Enrolment No. _____

AHMEDABAD UNIVERSITY

AMRUT MODY SCHOOL OF MANAGEMENT

GRADUATE PROGRAMMES

2023-2024 MONSOON SEMESTER

END SEMESTER EXAMINATION

EFB508 INTELLECTUAL PROPERTY RIGHTS

Date: 03-12-2023 Total Marks: 40

Time: 08:00 am – 10.00 am No. of printed pages: 02

1. Justify the answer with proper concepts and the assumptions, if any, has to be clearly mentioned in the answersheet.
2. All questions are compulsory to attend.

Best Luck!

Q. 1. Ideally the intellectual property rights are to protect and reward the inventor's intellect for the novel inventions. But the world's savviest businesses already know this and that is the reason, the biggest startups and now the biggest entreprises like HBO tolerates theft of its core product. SpaceX forgoes patents. Airbnb opened for business before cities decided whether short-term rentals were legal and Elon Musk also don't care for patents. Explain the concept of Patenting the technological inventions and why big companies don't care for getting patents on their novel inventions. Share the ownership engineering strategies which can be beneficial for technology startups in terms of intellectual property rights. **(8 marks)**

Q. 2. Fair Dealing is an exception to use the copyrighted work. What do you mean by Fair Dealing? Explain any three instances of fair dealing as per the Copyright Act, 1957. Also, critically examine the Delhi University Photocopy case in detail in this regard. **(8 marks)**

Q. 3. A mark needs to be distinctive in nature to be eligible to get trademark registration. But the descriptive and generic marks are not entitled to seek trademark protection. A recent startup Belle Beauty Private Limited has launched the cosmetic product range with the mark "Enchanting Ties" and is applying for the trademark registration. Explain in brief the trademark application and guide them with any two relative grounds of opposition under Section 11 of the Trademarks Act, which they may face during the application process. **(8 marks)**

OR

Q. 3. Copyright protection is the protection given to the expression of ideas instead of protecting ideas. Do you agree with this statement? Explain different works which can get the copyright under Indian Copyright Law. Also, explain the concept of authorship and ownership in terms of copyrighted work. **(8 marks)**

Q.4. Explain in Brief: **(8 marks)**

a) Personality Rights are not protected under copyright law but are protected by judicial decisions. Give opinion with a case study on personality rights.

b) Sustainable Innovations are not benefitted with the intellectual property protections. Do you agree with this statement? Give opinion with an example of sustainable innovation.

c) What is a prior art search in the context of Patents? Why prior art search is required to file patents?

d) Geographical Indications are good source of revenue generation for the group of people who are cultivating a particular agricultural product in a specific region. Explain the concept of Geographical Indication protected in India.

Q.5. In the case of Crocs versus Bata, the court observed "*All the different footwear have changed over different periods of time and also as per requirements as to who were the persons wearing the same or of the particular climatic conditions where they were worn or the footwear becoming fashion statements but ultimately all the different types of footwear are variations of nothing else but a footwear i.e foot plus wear i.e something that is worn on the feet.*" and held that Crocs shoe / sandal design was not novel or distinctive in nature and hence allowed Bata and other companies to use the said design of perforated holes. Do you agree with the judgment given under the said case? Critically analyse on which grounds the Crocs lost the battle inspite of having a unique design in the footwear sector. **(8 marks)**
