

NLUJAA
National Law University and Judicial Academy, Assam
One Year LL.M. Degree Programme: II-Semester
(Academic Year: 2022-23)
Semester End Repeat Examination (July, 2023)
Subject Code: 2.1 (IP) Comparative Intellectual Property Rights Regime
(Optional Paper - II)

Time: **3:00 Hrs.**
Total Marks: **100**

INSTRUCTIONS:

1. Read the questions carefully and answer.
 2. Unnecessary queries on the Question Paper shall not be entertained.
 3. Do not write anything on the question paper. It will be treated as malpractice.
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Answer any *four* questions from the following. All questions carry equal (25) marks.

1. Differentiate between 'fair use' and 'fair dealing' under the Copyright Regime. Explain India's position with relevant provisions and case laws.
2. Explain India's position in context to exhaustion of IPR. Which exhaustion principle is suitable to the Indian system and why? What is the approach of the developed nations in this regard?
3. The concept and the degree of originality differ in various IPR legislations. Against this backdrop, explain the concept of originality under Designs Act, 2000 and Copyright Act, 1957. Can a person seek protection under both these legislations simultaneously?
4. What are the remedies available for infringement of Patents, Copyright and Trademark Law? Draw a comparative analysis.
5. Short notes:
 - a. Product Patent *versus* Process Patent
 - b. Passing Off versus Infringement under Trademark Law
