

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination October-November, 2023

U.G-IX SEMESTER

Other Forms of Intellectual Property (IPR Hons)

Marks-100

Time: Three Hours

*Instructions:*

- 1. Attempt ANY FIVE questions of the given six.*
- 2. Support your answers with case laws wherever required.*
- 3. No Bare Acts are allowed.*

Q.1) E is a farmer growing crop NNN on his farm. Over fifteen years, through careful selection and propagation, E has been able to develop a unique trait in NNN which is not available among the existing crop in the market. E wants to get breeder rights under the Protection of Plant Varieties and Farmer's Right Act, 2001. Provide your legal advice to E, also explaining exceptions within the act and how effective the protection is. (Marks 20)

Q.2) Is the protection of fashion designs recognized under intellectual property rights (IPR)? Explore the international provisions and justifications for safeguarding fashion designs. Furthermore, share your perspective on which form of protection—copyrights or industrial designs—you believe is more effective for fashion designers and why? (Marks 20)

Q.3) Verma & Sons has their unique floral design registered for Plastic bed side lamp shades. They got this design registered in April 2019. Now because of the popularity of this design their competitor Bhalla & daughters wants to use the same floral design for their decorative hanging glass lamp shades, and want to get it registered in India. Advise them on the procedure of registration and whether they can apply for the registration of this design? (Marks 20)

Q.4) The Biological Diversity Act 2002 was born out of India's attempt to realise the objectives enshrined in the United Nations Convention on Biological Diversity (CBD) 1992 which recognizes the sovereign rights of states to use their own Biological Resources. The Act covers - conservation, use of biological resources and associated knowledge occurring in India for commercial or research purposes or for the purposes of bio-survey and bio-utilisation. It provides a framework for access to biological resources and sharing the benefits arising out of such access and use. Identify the three primary authorities outlined in the Biodiversity Act and elaborate on the functions carried out by the National Biodiversity Authority. (Marks 20)

Q.5) The International Union for the Protection of New Varieties of Plants (UPOV) is an intergovernmental organization with headquarters in Geneva (Switzerland). UPOV was established by the International Convention for the Protection of New Varieties of Plants. The Convention was adopted in Paris in 1961 and it was revised in 1972, 1978 and 1991. UPOV's mission is to provide and promote an effective system of plant variety protection, with the aim of encouraging the development of new varieties of plants, for the benefit of society. With this background, explain what are the conditions for the grant of the breeder's right under the UPOV?

(Marks 20)

Q.6) Write short notes on:

( Marks 5x4=20)

- a) Overlap of Industrial Designs/Copyright.
- b) Varieties protected under the PPVFR Act.
- c) Nagoya Protocol
- d) Farmers Exemption and Researchers Exemption