

**Francis Xavier Engineering College, Tirunelveli – 627 003**  
**(An Autonomous Institution)**  
**Department of Computer Science and Engineering**

**Continuous Assessment Test - I**

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**Course Code/Title: 19GE5M03/ INTELLECTUAL PROPERTY RIGHTS**

**PART – A (2 Marks)**

<b>Question</b>
<p>If TRIPS is not formed, what will be the outcome of world trade</p> <p>Trade-Related Aspects of Intellectual Property Rights (TRIPS) is arguably the most important and comprehensive international agreement on intellectual property rights, if not for the TRIPS, world trade will be affected</p>
<p>Does IP infringement always give rise to criminal liability?</p> <p>the answer is yes. IPR rights can be protected by both civil and criminal mechanisms. However, only the trademark act and copyright act have provided criminal remedies in case of infringement. It mentions about imprisonment for a term not less than 6 months which may extend up to 3 years and fine not less than 50,000 rupees which may extend up to 2 lakh rupees, as punishment if found guilty in a copyright infringement case</p>
<p>Does IP protection have a time limit?</p> <p>The patent lasts for a limited period of time, generally 20 years. In return, the patent owner has to disclose full details of the invention in the published patent documents.</p>
<p>How international conventions play an important role in protecting patent rights?</p> <p>It provides basic guidelines for the protection of intellectual property such as patents, utility models, industrial designs, trademarks, service marks, trade names, sources of information or signs of appeal, and some provisions for harassment and national treatment of unfair competition.</p>
<p>Three people take photograph of the ‘Taj Mahal’ from three different cameras. Is each of them entitled to a separate copyright for his photograph? Give reasons.</p> <p>Photographs are protected under copyright law as artistic work under Section 2 (c) of Copyright Act 1957 in India. Photographs are protected under the law of Copyright as it has been included as an artistic work, the essential element to protect the copyright in artistic work particularly a photograph requires that the photograph must</p>

be an original work where some degree of skill and effort must have been expended on it.

In a textile designing firm one person created certain design, while another filled that design with colour. Can the two-claim copyright over the design individually?

It might be a fashion faux-pas to copy someone's style, but it may be a surprise to learn that making a direct or substantially similar copy of clothing, in many circumstances is legal, because clothing designs are rarely protected by copyright law specifically.

List the eligible people who can register for geographical indication?

Any person, manufacturer, organization or authority established by or under the law may apply for the registration of Geographical Indication of their product. The respective Applicant should represent the interest of producers

How is the International Search authorities (ISA) for Indian applicants beneficial

An International Search Authority (ISA) is a patent office that you choose to search for prior art relevant to your PCT application. Once a Patent Cooperation Treaty (PCT) application is filed, the applicant needs to select an International Search Authority (ISA) to perform a search of prior art and to issue a Written Opinion giving its opinion on the patentability of the claim as filed.

If you are a registrar of trademark, Discuss the powers and functions of yours

Huge powers are vested in the hands of a registrar of trademark, such powers are with respect to the application, to allow the application of CPC 1908 to review, the power to review his own decisions, power of adjourning the subject matter, power regarding the proceedings of the subject matter

Enumerate the advantages for patent office of designated country because of PCT

The PCT system permits a central prosecution before a single patent office, and can be used to reduce the number of objections that will need to be addressed later, before individual patent offices, thereby lowering prosecution costs

How do you Protect your intellectual property?

- \* Don't File Patents. The most uncommon way to protect intellectual property is not to file patents
- \* Run Lean And Fast
- \* Separate Teams
- \* Open-Source It
- \* Avoid Joint Ownership
- \* Get Exact-Match Domains

State the difference between copyright and intellectual property?

Intellectual property is protected by laws specific to the expression of an idea. Copyright is the law specific to the expression of ideas in visual or audio form. You cannot compare copyright with intellectual property; copyright is a form of intellectual property.

Why geographical indication is important?

A geographical indication (GI) is a name or sign used on products which corresponds to a specific geographical location or origin (e.g. a town, region, or country). The use of a geographical indication, as a type of indication of source, acts as a certification that the product possesses certain qualities, is made according to traditional methods, or enjoys a certain reputation, due to its geographical origin.

State the role of WTO and the scope and intent of its trips.

WTO established the international trade based agreement and services. The agreement on trades as well as intellectual property signed and negotiated by representative world's member. The aim of WTO is to provide support to producer of goods and services. exporter and importer to conduct business.

A biology teacher in a college collects the articles written by researchers on cloning and circulates the same amongst his students. Is he guilty of infringement?

The biology teacher in a college collecting the articles written by researchers on cloning and circulating the same amongst his students is not guilty of infringement as per Sec. 52 of the Copyright Act, 1957. since the biology teacher circulates articles written by researchers on cloning only for private research use of his students, it is not an act of infringement of copyright

Is Registration of copy right is compulsory?

Registration of Copyright is not compulsory. Copyright registration only provides a rule of evidence i.e. the copyright registration can be used as evidence when such right is disputed in a Court of Law. Thus, acquisition of copyright in a work is automatic and it does not require any formality.

A textile manufacturer created designs and he displayed them in the showroom. Can the design be registered?

No, the design cannot be registered because a design can be registered only when it is not previously published in India or abroad. Section 3(2) says a design shall be deemed to have been made available to the public if has been exhibited or used in trade or it has otherwise become known. In the case of Wimco Ltd. v. Meena Match Industries, the Court held that publication means the opposite of being kept secret. The disclosure even to one person is sufficient to constitute publication

If a person is applying for a trademark, what are the signs involved?

<ul style="list-style-type: none"> <li>• <sup>TM</sup> – TM Symbol © The TM symbol is used when an application for trademark is made with the trademark registry. ...</li> <li>• SM Symbol. SM or Service Mark is a symbol used with trademark applications that are filed under class 35-45. ...</li> <li>• ® – R Symbol. ...</li> <li>• ©- C Symbol.</li> </ul>
<p>Hague agreement on industrial designs is crucial. Discuss</p> <p>he Hague Agreement governs the international registration of industrial designs. First adopted in 1925, the Agreement effectively establishes an international system – the Hague System – that allows industrial designs to be protected in multiple countries or regions with minimal formalities.</p>
<p>How Budapest Treaty changed the mode of biological inventions</p> <p>The Budapest Treaty offers applicants an efficient and cost-effective means of meeting the disclosure requirements associated with patenting microorganismsThe Budapest Treaty eliminates the need to deposit microorganisms in each country where patent protection is sought Under the treaty, the deposit of a microorganism with an international depositary authority satisfies the deposit requirements of treaty members' national patent laws.</p>

### **PART – B (13 Marks)**

Deliberate in detail about categories of patentable and non-patentable entities of IPR.
Describe how the Indian Acts are enacted for protection of various Ips and their basic objectives.
In what way the development of laws on Intellectual property helped the creators
Discuss the responsibility of WTO in safeguarding IPR internationally.
Examine the procedure for registration of a work under the Copyright Act, 1957.
Explain about the Trademarks and rights arising from trade mark registration.
Describe in detail about the essential requirements for registration of Industrial design in India, besides listing out the items outside the scope of design
Discuss the problems and prospects involved in the approval and practices in Geographical Indications.

Explain how the Patent Act of India reformed itself to suit the changing technologies
The Designs Act, 2000 ("the Act"), is a complete code in itself, Discuss
How are the concepts of Novelty, utility and non-obviousness related to IP with suitable examples.
Discuss the TRIPS implications on the governance
Enumerate about IPR in India with its Benefits and how it protects our heritage
Intellectual Property is a valuable asset that may be exploited/commercialised in a number of way. Discuss
Compare the practical aspects of patents and trademarks.
Explain the actual and relative grounds for refusal for registration of the trade mark.
Passing off is a offence, Explain
Elaborate the steps and procedure meant for filing of patents in India
International Treaties and Conventions on IPRs are essential. Discuss
Explain the PCT Agreement or the Patent Cooperation Treaty (PCT) and its relationship with WIPO
<b>PART – C -15 MARKS</b>
Explain how the Patent Act of India reformed itself to suit the changing technologies
The Designs Act, 2000 ("the Act"), is a complete code in itself, Discuss
Paris Convention is the Starting point of protection of IP, Discuss
Discuss the way in which Infringement of Trade Marks occur? Discuss the remedies available