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**NATIONAL LAW UNIVERSITY, JODHPUR**

End Term Examination August- December, 2025

Semester- 1<sup>st</sup> PG (LLM) (IPR)

Subject: General Principles of IPR and Emerging Policy

Time: 3 Hours

Max. Marks: 100

*Instructions:*

1. *Attempt any four.*
2. *All questions carry equal marks.*

**Q.1)**

A U.S based company, HerbWell Inc., obtained a patent in the United States for the “use of turmeric powder in wound healing”. The company claimed it as a novel and it involved an inventive step. However, Indian Researchers and the Council of Scientific and Industrial Research (CSIR) produced ancient Sanskrit texts and Ayurvedic manuscripts showing that the turmeric has been used in India for centuries for the same purpose. CSIR filed a petition challenging the patent, arguing that the claimed invention lacked novelty because it was part of India’s Traditional Knowledge.

In the above given situation, Decide by defining Traditional Knowledge and explain the challenges in protecting the Traditional Knowledge. Support your answer with proper case law.

(Marks: 25)

**Q.2)**

One of the main objectives of NAGOYA protocol was the Access and Benefit sharing arising out of the utilization of genetic resources which is incorporated in the Biodiversity Act, 2000. Explain and discuss the determination of Fair and Equitable benefit sharing mechanism under the Biodiversity Act, 2000.

(Marks: 25)

**Q. 3)**

TechNova Pvt. Ltd., a US software company, developed a unique algorithm that significantly reduces data processing time. The company kept this algorithm confidential by restricting access to a few senior engineers, requiring them to sign non-disclosure agreements (NDAs), and storing the source code on encrypted servers.



One of the engineers, Arjun, resigned from TechNova and joined a rival company, DataQuick Solutions. Within six months, DataQuick launched a new product that performs almost identical to TechNova's software, offering similar speed and efficiency. TechNova suspects that Arjun disclosed or used its confidential algorithm to develop DataQuick's product. TechNova files a case alleging misappropriation of Trade secret.

In light of the above giving situation, explain the basic obligations to qualify a information as a Trade secret and decide the liability of Arjun for misappropriation of Trade Secret if any.

(Marks: 25)

**Q.4)**

Nova Homeware Pvt. Ltd. Designed and registered a unique shape of water bottle under the Design Act, 2000. The design featured a distinctive spiral body and curved cap that became extremely popular in the market. A few months later, another company, AquaPro Industries, launched a similar bottle design with minor changes but the same overall appearance. Nova Homeware alleged piracy of its registered design and filed a suit against AquaPrp Industries.

Discuss with reference to proper case laws that whether AquaPro's actions amount to design piracy under the Design Act, 2000 and explain the remedies available to Nova Homeware under the act in case of infringement.

(Marks: 25)

**Q.5)**

With reference to the case *Bio Diversity Management Committee v. Westen Coal Field Ltd and ors, 2015*, analyse whether coal is a value added product and excluded from the Biological Resources?

(Marks: 25)

**Q.6)**

Write a Short note on:

(Marks: 12.5+12.5= 25)

- a) WIPO treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge.
- b) Rights recognized under the Plant Varieties and Farmer's Right Act, 2001.