



NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM  
B.A., LL.B. (HONS.) FIVE YEARS INTEGRATED COURSE

ACADEMIC SESSION: 2013-2014

END-SEMESTER EXAMINATION (21-05-2014)

6.1 ADMINISTRATIVE LAW (SIXTH SEMESTER)

MARKS: ONE HUNDRED (100)      TIME: THREE (3) HOURS

SECTION ONE

PLEASE ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY  
100 WORDS. ALL QUESTIONS ARE COMPULSORY.

- 1.1 Discuss in brief four different reasons for the growth of Administrative Law.
- 1.2 According to Salmond, "Legislations are either supreme or subordinate". What do you understand by a "supreme legislation" or a "subordinate legislation"?
- 1.3 Discuss "Colourable exercise of power" as a ground for judicial review of administrative discretion. Illustrate your answer suitably.
- 1.4 "All courts are tribunals but the converse need not necessarily be true." Write four distinctions between a court and a tribunal.

4x4=16 MARKS

SECTION TWO

PLEASE ANSWER EIGHT OF THE FOLLOWING QUESTIONS  
ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY  
TO ANSWER TWO QUESTIONS FROM EACH MODULE.

MODULE - I

- 2.1 Define the *French Droit Administratif* System? Discuss in brief Dicey's misconceptions about the *French Droit Administratif* System.
- 2.2 "Administrative Law was in existence in America in the 18<sup>th</sup> century." Discuss in brief the growth of Administrative Law in America in the 18<sup>th</sup> century and in the New Deal period.
- 2.3 Explain Dicey's views regarding a Judge-made Constitution as the third principle of Rule of Law.

MODULE - II

- 2.4 According to the Supreme Court of India, "It is not necessary that the legislature should dot all the i's and cross all the t's of its policy." Explain the statement made by the Supreme Court of India by referring to the Court's judgment in *Hamdard Dawakhana v. Union of India*, AIR 1960 SC 554.
- 2.5 What is Excessive Delegation? Explain the broad principles on which the doctrine of Excessive Delegation operates? Mention the two grounds for challenging a statute on the grounds of Excessive Delegation? Illustrate your answer with the help of Supreme Court's decision in *Avinder Singh v. State of Punjab*, AIR 1979 1 SCC 134.
- 2.6 What are "Ouster Clauses"? Analyze the legal effects of "Ouster Clauses" with the help of decided cases in this matter. Which writ is available to neutralize the effect of "Ouster Clauses"?

MODULE - III

- 2.7 "The least pecuniary interest in the subject matter of the litigation will disqualify a person from acting as a judge." Explain the law settled with the help of judgments given in *Bonham's case (1610) 8 Co Rep 1136*; and *Dimes v. Grand Junction Canal Case (1610) 8 Co Rep 1136*.
- 2.8 What do you understand by "Judicial Obstinacy"? Illustrate your answer with the help of the Supreme Court's decision in *State of W.B. v. Shivananda Pathak*, (1998) 5 SCC 513.
- 2.9 Explain the doctrine of Legitimate Expectation. Under what circumstances the doctrine of Legitimate expectation can be invoked? Illustrate your answer suitably.

MODULE - IV

- 2.10 What do you understand by the concept of "Lifting of the corporate veil"? What are the different purposes behind lifting of the corporate veil?

2.11 Discuss the working of the institution of Ombudsman. What is the objective of the *Lokpal and the Lokyuktas Act, 2013*?

2.12 Analyze the problems which can arise in practice in the working of the *Central Vigilance Commission* because of its non-statutory basis. Illustrate your answer with the help of Supreme Court's decision in *Sunil Kumar v. West Bengal*, AIR 1980 SC 1170..

8x7=56 MARKS

SECTION THREE

PLEASE ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS.

- 3.1 Write a note on the nature of Administrative Law.
- 3.2 Write a note on the procedural requirement of publication of a subordinate legislation. Specifically explain the principles on the mode, manner and method of such publication. Analyze the effect and defect of such publication
- 3.3 Write a note on the maxim of "*Audi alteram partem*" as the second principle of Natural Justice. Illustrate your answer suitably.
- 3.4 The maxim "The King can do no wrong" no longer holds true in case of tortious liability of the State for tortuous acts committed by its servants. Critically analyze the statement with the help of the Supreme Court's decision in *State of Rajasthan v. Vidhyawati*, AIR 1962 SC 933 (popularly known as *Vidhyawati's case*) and in *Kasturi Lal Ralia Ram Jain v. State of U.P.*, AIR 1965 SC 1039 (popularly known as *Kasturi Lal's case*).

2x14=28 MARKS

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B.A., LL.B. (HONS.) FIVE YEARS INTEGRATED COURSE  
ACADEMIC SESSION: 2013-2014  
END-SEMESTER EXAMINATION (23-05-2014)  
6.2 ENVIRONMENTAL LAW (SIXTH SEMESTER)

MARKS- ONE HUNDRED (100)      TIME: THREE (3) HOURS

SECTION ONE

PLEASE ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY  
100 WORDS. ALL QUESTIONS ARE COMPULSORY.

- 1.1 What is the idea espoused in the Principle of 'Common but Differentiated Responsibility'? Give an example to support your answer.
- 1.2 What is the international principle established in the Trail Smelter's Case [3R.I.I.1911(1938)]?
- 1.3 Which among the two philosophical foundations of environmental protection would you prefer? Give reasons in support of your answer.
  - a) Anthropocentric Approach
  - b) Eco-centric Approach
- 1.4 Give a short summary of the Brundtland Commission's Report on 'Our Common Future', 1987.

4x4=16 MARKS

SECTION TWO

PLEASE ANSWER EIGHT FROM THE FOLLOWING QUESTIONS  
ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY  
TO ANSWER TWO QUESTIONS FROM EACH MODULE.

MODULE - I

- 2.1 "The application of Green Biotechnology can be beneficial in terms of food security and yet be destructive for the environmental and health safety." Justify the above statement with the help of arguments supporting both the dimensions.

- 2.2 Establish the interrelationship between 'anthropogenic environment', 'biodiversity conservation' and the 'food chain system' with the help of suitable illustrations.
- 2.3 How is the Principle of 'Extended Producer Responsibility' applied in the sound management of e-waste in India? Explain it through the existing legal framework.

**MODULE- II**

- 2.4 Discuss the salient features of the Rio Declaration on Environment and Development, 1992.
- 2.5 Trace the journey of the gradual development of the International Environmental Law from the early 19<sup>th</sup> century till the 21<sup>st</sup> century.
- 2.6 Define the term 'Ozone Depletion'. Discuss the relevant International Conventions for the Protection of Ozone Layer.

**MODULE-III**

- 2.7 Establish the nexus between the Principle of 'Environmental Impact Assessment' and the relevant Constitutional framework as provided under Part – III and Part – IV of the Indian Constitution.
- 2.8 Discuss the tortious liabilities available for environmental pollution in India.
- 2.9 Discuss the adverse effects of water pollution along with the relevant legal mechanism in India to control over the problem.

**MODULE- IV**

- 2.10 "The shortcomings in the international and national legal framework governing Multinational Corporations (MNCs) poses a problem in providing a stable regulatory environment in which the MNCs can operate without destructing the environment and human life." Critically examine the statement by emphasizing on the situation in India.

- 2.11 Define the concept of 'Public Interest Litigation'. How far have Public Interest Litigations served as a tool for environmental protection? Justify your answer in the light of landmark case laws.

- 2.12 What is the correlation between the 'Principle of Public Participation' and 'Environmental Governance'? Explain some of the International Conventions which carries forward the notion of 'Public Participation'.

**8x7=56 MARKS**

**SECTION THREE**

**PLEASE ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS.**

- 3.1 Write analytical notes on the following:  
 a) Environmental Problems and the Remedies Under the Indian Criminal Law  
 b) A Case Comment on the Bhopal Gas Leak Tragedy Case
- 3.2 Define the term 'Sustainable Development'. Analyse the essential components of Sustainable Development. Discuss the jurisprudential foundations laid down by the Indian Judiciary in upholding the idea of Sustainable Development.
- 3.3 The Common Law Doctrine of 'Strict Liability' which is based upon the Rule of 'No Fault Liability' has been evolved as a deviation from the general rule of establishing tortious liability. This transition from the general rule has been shifted to another level of 'New No Fault Liability' in the Indian context.  
 Analyse the above statement in the light of the relevant case laws. Give the justification of the new jurisprudence as evolved by the Indian Judiciary.
- 3.4 What were the compelling factors which led to the enactment of the *National Green Tribunal Act of 2010*? Discuss the schematic framework as designed under the *National Green Tribunal Act of 2010*.

**2x14=28MARKS**

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the organisation and also international political scenario. Due to which it has been perceived that the UN Charter is now simply incapable of facilitating the maintenance of international peace and security. Give critical analysis within the ambit of international law.

3.3 In many occasions the International Court of Justice (ICJ) has found that a state that files a reservation to a multilateral treaty that violates the object and purpose of that treaty remains a party to the treaty and its invalid reservation simply drops out of its acceptance – discuss reservations to the multilateral treaties in the light of relevant cases decided by the ICJ.

3.4 The use of force in international relations is prohibited by Article 2 (4) of UN Charter; but still armed conflicts have been taking place in Modern world. Does UN Charter mechanisms compromised by the States and how do you judge the military action taken against Iraq in 2003. Discuss your answer with the help of suitable cases decided by International Court of Justice.

2x14=28 MARKS

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B.A., LL.B. (HONS.) FIVE YEARS INTEGRATED COURSE

ACADEMIC SESSION: 2013-2014

END SEMESTER EXAMINATION (25-05-2014)

6.3 INTERNATIONAL LAW (SIXTH SEMESTER)

MARKS: ONE HUNDRED (100) TIME:THREE (3) HOURS

SECTION ONE

ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY 100 WORDS. ALL QUESTIONS ARE COMPULSORY

- 1.1. Discuss briefly the sources of international law.
- 1.2. Explain clearly the basic principles of international law which were reaffirmed in the 1970 Friendly Relations Declarations of the UN.
- 1.3. Discuss the 'transformation' or 'specific adoption' theory of recognition.
- 1.4. Define the concept of 'Legal Dispute' in the light of Article 36(2) of the ICJ Statute.

4x4=16 MARKS

SECTION TWO

ANSWER EIGHT QUESTIONS FROM THE FOLLOWING ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY TO ANSWER TWO QUESTIONS FROM EACH MODULE

MODULE – I

- 2.1. "International Law is called universal law now; actually universality is a recent phenomenon of modern International Law" In the light of this statement, discuss the origin and development of modern international law.
- 2.2. The International Court of Justice in its advisory opinion in the case concerning *Reparation for Injuries case* stated that "international organisation may have capacity and immunity if certain conditions are satisfied". What are those conditions? Discuss them in the light of the *Reparation for Injuries case*.

- 2.3 Discuss the following briefly:
1. National Liberation Movements
  2. Multilateral Treaties
  3. *Jus Gogens*

**MODULE -II**

- 2.4 Give critical analysis on the "Asian and African approaches to international law and their contribution for the development of international law.
- 2.5 "Passing of title to a new state essentially not a matter of international law, but international law rules have been developed in relation to succession of states are concerned". In the light of this statement discuss the concept of state succession and related matters in international law.
- 2.6 Recognition is simply an acknowledgement of perceived fulfillment of factual criteria". Do you agree? Discuss various theories of recognition proposed by International law while dealing with the above statement.

**MODULE -III**

- 2.7 What is the status of international law in domestic legal system? Discuss India's position with regard to the implementation of international law in its domestic legal system. Give clear analysis with the help of relevant Constitutional provisions and Supreme Court decided Cases on this matter.
- 2.8 The UN Charter imposes obligations on states parties to settle their disputes amicably. What are those amicable means of settling disputes provided to the states under the UN Charter mechanism? Compare and contrast them with the judicial means of settlements of disputes in International Law.
- 2.9 Transnational corporations are not typically regarded as possessing international legal personality in the same way as States or international organisations. However, there have been attempts in

recent years to make transnational corporations more accountable for their actions in international law. In your view, how successful are these attempts likely to be? Discuss the status of transnational organizations as subjects of international.

**MODULE -IV**

- 2.10 Trace the development of the concept of "self determination" from the inception of the UN Charter to today. Include in your answer a discussion of whether the right of self determination necessarily implies a right to secede.
- 2.11 Discuss the meaning of the concept of "Dispute" in international Law. Discuss the difference between 'Political' and 'legal' dispute with the help of *Mavromatis Palestine Concessions* Case (1924) PCIJ. Highlight the important provisions that are available under the United Nations Charter for the settlement of International Disputes by the United Nations mechanism.
- 2.12 Discuss the contribution made by the International Court of Justice for the effective development of international law with the help of suitable case decided by the Court.

**8x7=56 MARKS**

**SECTION THREE**

**ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS**

- 3.1 The Third World International Law Scholars opine that "the Third world approaches to International Law have neither been able to effectively critique neo-liberal international law or project an alternative vision of International Law". In this backdrop, critically analyse the Third World Approaches to International Law.
- 3.2 The United Nations Charter was a "treaty of exceptional" in international law. The UN Charter effectively contributed for the development and maintenance of international peace and security. Unfortunately, since 1945 there have been many changes within

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ACADEMIC SESSION: 2013-2014

END-SEMESTER EXAMINATION (27-05-2014)

6.4 CIVIL PROCEDURE CODE AND LIMITATION (SIXTH SEMESTER)

MARKS: ONE HUNDRED (100)      TIME: THREE (3) HOURS

SECTION ONE

PLEASE ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY  
100 WORDS. ALL QUESTIONS ARE COMPULSORY.

- 1.1 "Return of plaint for presentation to a proper courts" is a 'decree'?  
Justify your answer.
- 1.2 Explain briefly the term 'Interpleaded Suit'.
- 1.3 "It is mandatory in nature and cast duty on the court to dismiss the  
suit, appeal or application, if it is beyond the period of limitation".  
Justify the statement.
- 1.4 What do you understand by 'Caveat'? Who may lodge a caveat?

4x4=16 MARKS

SECTION TWO

PLEASE ANSWER EIGHT OF THE FOLLOWING QUESTIONS  
ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY  
TO ANSWER TWO QUESTIONS FROM EACH MODULE.

MODULE - I

- 2.1 What is 'Set-off'? A sues B on a bills of exchange for Rs. 500. B holds  
a decree against A for Rs 1000. Whether B can claim set-off?  
Discuss the conditions for claim a set-off with the help of suitable  
examples.
- 2.2 "Mr. Ajay filed a plaint before a competent court. But the court has  
rejected the plaint". Under what circumstances the court has power  
to reject the plaint.

- 2.3 Mr. Raju sues Mr. Suresh for breach of contract. The suit is dismissed. Then Mr. Raju wants to file subsequent suit against Mr. Suresh for breach of same contract. Suggest Mr. Raju by explaining under what conditions the *Res Judicata* is applicable.

**MODULE – II**

- 2.4 Court 'A' passed a decree, subsequently a part of the area within the jurisdiction of court 'A' has been transferred to court 'B'. Now can the court 'B' has a power to entertain an application for execution of the same decree without formal transmission of the decree from court 'A'? Support your answer with the help of the relevant statutory provisions and the decided case laws.
- 2.5 What do you understand by the term 'Adjournment'? Discuss whether adjournment is the right of the party or discretion of the court.
- 2.6 When the court can issue summons for attendance of witnesses. Discuss the power of the court to enforce the attendance of any witness.

**MODULE – III**

- 2.7 What is 'Reference'? Under what conditions The High Court can entertain a reference from subordinate court.
- 2.8 What are the difference between 'First Appeal' and 'Second Appeal'?
- 2.9 'The right to appeal is not a natural one or inherent one', comment. What are the basic elements of an appeal?

**MODULE – IV**

- 2.10 Discusses the object of Limitation Act 1963.
- 2.11 "Under the law of limitation, limitation bar an action and not a defence". Discuss
- 2.12 What is 'Condonation of Delay'? When a court can accept a condonation application?

**SECTION THREE**

**PLEASE ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS.**

- 3.1 What do you understand by the term Interrogatories? Discuss the rules of interrogatories.
- Can a party file interrogatories as to any confidential and privileged communications between a party and his legal adviser?
- 3.2 When the court can issue a commission. Discuss the different purpose for issue of a commission. What are the powers of the commissioner?
- 3.3 What is the meaning of the term 'Review'? When a review petition is maintainable? Discuss the various grounds to be considered by the court for a review petition.
- 3.4 Discuss the inherent power of the civil courts in addition to the power specifically conferred on the courts by the *Code of Civil Procedure* 1908.

**2X14=28 MARKS**

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**8x7=56 MARKS**





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B.A., LL.B. (HONS.) FIVE YEARS INTEGRATED COURSE  
ACADEMIC SESSION: 2013-2014  
END-SEMESTER EXAMINATION (29-05-2014)  
6.5 LABOUR AND INDUSTRIAL LAWS (SIXTH SEMESTER)

MARKS: ONE HUNDRED (100)      TIME: THREE (3) HOURS

SECTION ONE

ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY 100 WORDS. ALL QUESTIONS ARE COMPULSORY.

- 1.1 Discuss the major International Covenants aimed at prohibiting Child Labour.
- 1.2 State the grounds for Disqualification for bonus under Section 9 of the *Payment of Bonus Act, 1965*.
- 1.3 Define 'Manufacturing Process' as given in The *Factories Act, 1948*.
- 1.4 Explain the concept of 'subsistence allowance' under the *Industrial Employment (Standing Orders) Act, 1946*.

4x4=16 MARKS

SECTION TWO

ANSWER EIGHT OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY TO ANSWER TWO QUESTIONS FROM EACH MODULE.

MODULE - I

- 2.1 Discuss the role of Compensation Commissioner and distribution of compensation under the *Employees' Compensation Act, 1923*?
- 2.2 Write a note on the General and Political Fund of the Trade Union. Also mention the restrictions on the utilisation of these Funds.  
An employee engaged in the Factory, who was also a member of the Trade Union, died after serious illness. The employee's son aged about 16 years, who is also a worker in the same factory, was given

membership in place of his father in the Trade Union. Is the membership valid?

2.3 What do you understand by Lay-Off? Discuss the amount of compensation payable to an employee on lay-off. State the grounds on which the employer will not be liable to pay compensation?

**MODULE – II**

2.4 Write a comprehensive note on the payment and computation of 'Bonus' under the *Payment of Bonus Act, 1965*.

2.5 Explain the procedure for fixing and revising minimum wages?

2.6 Discuss in detail the adjudication of dispute and claims in respect of insurance administered through the Employees' Insurance Court?

**MODULE – III**

2.7 Write a detailed note on the benefits and allowances payable by an employer under the *Maternity Benefit Act, 1965*.

2.8 Discuss the statutory provisions entitling a worker to avail Annual leave with wages.

2.9 Explain in detail the restrictions imposed on employment of young persons in Factories and regulation of their working hours.

**MODULE – IV**

2.10 The Certifying Officer certified the Draft Standing Orders of Premier Corporation on 4th of January, 2014 and despatched the same to the address of the Employer on 7th of January which was received on the same day. Aggrieved by certain provisions of the Standing Order, the Trade Union filed an appeal to the Certifying Officer on 6th of February.

The Certifying Officer rejected the appeal as being barred by limitation. Decide?

State the procedure for certification and appeal under Section 5 and 6 of the *Industrial Employment (Standing Orders) Act, 1946*.

2.11 Write short notes on:

a) Judicial pronouncements on Bonded Labour

b) Doctrine of hire and fire  
2.12 Discuss the protections given to Migrant labour as provided under *The Inter-State Migrant Workmen Act, 1979*.

**ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS.**

**SECTION THREE**

**8X7 = 56 MARKS**

3.1 Write a note on the scope and significance of the Conciliation Officer and Board of Conciliation in the settlement of an industrial dispute.

Analyse your answer in reference to the Powers and Duties of the Conciliation Officer and Board of Conciliation with the help of case laws.


3.2 Define Disablement and its types? What are the pre requisite conditions in order to claim Disablement Benefit? Refer to case laws.

3.3 Write an explanatory note on the general penalties and specifically on the liabilities of an owner and occupier for the violation of the provisions under the *Factories Act, 1948*.

3.4 Discuss the appropriate relief available to employees in case of unfair discharge or dismissal as a measure of Restraints on Managerial Prerogative. Refer to case laws.

**2X14 = 28 MARKS**

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ACADEMIC SESSION: 2013-14 (SIXTH SEMESTER)  
END-SEMESTER EXAMINATION (31-05-2014)  
6.6 FUNDAMENTALS OF THE INTELLECTUAL PROPERTY LAW

MARKS: ONE HUNDRED (100) TIME: THREE (3) HOURS

SECTION ONE

ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY 100 WORDS. ALL QUESTIONS ARE COMPULSORY.

- 1.1 Explain the term 'Geographical Indication'.
- 1.2 What do you understand by published and unpublished Indian Work as per the *Copyright Act 1957*?
- 1.3 Explain briefly the term 'Well-known Trademark'.
- 1.4 What do you understand by the term 'Patentable Invention'?

4x4=16 MARKS

SECTION TWO

ANSWER EIGHT OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY TO ANSWER TWO QUESTIONS FROM EACH MODULE.

MODULE - I

- 2.1 "Universal Copyright Convention 1952 was developed as an alternative to Berne Convention 1886". Discuss.
- 2.2 "Under the transitional arrangements of the TRIPS Agreement, the member nations were allowed to some transition period to make the national laws compliant with the TRIPS Agreement". Discuss
- 2.3 Write a note on the concept of 'Most-Favoured-Nation Treatment' in WTO laws.

MODULE - II

- 2.4 "Copyright law in India was brought at par with the Berne Convention. In conformity with the Berne Convention, Section 57 of The Copyright Act 1957 protects the author's right of paternity as also the right of integrity. Distortion, mutilation or modification if established to be

prejudicial to the author's reputation or honour are actionable". Discuss the position of law laid down in the case *Amar Nath Sehgal vs. Union of India (UOI) and Anr. 2005(30) PTC 253 (Del)*.

2.5 Mr. Arnab and Mr. Nandi are news reporters. They went to cover the 'IPL T-20' final match. Both were sitting in the reporters stand. Both were taking photographs. Next day Mr. Nandi found that Mr. Arnab's news paper posted the same photograph, which is posted in his newspaper. Mr. Nandi filed an infringement suit against Mr. Arnab. Subsequently, Mr. Arnab decided to file a defence. Suggest him the ground which are available to him under the law.

2.6 Discuss the various remedies against infringement of copyright.

#### MODULE – III

2.7 Is it necessary to have a 'Trademark' for trading any goods or services? Discuss clearly the functions of trademark.

2.8 What are the difference between 'Passing off' and 'Infringement'?

2.9 Explain the term 'Descriptive Mark'. What is the test for determining the descriptive character of a mark?

#### MODULE – IV

2.10 What is 'Inventive Step'? Discuss the test for determining inventive step with relevant case laws.

2.11 Who can file an opposition for patent? Discuss the grounds for opposition.

2.12 What is 'Compulsory Licence'? When and who can grant the Compulsory Licence?

8x7=56 MARKS

#### SECTION THREE

ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS.

3.1 "The Convention establishing World Intellectual Property Organization (WIPO) declares that membership shall be open to any State that is a member of any of the Unions recognised by WIPO (such as Paris Convention Union and Berne Convention Unions), and to any State which is not a member of any of the Unions, provided that it is a

member of the United Nations, or any of the specialized agencies of the United Nations or of the International Atomic Energy Agency, or is party to the Statute of the International Court of Justice or is invited by the General Assembly of WIPO to become a member." Discuss how WIPO serves as a forum for its Member States to establish and harmonize rules and practices for the protection of intellectual property rights.

3.2 "One of the surest and the safest test to determine whether or not there has been a violation of copyright is to see if the reader, spectator or the viewer after having read or seen both the works is clearly of the opinion and gets an unmistakable impression that the subsequent work appears to be a copy of the original." Discuss the position of law laid down in the case *R.G. Anand Vs. Delux Films and Ors. AIR1978SC1613*

3.3 Who is an 'Honest Concurrent User'? How the Trademark Act 1999 has attempted to protect the interest of honest concurrent user. Justify your answer with the help of relevant case laws.

3.4 Mr. Einstein a resident of Bhopal invented a medicine, which can cure AIDS. He approached you on 20.05.2014 to register his invention as soon as possible with the registrar of patent. But he further informed you that he needs at least another six months for further experiments to conform his invention and the process. Advise him regarding the following issues:

- (a) Where and when his patent application can be filed to register his invention?
- (b) What information is required to you for drafting patent claim; so that his rights can be broaden his claims as wider as possible.
- (c) Any other formalities are required in future if the application is filed today.

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2X14 = 28 MARKS