

8 MAY 2024

NATIONAL LAW UNIVERSITY, JODHPUR
End Term Examination May – 2024
Semester: UG X Semester (IPR Hons.)
Subject: IP Dispute Resolution

Marks: 100

Time: Three Hours

Instructions:

- 1) Answer any 5 out of 6 questions.
- 2) Marks have been indicated against each question.
- 3) Write your answers to the point, brevity will be appreciated.

Q.1). Does the 'idea-expression dichotomy' apply in determining copyrightability of a concept note for a movie? Critically comment in light of decided cases. (Marks 20)

Q.2). a. ABC and PQR entered into an agreement whereby ABC licensed the right to broadcast songs of its members to PQR for royalty. Disputes arose between the parties and the matter was referred to arbitration. The arbitrator passed the award which was challenged by ABC before the Calcutta High Court on the ground that the issue regarding unauthorized use or broadcasting of sound recording and resulting infringement was not arbitrable. Examine the correctness of this contention based on supporting case laws.

b. XYZ, a software company, and a major market player with close to 50% share in the relevant market discovers that ABC has been using portions of its copyrighted code to develop its own products. As the General Counsel, you have been instructed by the Board of Directors of XYZ to suggest an appropriate legal course of action against ABC to protect XYZ's economic interest and at the same time remain in compliance with all public laws that may be potentially violated in the process. Advise.

(Marks 10+10 = 20)

Q.3). 'Global royalty rate setting in standard essential patents represents the way forward as domestic judiciaries continue to be bound by territorial restrictions.' – Do you agree? Substantiate with reasons and references to recent judgements. (Marks 20)

Q.4). 'While interim injunctions were devised to grant equitable remedies to the applicant, the court must pay equal attention to the element of balance of convenience prior to such grants.' – Explain how this premise is reflected in the Indian judicial thinking with reference to recent copyright disputes in films and entertainment. (Marks 20)

Q.5) Discuss the process of expedited arbitration under WIPO and explain the advantages offered by it when compared to general arbitration. (Marks 20)

Q.6) Discuss how key Panel decisions have contributed to domain name protection through contextual interpretation of the elements of protection under the UDRP Rules. (Marks 20)