



**First Semester LL.M. Examination, June 2011**  
**LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY**  
**(Specialisation Paper – I)(Course – IV)**  
**(Business and Trade Law-Branch)**

Duration : 3 Hours

Max. Marks : 80

- Instructions :** 1. Answer **all 5** questions.  
2. Figures to the **right** indicate marks.

Q. No. I. (a) Provide a brief description of the legal rights involved in patent, trade secret, copyright and trademark. Discuss the standard economic justification for and challenges to these rights.

OR

Elucidate the legal sources of international law which are applicable to international intellectual property regime.

Marks : 10

(b) Explain whether it is preferable to protect intellectual property rights by means of property rules or liability rules.

OR

Trace out the justifications stated by WIPO and WTO for bringing the very diverse areas of law together under the rubric of intellectual property.

Marks : 6

Q. No. II. (a) With the help of comparative analysis examine the extent to which software is protected under copyright law.

OR

Whether the existing legislations in India are sufficient to cover software piracy on the medium of internet. What are your suggestions in this regard ?

Marks : 10

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- (b) Write a short note on Digital Millennium Copyright Act of USA.

OR

Comment on the test laid down in *Altai* (Computer Associates Inc. V *Altai* Inc. 982F.2d 693(Fed.Cr. 1992)).

Marks : 6

- Q. No. III. (a) Elucidate the differences in resources for patent examination between developed and developing countries. What all should be done to enhance the resources ?

OR

Critically comment on the international and global patent information retrieval system.

Marks : 10

- (b) Comment on the facilities for patent search and examination in India.

OR

What is the importance of patent search ?

Marks : 6

- Q. No. IV. (a) Explain primary and secondary infringement that happens in the realm of copyrights.

OR

Citing case laws explain the proof required in patent laws to establish novelty and non-obviousness of inventions.

Marks : 10

- (b) Write a note on reversal of burden of proof in process patent introduced by TRIPS.

OR

Explain the evidentiary problems associated in the action of passing off.

Marks : 6

- Q. No. V. (a) Intellectual property rights and human rights must learn to live together. Comment.

OR

Examine the tensions between copyright and human rights especially in the context of freedom of expression, speech and right to privacy.

Marks : 10

- (b) Write a note on :  
IPR and the right to development.

OR

Patents and right to health.

Marks : 6