

**NATIONAL LAW UNIVERSITY, JODHPUR**

End Term Examination November – 2024  
Semester: UG – IX Semester (I.P.R. Hons.)  
Subject: Other Forms of IP

**Time: Three hours**

**Marks: 100**

**Instructions:**

1. *Students are required to answer any five questions only.*
2. *All questions carry equal marks.*
3. *Use of Bare Act or any other reference material is not permitted.*

Q.1). Discuss the essential requirements for a design to be registered under the Designs Act, 2000 as well as the restrictions on designs that cannot be registered. Also explain what amounts to piracy of a registered design and the remedies for the same.

**(Marks: 20)**

Q.2). Explain the concept of 'designs' as defined under the Designs Act, 2000 Also highlight the relevant provisions under the intellectual property framework that regulate the overlap between designs and copyrights in respect of 'artistic works'. Explain the same with the help of relevant case laws. Also suggest which IP protection offers better protection for "artistic works".

**(Marks: 20)**

Q.3). Article 39.3 of TRIPs Agreement relates to the protection of undisclosed information in the form of data exclusivity or data protection. Discuss the relevance of the provision with regard to the concerns of the developing and least-developed countries and the arguments raised by developed nations. Also highlight the need for having a data exclusivity law providing specific duration of protection in India.

**(Marks: 20)**

Q.4). Brittle Lays Co. applied for the registration of two hybrid potato varieties FL 1888 and FL 2888 under the Protection of Plant Varieties and Farmers Rights Act, 2001. The same was registered with effect from 1<sup>st</sup> January, 2022. In March, 2022, Brittle Lays Co. filed a suit for infringement against a group of farmers in Haryana for having used the registered variety for propagation and sale of the same in Haryana. On the other hand, the Farmers plead non-infringement as they were unaware of the existence of such registration.

In furtherance of the given facts, answer the following questions:

- a). What are the types of varieties registrable under the PVPFR Act, 2001?
- b). What are the remedies in a suit for infringement of a registered plant variety?
- c). What acts amount to infringement of a registered plant variety?
- d). Are there any special provisions enabled for farmers to avoid a liability in cases of infringement?
- e). What shall be the possible outcome of this dispute? Cite relevant case laws for the same.

**(Marks: 5X4=20)**

Q.5). “*The Biological Diversity Act, 2002 was enacted to meet the requirements stipulated by the United Nations Convention on Biological Diversity (CBD).*”

In view of the given statement, highlight the object of the Act as well as the Convention and suggest how India regulates the access and benefit sharing in respect of biological resources. Also suggest if there exists any regulation in respect of filing of application for intellectual property rights. While answering the question, lay special emphasis on the role of National Biodiversity Authority.

(Marks: 20)

Q.6). Write short note on *any two* of the following:

- a). Protection of Traditional Knowledge related to Biological Resources under Biological Diversity Act, 2002 and its interface with Patent Law.
- b). WIPO Treaty on IP, Genetic Resources and Traditional Knowledge
- c). Process for registration of Semi-Conductor Integrated Circuits Layout designs
- d). Protection of Trade Secrets in India

(Marks: 10+10 = 20)