



SIDDHARTH GROUP OF INSTITUTIONS :: PUTTUR

Siddharth Nagar, Narayanavanam Road – 517583

QUESTION BANK (DESCRIPTIVE)

Subject with Code : WTO&IPR (18MB9041)

Course & Branch: MBA

Year & Sem: II-MBA & II sem

Regulation: R18

Unit -1

S.No	Questions	Marks
1	What are the key differences between the GATT 1947 and the WTO Agreement regarding the trade in goods?	10M
2	What are quantitative restrictions? Are these allowed under the WTO Provisions?	10M
3	Discuss the structure of WTO in brief.	10M
4	“GATT is the predecessor of WTO” discuss.	10M
5	Explain the law relating to specification of invention in detail.	10M
6	Give a detail note on disputes settlement mechanism under WTO.	10M
7	What are the impact of trade block in country growth?	10M
8	Write a detailed note on Patent Agents.	10M
9	“Discrimination between the foreign capital and the domestic capital may be removed by TRIMs” how?	10M
10	What is the role of Uruguay Round in forming WTO?	10M

Unit -2

S.No	Questions	Marks
1	I care about climate, but the destruction of nature concerns me more. Why should the Paris Agreement be a priority?	10M
2	State the necessary of BERN convention in IPR?	10M
3	Difference between PARIS and BERN convention.	10M
4	What kinds of projects are eligible for WCT-SG?	10M
5	Explain the law relating to specification of invention in detail.	10M
6	What are all the Technical requirements and procedures for Budapest treaty?	10M
7	State the importance of Madrid Agreement.	10M
8	Role of Hauge Agreement in IPR development.	10M
9	What is the minimum length of time in years for the protection of the rights of the breeder of a tree as given by the 1991 convention?	10M
10	What are the benefits of plant variety protection and UPOV membership?	10M

Unit -3

S.No	Questions	Marks
1	“A monopoly of the patent is the reward of the inventor” In the light of above statement discuss the objects of the Patent Act, 1970 and also explain its salient features.	10M
2	Explain fully the procedure for grant and sealing of patent under the Patent Act.	10M
3	Write a detailed note on powers of controller with respect to the application for patent.	10M
4	What are the rights and obligations of patentee ?	10M
5	Explain the law relating to specification of invention in detail.	10M
6	What amounts to infringement of a Patent ? Which acts do not constitute infringement.	10M
7	Effective enforcement of Intellectual Property encourages economic development. Comment.	10M
8	Write a detailed note on Patent Agents.	10M
9	Explain the procedure to obtain a patent.	10M
10	Explain the rights and obligations of patentee.	10M

Unit -4

S.No	Questions	Marks
1	Discuss the salient features of the Geographical Indications Act, 1999.	10M
2	“Certain geographical names have acquired a lot of importance in the commercial market, particularly with regard to goods uniquely associated with such names”. Discuss in the context of the International Law relating to Geographical Indications.	10M
3	Discuss the historical evolution of Designs Law in India.	10M
4	What is a design ? Discuss the relationship between copyright in design and copyright in a work.	10M
5	Explain the procedure for registration of the geographical indications under the Geographical Indications Act, 1999.	10M
6	What rights are conferred by registrations of Geographical Indications ? How these rights are protected ?	10M
7	Explain the offences and penalties for infringement of Layout design.	10M
8	Discuss the regulatory authorities under the Geographical Indications Act, 1999	10M
9	Difference between “Geographical Indication” and “Trade Mark”.	10M
10	How to Protection to certain trade marks under Geographical Indications Act?	10M

Unit -5

S.No	Questions	Marks
1	Enumerate the salient features of Copyright Act.	10M
2	“Copyright is protection in form and not in idea”. Explain.	10M
3	Write down the term of copyright in literary, dramatic, musical or artistic works.	10M
4	Discuss the powers and functions of the Copyright Board.	10M
5	Explain provisions in respect of infringement of copyright in dramatic and musical work.	10M
6	Discuss the provisions regarding duration, renewal, removal and restoration of Registration of Trade Mark.	10M
7	Discuss in detail the importance and provisions of Madrid agreement.	10M
8	What is meant by passing off trademarks and discuss the consequences of the Same.	10M
9	Explain the various rights conferred by registration of trade marks.	10M
10	Whether domain names can be protected as trademarks, discuss in the light of Decided cases.	10M

CASE STUDY

1. Bajaj Auto Limited Vs. TVS Motor Company Limited JT 2009 (12) SC 103

IPR Law- Dispute over Patent for the Use of Twin-Spark Plug Engine Technology – Speedy disposal of Intellectual property rights cases-

The Supreme Court of India by this landmark judgment has directed all the courts in India for speedy trial and disposal of intellectual property related cases in the courts in India. In two-year-old dispute involving two companies, which have been locked in a patent dispute over the use of a twin-spark plug engine technology, the Supreme Court observed that suits relating to the matters of patents, trademarks and copyrights are pending for years and years and litigation is mainly fought between the parties about the temporary injunction. The Supreme Court directed that hearing in the intellectual property matters should proceed on day to day basis and the final judgment should be given normally within four months from the date of the filing of the suit. The Supreme Court further directed to all the courts and tribunals in the country to punctually and faithfully carry out the aforesaid orders.

1. Explain the IPR classification involved in the case.
2. What’s your opinion on the Supreme Court judgment?

2. Clinique Laboratories LLC and Anr. Vs. Gufic Limited and Anr.

MANU/DE/0797/2009

IPR Law- Suit for infringement by a registered trade mark owner against a registered trade mark holder: Conditions-The present dispute was between the registered trade mark of the plaintiff as well as defendant. It is interesting to note that before filing the suit the plaintiff i.e. Clinique had filed a cancellation petition before the Registrar of Trade Marks, India, against the defendant for cancellation of the defendant's trade mark CLINIQ. As per the Section 124(1) (ii), of the Indian Trade Marks Act, 1999 a suit is liable to be stayed till the cancellation petition is finally decided by the competent authority.

However, under Section 124(5) of the Act, the court has the power to pass interlocutory order including orders granting interim injunction, keeping of account, appointment of receiver or attachment of any property.

In this case, the court held that a suit for infringement of registered trade mark is maintainable against another registered proprietor of identical or similar trade mark.

It was further held that in such suit, while staying the suit proceedings pending decision on rectification/cancellation petition, the court can pass interim injunction restraining the use of the registered trade mark by the defendant, subject to the condition that the court is prima facie convinced of invalidity of registration of the defendant's trade mark. In this case the court granted an interim injunction in favor of the plaintiff till the disposal of the cancellation petition by the competent authority.

1. Comment your opinion on the case.

3. The Coca-Cola Company Vs. Bisleri International Pvt. Ltd Manu/DE/2698/2009

IPR Law- Infringement: Export: Threats: Jurisdiction – The Delhi High Court held that if the threat of infringement exists, then this court would certainly have jurisdiction to entertain the suit.

It was also held that the exporting of goods from a country is to be considered as sale within the country from where the goods are exported and the same amounts to infringement of trade mark.

In the present matter, the defendant, by a master agreement, had sold and assigned the trade mark MAAZA including formulation rights, know-how, intellectual property rights, goodwill etc for India only. with respect to a mango fruit drink known as MAAZA.

In 2008, the defendant filed an application for registration of the trade mark MAAZA in Turkey started exporting fruit drink under the trade mark MAAZA. The defendant sent a legal notice repudiating the agreement between the plaintiff and the defendant, leading to the present case.

The plaintiff, the Coca Cola Company also claimed permanent injunction and damages for infringement of trade mark and passing off.

It was held by the court that the intention to use the trade mark besides direct or indirect use of the trade mark was sufficient to give jurisdiction to the court to decide on the issue. The court finally granted an interim injunction against the defendant (Bisleri) from using the trade mark MAAZA in India as well as for export market, which was held to be infringement of trade mark.

1. List out the infringement in the case.
2. Are you agreed with Delhi High court Judgment?

4. Thiagarajan Kumararaja v. M/s Capital Film Works and Anr.

The judgment filled up some of the void in the jurisprudence relating to the inter-play between the rights of the producer of a cinematographic film and that of the authors of underlying works. The Madras High Court, deciding on the question whether dubbing of a film into another language would fall foul of the rights of the scriptwriter, held that the producers have the right to replace the sound recording of the original film with a different language. The Court based its finding on an expansive reading of the phrase ‘communication to the public’ under Section 2(ff) and observed that ‘dubbing’ would fall under the said definition. The Court also observed that dubbing is distinct from translation, and the producer’s rights to communicate the film to the public, through dubbing, does not affect the rights of the author of the underlying script. Nevertheless, on the question of whether the right to communicate a film to the public includes the right to remake the film entirely, the Court answered the same in the negative as it felt that this would entail making changes to the underlying script, without the author’s consent.

1. What is the concept involved in the case?
2. Did you find the justification in the case?

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