

3 1 MAY 2025

NATIONAL LAW UNIVERSITY JODHPUR

End Term Examination May 2025

Semester – X Semester IPR Hons

Subject: IP Dispute Resolution System

Time: 3 hours
marks

Mark: 100

Instructions:

- i. All the questions carry equal marks.
- ii. Answer any five out of the six questions.
- iii. Please substantiate your statement(s)/argument(s) with relevant case laws, whenever necessary.

Q.1 Analyse the judicial reasoning in *Eros International Media Ltd. v. Telemax Links India (P) Ltd.* (2016) regarding the arbitrability of intellectual property disputes. How did the court distinguish between rights in rem and rights in personam in this case? Discuss how this judgment built upon or departed from the principles established in earlier cases such as *Ministry of Sound International Ltd. v. Indus Renaissance Partners Entertainment (P) Ltd.* (2009), *Tandav Film Entertainment (P) Ltd. v. Four Frame Pictures* (2010), and *SAIL v. SKS Ispat and Power Ltd.* (2014). What are the practical implications of this judgment for parties entering into IP licensing agreements with arbitration clauses? (20 marks)

Q.2 Critically analyse the judicial approach to the arbitrability of Standard Essential Patents (SEPs) and FRAND (Fair, Reasonable, and Non-Discriminatory) disputes as seen in *Interdigital Technology Corporation and Ors. v. Xiaomi Corporation and Ors.* (2021). How does this judgment address the unique challenges in determining FRAND terms for SEPs? Compare the court's reasoning with international approaches to SEP disputes and discuss whether the Indian position strikes an appropriate balance between patent holders' rights and implementers' interests. What implications does this judgment have for future SEP licensing negotiations and dispute resolution mechanisms in India's growing telecommunications and technology sectors? (20 marks)

Q.3 In light of *Satyam Infoway Ltd. v. Siffynet Solutions (P) Ltd.* (2004), discuss how Indian courts addressed domain name disputes before establishing specialised dispute resolution



mechanisms. How does this approach compare with the principles underlying the ICANN Uniform Domain Name Dispute Resolution Policy? (20 marks)

Q. 4 Describe the main features of WIPO Expedited Arbitration process. How does it differ from standard WIPO Arbitration, and what types of IP disputes would be most suitable for this expedited process? (20 marks)

Q.5 Analyse the challenges in determining jurisdiction for online IP infringement cases in India. Refer to relevant case law to explain how Indian courts have addressed the issue of "accrual of cause of action" in such cases. (20 marks)

Q. 6 Explain the primary features of the WIPO Arbitration and Mediation Centre as a forum for resolving intellectual property disputes. What are the key advantages of using the WIPO Centre compared to traditional litigation? Discuss how the WIPO Mediation, Arbitration, and Expedited Arbitration Rules address the unique challenges of international IP disputes, and provide examples of the types of IP conflicts that would be particularly suited for resolution through these mechanisms. (20 marks)

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Q.1 Analyse the judgments in *Eros International Media Ltd. v. Telemax Links India (P) Ltd.* (2016) and *Hero Electric Vehicles Pvt. Ltd. & Anr. v. Lectro E-Mobility Pvt. Ltd. & Anr.* (2021). How have these decisions shaped the understanding of the arbitrability of intellectual property disputes in India? Discuss the key principles established by these judgments regarding which aspects of IP disputes can be referred to arbitration. (20 marks)

Q.2 Explain the concept of arbitrability in the context of Standard Essential Patents (SEPs) disputes relating to FRAND terms. What specific challenges arise in arbitrating such disputes compared to traditional IP infringement cases? (20 marks)

Q.3 Describe the main features of WIPO Expedited Arbitration process. How does it differ from standard WIPO Arbitration, and what types of IP disputes would be most suitable for this expedited process? (20 marks)

Q.4 Outline the basic principles governing dispute settlement under the TRIPS Agreement. How do these principles contribute to the effectiveness of the Dispute Settlement Body in resolving international IP disputes? (20 marks)

Q.5 Explain the scope and purpose of the ICANN Uniform Domain Name Dispute Resolution Policy (UDRP). What essential elements must a complainant establish to succeed in a domain name dispute under the UDRP? (20 marks)

Q.6 Compare and contrast the approaches taken by the Delhi High Court in *Indian Performing Rights Society Ltd. v. Sanjay Dalia* (2015) and *Banyan Tree Holding (P) Ltd. v. A. Murali*



Krishna Reddy (2009) concerning determining jurisdiction in intellectual property infringement cases. What tests or criteria were established by these judgments for determining territorial jurisdiction in IP matters? (20 marks)