Enrolment No. _____

AHMEDABAD UNIVERSITY

AMRUT MODY SCHOOL OF MANAGEMENT

GRADUATE PROGRAMMES

2023-2024 WINTER SEMESTER

END SEMESTER EXAMINATION

EFB508 INTELLECTUAL PROPERTY RIGHTS

Date: 20-04-2024 Total Marks: 40

Time: 11:00 am – 1.00 pm 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. In the case study of Pasteis De Belem : Turning a secret recipe into a strategic asset, the Antiga Congeitaria de Belem, in Lisbon was a popular bakery which stood out because of its uniqueness of its signature product : The Pastel de Belem which was a small egg custard cake with a flaky dough exterior which got very popular because of its recipe been well-kept secret for decades. But in COVID 2019 crisis, the limitations were imposed and the existing business model was in threat and it affected this particular bakery. But still the managers took care of this 180 year old traditional shop and managed to handle the crisis and revamp the success. The success of the bakery was its recipe. Can recipe be kept secret for a popular bakey to grow? Keeping this case study in mind, explain the meaning of intellectual property rights and discuss in detail, different strategies opted by the said bakery which could transform a secret recipe into a stragetic intellectual property asset. **(8 marks)**

Q. 2. Shri Amitabh Bacchan, leading Indian Film Actor has a very unique voice and style of speech. His signature style is to speak a particular word "Hayeen" when he ends his sentence as a dialogue and many of the stand up comedians in the local areas are trying to imitate Amitabh Bacchan voice and style of speaking and makes fun of his signature style. There is an Artificial Intelligent app which is trying to create a game and is also imitating Amitabh Bacchan's voice for some vulgar language. Amitabh is upset with these comedians and the AI app. Guide in detail Amitabh Bacchan whether he can protect his voice and signature style under any of the Intellectual Property Rights regime and what action he can take against those local comedians under which law? **(8 marks)**

Q. 3. Explain in Brief: (ANY TWO OF THE FOLLOWING) **(8 marks)**

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

b) Crocs versus Bata – the shoe rivals is a judgment which could not protect the unique designs of Crocs. Do you agree with this statement? Justify your answer by connecting the concept of Industrial designs and its eligible criteria for registration.

c) "Any digital work, including physical goods, which can be represented in digital form such as a photo can be turned into a non-fungible token(NFT)". The sale of NFTs involves making a copy of the creative work and communicating to the buyer. Will this sale / reproduction be called as Copyright Infringement? Explain the meaning of Copyright as per The Copyright Act, 1957 and critically explain in detail the challenging issues of Copyright Law in the Non Fungible Tokens.

Q. 4. You are hired as an IPR Manager in the Dr. Reddy's Laboratories (DRL) who has its trademark RAZO associated to the pharmaceutical drug which is prescribed to handle acidity, stomach ulcer, intestinal ulcer issues etc and can be purchased over the counter. The drug is in market since many years and is renewed till 2030. The colour mark of RAZO is blue fonts with white background in bold capital letters. Recently it has come to your notice that a local company Fast Cure Pharma company (FCP) has filed the trademark application for the mark RAZOFAST which is associated to an injection prescribed for the fatty liver and is only given on the doctor's prescription. Generally the said injections are ordered by the medical professionals only and is proposed to be used from June 2024. The colour mark of RAZOFAST is red colour with cream background where RAZO is written in capital letters and FAST is written in non capital letters and small fonts. Keeping these facts in mind, do the needful :

a. Guide various strategies to Dr. Reddy's team to oppose the RAZOFAST.

b. If at all you were the Trademark Registrar, what kind of defences you will consider from RAZOFAST to grant the trademark to RAZOFAST, if any? **(8 marks)**

OR

Q. 4. Mr. Rushabh is a technocrat in India who has invented a portable machine which takes care ofdisposing the used injections and syringes once the blood sample is collected from the patient within thirty minutes and the recycled material is saved in form of small sheets which can be used as a wound bandage. The machine is having a novel technology but is little costly. The hosptials can afford but the local individual doctors and the laboratories will not be able to afford this machine due to the cost aspect. He feels that this invention can be patented in India but he is not aware of the procedure to get a patent. Being an expert in the IPR Field, Rushabh approaches you to make a patent application before Indian Patent Office. Guide him the meaning of the patent, the criteria of patentability and the detailed steps of prior art search in detail as to check the novelty aspect in his invention. **(8 marks)**

Q.5. A.) Geographical Indications are the indications which ensures the quality and characteristics of the particular product. What do you mean by Geographical Indication? What is the procedure to grant Geographical Indication?Share some of the unique aspects of the first GI granted in India ie. Darjeeling Tea and How the originality of the indication is checked by the GI Registry? **(4 marks)**

B.) Explain the different works protected under copyright law in India **(4 marks)**