

PARUL UNIVERSITY
FACULTY OF LAW

LL.M (Intellectual Property Law) Winter 2018-19 Examination

Semester: 1**Date: 29/11/2018****Subject Code: 17201131****Time: 10:30am to 1:00pm****Subject Name: Law of Copyright,****Total Marks: 60****Industrial Design and Electronic Circuit Design****Instructions:**

1. All questions are compulsory.
2. Figures to the right indicate full marks.
3. Make suitable assumptions wherever necessary.
4. Start new question on new page.

Q.1 Do as directed. (1 marks each. All Compulsory)**(15)**

1. The term of the copyright in anonymous and pseudonymous work is _____.
 - a) 60 years
 - b) 50 years
 - c) 10 years
 - d) 20 years
2. The owner of the sound recording is _____.
 - a) Artist
 - b) Producer
 - c) Director
 - d) Composer
3. If the term of the years of the assignment is not mentioned then it is assigned for _____ years under The Copyright Act 1957.
 - a) 3 years
 - b) 2 years
 - c) 4 years
 - d) 5 years
4. In India first Copyright Act was passed in _____.
 - a) 1914
 - b) 1971
 - c) 1811
 - d) 1949
5. The assignment of copyright is valid only when it is in _____ and signed by the assignor or by his agent.
 - a) Oral
 - b) Writing
 - c) Deed
 - d) Contract
6. Design does not include 'Composition of lines or colours'.
 - a) True
 - b) False
7. The Registered Proprietor of the design shall have copyright in the design during ten years from the date of registration if the design is registered.
 - a) True
 - b) False
8. The Definition of 'article', under S. 2 (a) of The Designs Act 2000, includes only the article of manufacture and Substances that are artificial and not natural.
 - a) True
 - b) False
9. The Author's right extends even after assignment of the copyright in certain circumstances prescribed under section 57 of The Copyright Act, 1957.
 - a) True
 - b) False

10. The Copyright Act, 1957 protects ideas and not expressions of the idea.
 - a) True
 - b) False
11. Define the term 'Artistic Work' in light of The Copyright Act, 1957.
12. What is the definition of 'Design' under The Designs Act, 2000?
13. Define the term 'Layout-design' in light of The Semiconductor Integrated Circuits Layout-Design Act, 2000.
14. Who is the proprietor of new or original design? Explain in view of The Designs Act, 2000.
15. What is Semiconductor Integrated Circuit?

Q.2 A) Write short notes. (Each of three mark) (15)

1. Assignment & Transmission of Semiconductor Integrated Circuits
2. Piracy of Registered Designs
3. Jointly Owned Layout Designs
4. Works in which Copyright Subsists
5. Rights available to design holders

Q.3 A) Elucidate the provisions on the Registered Users and the Rights of Registered Users enshrined under Chapter VI of The Semiconductor Integrated Circuits Layout Design Act, 2000. (08)

OR

A) 'The Exclusivity of the Copyright is in the hands of the owner and can be deteriorated by way of Assignment and Licence' – Discuss in light of latest judgments and the legal provisions. (08)

B) 'The exclusive right of protection to outcome of an Intellect of the individual has duly been rendered by Copyright Law' – Explain in view of The Copyright Act 1957 and the concept of authorship and ownership of the copyright. (07)

OR

B) 'Intellectual Property Law covers 'Design' as one of its essential form to be protected against infringement.' – Explain in light of The Designs Act 2002. (07)

Q.4 A) Answer the following. (07)

Somani Pvt. Ltd. (hereinafter referred as Somani) is in the business of upholstery fabrics from the year 1960 in Anand, Gujarat; it creates original, artistic patterns and uses it as prints for upholstery fabrics. The Products of the company has been admired and is widely known among the citizens of the State. Povai Pvt. Ltd. (hereinafter referred as Povai) is also in the similar business of manufacturing and selling upholstery fabrics from the year 1990 in Gandhinagar, Gujarat. In the year 2017, The Somani created one of its kind fabric prints in the upholstery fabrics with the artistic patterns of peacock feathers. In the year 2018, The Povai came out with the prints on its fabrics same as of the prints of the fabrics of The Somani. This leads Somani to allege copyright infringement and passing off against Povai. The Povai counters that the works of 'Somani' are not artistic works worthy of copyright protection, but rather designs it ought to have registered under the Designs Act 2000. – Decide with the help of leading judgments by dealing with the concept of Overlap between Copyright and Design regimes in India.

B) Answer the following. (Each of two mark) (08)

1. Explain the term 'Moral Rights' in connection with The Copyright Act, 1957.

OR

Which 'layout-designs' are prohibited to be registered under The Semiconductor Integrated Circuits Layout-design Act, 2000?

2. What are the Civil remedies available to author against infringement of copyright under The Copyright Act 1957?

OR

What are the rights of proprietor of Lapsed Design which have been restored under section 14 of The Designs Act, 2000?

3. What are the essential criteria for Designs to get registered?

OR

Explain the term 'infringing copy' in accordance with S. 2 (m) of The Copyright Act, 1957.

4. What is the duration and effect of the registration of layout-design of Semiconductor Integrated Circuits?

OR

'Joint Authorship of Copyright' – Explain in brief.