

Roll No.
SAP ID



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, December 2021

Course: Law of Industrial & ICL Designing- (Hons-6)

Course Code: LLBL 651

Programme: B. Tech Energy Technology with LL.B (Hons.) in Intellectual Property

Semester: XI

Time: 03 hrs.

Max. Marks: 100

SECTION – A

- 1. Each question will carry 2 marks.**
- 2. Instruction: Select the correct answer(s)**

S. No.	QUESTION	Marks	
1	Industrial Design protects (a) Shape and Configuration of an article (b) Surface Pattern of an article (c) Both (a) and (b) (d) None of the above	2	CO1
2.	In order to register Industrial Design, Design should be (a) New (b) Original (c) New or Original (d) Distinct	2	CO1
3.	Industrial Design is protected for (a) 20 years (b) 10 year (c) 10+5 years (d) Both (b) and (c)	2	CO1
4.	Article means (a) Something which can be made and sold independently (b) Part of an article (c) Part of an article which can be made and sold independently (d) Both (a) and (c)	5	CO1
5.	Industrial Design is protected in India by (a) Design Patent (b) Un-registered Design	5	CO1

	(c) Industrial Design Registration (d) Patent		
SECTION - B			
1. Each question will carry 5 marks. 2. Instructions: Write short answers not exceeding 250 words.			
1.	Predict whether a design superimposed on a car's engine could be granted Industrial Design Protection.	5	CO2
2.	Enumerate remedies provided against infringement of a layout design as per Semiconductor Integrated Circuits Layout Design Act 2000.	5	CO2
3.	Illustrate in detail registration process for semiconductor integrated circuits layout design as per Semiconductor Integrated Circuits Layout Design Act 2000	5	CO2
4.	Can stamps, Labels, tokens, cards be considered an Given the rampant piracy/copying rampant in fashion industry with respect to registered industrial designs make suggestions to solve the problem article for the purpose of registration of Design?	5	CO2
SECTION - C			
1. Each question will carry 10 marks. 2. Instructions: Write long answer not exceeding 500 words.			
1.	Given the rampant piracy/copying rampant in fashion industry with respect to registered industrial designs make suggestions to solve the problem	10	CO3
2.	Give examples of industrial designs in daily life objects and then ponder on whether they would be fit for protection under Industrial Designs Act 2000, especially keeping in mind the definition of design as given in Section 2(d) of the Act.	10	CO3
SECTION - D			
1. Each question will carry 25 marks. 2. Instructions: Write long answer not exceeding 1000 words.			
1.	Delhi High Court in the case of Microfibers Inc. v. Girdhar & Co. & Anr. Held that "A perusal of the Copyright Act and the Designs Act and indeed the Preamble and the Statement of Objects and Reasons of the Designs Act makes it clear that the legislative intent was to grant a higher protection to pure original artistic works such as paintings, sculptures etc and lesser protection to design activity which is commercial in nature. The legislative intent is, thus, clear that the protection accorded to a work which is commercial in nature is lesser than and not to be equated with the protection granted to a work of pure art."	25	CO4

	Analyse this statement of court vis a vis interface between Industrial Designs Act and Copyright Act.		
2.	<p>In the case of Bharat Glass Tube Limited v. Gopal Glass Works Limited, it was observed by the court that, “The expression, "new or original" appearing in Section 4 means that the design which has been registered has not been published anywhere or it has been made known to the public. The expression, "new or original" means that it had been invented for the first time or it has not been reproduced by anyone.”</p> <p>Considering the aforementioned statement, assess the concept of novelty and originality in industrial designs with the help of decided cases.</p>	25	CO4