



First Semester LL.M. Examination, June/July 2012
LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY
(Business and Trade Law) (Specialisation Paper – I)

Duration : 3 Hours

Max. Marks : 80

- Instructions:**
1. Answer all 5 Questions.
 2. **One** essay type and **one** short note question or problem from **each unit** have to be attempted, which is referred as part (a) and part (b) in all the units.
 3. Figures to the right indicate marks.
 4. Answers should be written only in English.

UNIT – I

- Q. No. I. (a) Trace out the development of intellectual property law with specific reference to patents and copyright. Marks : 10

OR

The intellectual property system is one of the cornerstones of modern economic policy. Comment.

- (b) Write a short note on the abstract nature of intellectual property. Marks : 6

OR

The enforcement of Intellectual Property Rights is anti-competitive. Explain.

UNIT – II

- Q. No. II.(a) How far the decision arrived by foreign courts will guide the Indian courts in deciding the cases involving copyright relating to software. Marks : 10

OR

Analyse the extent to which Indian law permit software patent to computer programme.

- (b) Write a note on meaning of the term Database and nature of protection afforded to it in India. Marks : 6

OR

Write a brief history of software copyright law.

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UNIT – III

- Q. No. III. (a) Compare and contrast patent search of European Patent Treaty and Patent Co-operation Treaty.

Marks : 10

OR

Explain the patent search and examination procedures in India.

- (b) Define patent search.

Marks : 6

OR

Resources available for patent examination in India.

UNIT – IV

- Q. No. IV.(a) Define the term primary infringement in relation to copyright. What are its two elements ?

Marks : 10

OR

Copyright protects the form in which the idea is expressed rather than the idea itself. Explain citing case laws.

- (b) Comment on Artistic works and infringement.

Marks : 6

OR

Authorization in the context of copyright.

UNIT – V

- Q. No. V. (a) Citing relevant articles from UDHR, ICCPR and ICESCR establish that there is no conflict between IPR and human rights.

Marks : 10

OR

Trace out the relationship between intellectual property rights and human right to freedom of speech and expression.

- (b) Trace out the conflicts between human right to education and copyright.

Marks : 6

OR

Comment on patents and right to food.