in a Law journal.
- (b) Making video film of a live performance of a singer in a concert and giving the same to a cinematographer without taking consent from the singer.
Substantiate your answer with relevant provisions of the Copyright Act, 1957 and the case law.

UNIT-II

Q4 While enlisting specified non-patentable inventions under the Patents Act, 1970, explain the meaning of "Ever greening" of patents. Refer to the relevant judicial pronouncements on the concept of ever greening of patent. (12.5)

Q5 Write notes on the following:- (12.5)

- (a) Provisional and Complete specifications
- (b) Grounds for Post-grant opposition to the grant of patents.

UNIT-III

Q6 Decide whether the followings marks can be registered under the Trade Marks Act, 1999. (12.5)

- (a) Saraswati for a book store
- (b) Smart Talk for a mobile phone with proven distinctiveness
- (c) Shape of a Coca-cola bottle

Refer to the relevant provisions of the Act and decide giving a cogent reasoning.

Q7 'XYZ, a multinational, is dealing in electronic goods under its registered trademark 'SONY' in india. SONY is a renowned brand and famous for its best quality products throughout the world. ABC starts selling cosmetics under the trademark SONNY. XYZ files a suit for infringement under sec.29 (4) of the Trade Marks Act, 1999 alleging that the mark used by ABC is deceptively similar to SONY which may prove detrimental to the reputation of XYZ since it is a well-known trade mark. ABC contends that the goods are entirely different and that is why the question of confusion among the consumers does not arise. Decide. (12.5)

UNIT-IV

Q8 Define "Design" under the Designs Act, 2000. Analyze the scope of protection of an industrial design under the Act along with the procedure to get the design registered. (12.5)

Q9 Write notes on the following:- (12.5)

- (a) Conditions for registration of an industrial design under the Designs Act, 2000.
- (b) Piracy and remedies to combat piracy under the Designs Act, 2000.

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END TERM EXAMINATION

SEVENTH SEMESTER [LLB] DECEMBER - 2012

Paper Code: LLB 402

Time : 3 Hours

Subject: Intellectual Property Rights

Maximum Marks :75

Note: Part A is compulsory. Attempt one question from each unit in Part B.

Part-A

Q1. Write notes on the following:

(5x5=25)

- (a) Cancellation of Registered Design
- (b) Short notes on TRIPS
- (c) What is the meaning of patent? What is the rationale of Patent System?
- (d) Explain Abridgement under Copyright.
- (e) Tarnishment of Trade mark by comparative advertising.

Part-B

(12.5x4=50)

Unit-I

Q2. "There can be no copyright in an idea or ideas. A person who gives expression to the idea whether by means of a book, a picture or a play is the owner of the copyright in the work".

Discuss in the light of the above statement the proper subject matter of the copyright under the Copyright Act, 1957. What if the idea has been crystallised into a 'concept' for a live show on television?

Q3. Critically examine the provisions dealing with rights of the performers under the Copyright Act, 1957. Can a better protection be provided to them in your opinion? Also discuss the doctrine of "Fair use".

Unit-II

Q4. Discuss the inventions where only methods or processes of manufacture were patentable prior to the patent (Amendment) Act, 2005. Also mention the non-patentable inventions under the Act.

Q5. What do you understand by the word 'invention'? What conditions must an invention fulfill to become eligible for grant of a patent? Also discuss specification in detail.

Unit-III

Q6. Maruti Udyog Ltd. Is an automobile giant in India and has registered three domain names for business purposes- marutiudyog.com, maruti.com and maruti.org. One Mr. 'X', who has no business connection with Maruti Udyog Ltd. Has registered a domain name 'maruti.net' and has started selling automobile spare parts from a web portal launched under this domain name. It is a fact that Mr. 'X' is a worshipper of Lord Hanuman and his son's name is also Maruti. Is it possible for Maruti Udyog Ltd. to restrain Mr. 'X' from using the domain name maruti.net? If yes, how, if not, why not?

Q7. Advise whether the following trademarks be registered by giving reasons and quoting appropriate sections in support of your answer.

- (a) Pictorial device of a bamboo groove with the words Bans Ka Jungle for health tonic.
- (b) Shape of animals for chocolate
- (c) Sulekha for fountain pens.

Unit-IV

Q8. Explain the definition of 'Design' under the Designs Act 2000. What are the requirements for registration of a design under the Design Act.

Q9. How the legislation has dealt with the overlap between designs, copyright and trademarks. Explain with case laws.

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END TERM EXAMINATION

Seventh Semester [LLB] DEC 2011 - JAN 2012

Paper Code: LLB-402

Subject: Intellectual Property Rights
(Batch 2005-2008)

Time : 3 Hours

Maximum Marks : 75

Note: Part A is compulsory. Attempt one question from each unit in Part B.

PART - A

- Q1 Write notes on the following:- (5x5=25)
- (a) Moral Rights of an author under the Copyright Act, 1957.
 - (b) Grounds for pre-grant opposition under Indian Patent Law.
 - (c) Procedure for registration of a trade mark.
 - (d) Well-known trade mark and the conditions to determine a well-known trademark under the Trade Marks Act, 1999.
 - (e) Performer's Rights under The Copyright Act, 1957.

PART - B UNIT-I

- Q2 Explain the following :
- (a) Changing facets of idea-expression dichotomy through case law. (7)
 - (b) Concept of "originality" under The Copyright Law. Is it necessary that all classes of work protected under The Copyright Act must be original? (5.5)
- Q3 Who is the 'owner' under The Copyright Act, 1957 and what rights does an 'owner' possess in regard to the creation protected under the Act? (12.5)

UNIT-II

- Q4 Discuss the conditions of patentability under the Patent Act, 1970. Enlist non-patentable inventions as specified under the Act. (12.5)
- Q5 Discuss the rights of a patentee while explaining the procedure for obtaining a patent under the Patent Act, 1970. (12.5)

UNIT-III

- Q6 Decide and give reasons whether the following marks can be registered under the Trade Marks Act, 1999.
- (a) (i) 'TIMETELL' for alarm clocks (7)
 - (ii) 'TIRANGA' for Beer
 - (iii) Shape of a tyre.
- (b) 'Swagat' for a chain of hotels which has been opposed by an earlier trade mark 'Suswagat' chain of Restaurants. Refer to relevant provisions of The Trade Marks Act. (5.5)
- Q7 The expansion of 'infringement action' under The Trade Marks Act, 1999 has brought it at par with passing off. Explain with the help of decided cases and also bring out the distinction between the two actions. (12.5)

UNIT-IV

- Q8 Define 'Design' under the Designs Act, 2000. What are the requirements for registration which a 'design' has to fulfil under the Act? (12.5)
- Q9 (a) Explain the procedure followed to get a copyright in Design under The Design Act, 2000. (6.5)
- (b) What would constitute piracy of a design under The Designs Act, 2000 and the remedies to combat the same. (6)

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END TERM EXAMINATION

SEVENTH SEMESTER [LLB] DECEMBER-2009

Paper Code: LLB402

Paper Id-38405

Time : 3 Hours

Subject: Intellectual Property Rights

(Batch: 2005-2008)

Maximum Marks :75

Note: Part-A is compulsory. Attempt four questions from part-B selecting one from each unit.

PART-A

(5x5=25)

Q1 Write notes on the following:-

- (a) 'Deceptive similarities' under the Trade Marks Act, 1999.
- (b) Moral Rights of an author under the Copyright Act, 1957.
- (c) Meaning of 'Design' under the Design Act, 2000.
- (d) Grounds of post-grant opposition under Indian patent law.
- (e) Performer's rights under the Copyright Act, 1957.



PART-B

(4x12.5=50)

UNIT-I

- Q2 (a) "There can be no copyright in an idea but it vests in the expression of an idea". Comment.
- (b) Explain 'Abridgement' within the meaning of Copyright Act, 1957.

- Q3 Does Copyright vest in the following works? If yes, in whom does it vest? Also, mention the term of Copyright in the following works.
- (a) A photograph where one is clicked by a personal camera and one clicked by a professional photographer at his studio.
 - (b) Songs in a cinematograph film.

UNIT-II

- Q4 What do you think is the rationale in granting patent rights? Discuss the conditions of patentability. Under what circumstances, the pre-grant disclosure of patent would not amount to anticipation under the Patent Act, 1970?
- Q5 Explain the procedure for the grant of patent in India under Patent Act, 1970. What is the relevance of provisional and complete specifications?

UNIT-III

- Q6 Discuss the registrability of the following marks under the Trade Marks Act, 1999.
- (a) 'Soft Touch' for T-shirts.
 - (b) 'Janta' for umbrellas with a user for the last 10 years and very popular among masses.
 - (c) 'Shree Ganesh' for incense sticks.
 - (d) Shape of a computer for a computer manufacturing company. Substantiate your answer with relevant provisions and case law, if any.

- Q7 The underlying principle of passing off action is that a man is not to sell his own goods under the pretence that they are the goods of another while that is not the gist of an action for infringement'. In view of this statement distinguish between passing off and infringement of a trade mark. Also, discuss the expansion of the infringement action under the Trade Marks Act, 1999.

UNIT-IV

- Q8 What are the requirements for registration of a design under the Designs Act, 2000? What is the procedure followed to get a Copy right in design?
- Q9 What would constitute piracy of a design? What are the remedies available to combat this piracy?



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