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**B.M.S COLLEGE FOR WOMEN, AUTONOMOUS**  
**BENGALURU – 560004**  
**SEMESTER END EXAMINATION – APRIL/MAY- 2023**  
**M.Com.-III Semester**

**INTELLECTUAL PROPERTY RIGHTS**

**Course Code: MCM301T**

**Duration: 3 Hours**

**QP Code:13009**

**Max. Marks: 70**

**SECTION – A**

**Answer any 7 questions out of 10. Each question carries 2 marks (7x2=14)**

- Define Intellectual Property
- What is the advantage of Law of Patent?
- What are Non –Patentable subject matters?
- What is license of copyright?
- What is Traditional Knowledge in IPR?
- To which agency one must approach for an International copyright?
- What is a Design?
- Mention any four Career opportunities in IPR.
- What are the objectives of Personal Data Protection Bill 2019?
- Give four examples of IPR in India

**SECTION – B**

**Answer any 4 questions out of 6. Each question carries 5 marks. (4x5=20)**

- Explain different types of Intellectual Property Rights.
- Explain the uses of acquisition of Trade mark right.
- Explain briefly about the trade secret litigation.
- What is infringement of copy right according to copy right act?
- Explain the procedure involved in registration of Intellectual Property.
- Explain different types of Patents.

**SECTION – C**

**Answer any 2 questions out of 4. Each question carries 12 mark (2x12=24)**

- 1 Define a trade secret. How long does a trade secret last? What are all the items that can be considered as a trade secret? How can be safeguarded from others?
- 2 Explain the National IPR Policy of India
- 3 Explain the impact, role and liabilities of IPR in India
- 4 Write a short note on :
  - i) The Geographical Indication of Goods Act 1999
  - ii) The Design Act 2000

## SECTION –D

### Case Study

(1x12=12)

#### ***Bajaj Auto Ltd. v. TVS Motors Comp. Ltd. (2010) Madras HC<sup>3</sup>***

This case relates to a controversy that had arisen over the unauthorized use of patented DTS-i technology. In this case, the plaintiff Bajaj Auto prayed for issuing a permanent injunction for stopping the defendant's TVS Motors from using its patented technology in any form and had also sought damages from them. The issue here was related to using of twin spark plug technology inside the internal combustion engine by the defendant.

In this case doctrine of pith and marrow also known as the doctrine of equivalents was applied. The doctrine applies to situations where despite there is no apparent literal infringement been committed still, an infringement occurs due to the product or process infringing the patent has a structure or performs a function that is very similar and analogous to an element already been claimed in the patented invention and thereby performs same things in the same way as the patented element and achieves the same results.

A purposive construction was given to understand if the 'novel feature' constitutes 'pith and marrow' or not i.e. if the new feature constitutes claimed by the plaintiff in their patent is an essential feature of the invention or not.

This case is also important because in this case the apex court has made several observations and made certain directions regarding the speedy disposal of cases related to intellectual property. The Supreme Court has directed to hear intellectual property cases on a day-to-day basis and to decide the cases within 4 months from the date on which they were filed.

Q 1 - Critically analyze the Case Study .

Q 2- Mention action taken against Infringement of Patents in India.

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