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B.M.S. COLLEGE FOR WOMEN
BENGALURU -560004

III SEMESTER END EXAMINATION – APRIL - 2024

M.Com. - INTELLECTUAL PROPERTY RIGHTS
(CBCS Scheme – F+R)

Course Code: MCM301T

Duration: 3 Hours

QP Code: 13009

Max. Marks: 70

SECTION – A

1. Answer any Seven Questions out of Ten. Each Question Carries Two Marks (7x2=14)

- a. Define IPR.
- b. What do you mean by design.?
- c. State the categories of grounds for revocation of patents.
- d. Define farmer's variety.
- e. State the basic requirement for design registration.
- f. Mention any four GI tagged products in Karnataka.
- g. State the minimum standards of Berne convention.
- h. Expand WIPO and CGPDTM.
- i. What are related rights?
- j. What is restoration of lapsed patent?

SECTION – B

Answer any Four Questions out of Six. Each Question Carries Five Marks (4x5=20)

2. Explain the importance of protecting intellectual properties.
3. What is non-patentable subject matter? List out the innovations that are not patentable in India.
4. Write a note on indigenous knowledge and its importance in contrast to scientific knowledge.
5. Explain the different types of trade marks.
6. Differentiate between trademark and geographical indicators.
7. State the exceptions to the copyright infringement

SECTION – C

Answer any Two Questions out of Four. Each Question Carries Twelve Marks (2x12=24)

8. Discuss the elements of patentability followed by rights and duties of patentee.
9. Describe the works protected under Copyrights Act, 1957. Briefly explain the process of obtaining copyright.
10. Discuss the features and significance of TRIPS agreement in the development of intellectual property rights.
11. What is a Geographical Indication (GI) and what is its function? State the legislation for its protection in India and briefly outline the procedure of registration.

SECTION – D

(Compulsory Skill-based Question on Subject / Paper)

Skill-based Question

(1x12=12)

12. TV Today, parent company of India Today and Aaj Tak, brought a defamation suit against Newslaundry, alleging infringement of their copyright and demanding damages of Rs. 2 Crore. TV Today had asked for directions for the allegedly infringing videos to be taken down and action be taken against the website and its YouTube channel. *Newslaundry* had uploaded several videos on its website and YouTube channel that included clips from shows aired on *India Today* and *Aaj Tak*. The TV news channels had previously sent over 50 copyright strikes. A number of videos that the defendants had posted on their website and YouTube channel featured excerpts from programmes that had been previously broadcasted on *India Today* and *Aaj Tak*. The defamatory suit alleged that, *Newslaundry* had copied the works of *India Today* and *Aaj Tak*, and that usage violated the plaintiff's copyright under the Copyright Act of 1957.

Grounds of TV Today:

- The plaintiff contended that the defendants have infringed and violated their copyrighted content.
- It was further contended that defendants have mocked and disparaged plaintiff company, its news channels, its employees, and management, and have posted numerous videos and articles on their website as well as on different social media platforms that contain misleading, malicious, derogatory information. Consequently, the plaintiff's reputation has suffered as a result of the false and defamatory comments.

Arguments of Newslaundry:

- While denying the Plaintiff's contentions, the defendant claims that the suit filed by the plaintiff is not maintainable as the same is not a "commercial suit".
- Additionally, it was claimed that the plaintiff edited and only displayed the portions of the videos that supported their own claims; it has omitted important facts and cannot be afforded any protection.
- Furthermore, it is argued that the defendant's use of the plaintiff's content falls under the ambit of "fair use" as long as they give the plaintiff proper credit and in no manner, attempt to mislead their subscribers, viewers, or customers into believing that the video or other copyrighted material they are using comes from the defendants.
- The defendant claims that because it is a "intermediary" as defined by Section 2(1)(w) of the Information Technology Act, it is immune from liability with respect to any third-party data or information it hosts or makes available.

Conclusion: The excerpts of a broadcast could be re-broadcast if the use is consistent with fair dealing and is in respect of reporting of current events or for bona fide review or teaching or research. Keeping in mind the three cardinal principles namely prima facie case, irreparable loss and injury, and balance of convenience, the Court acknowledged that Article 19(1)'s right to free speech and expression includes the ability to remark on material posted on social media or broadcast television.

Questions:

- a. Does commenting on a video in the YouTube platform amount to copyright infringement? Explain. (4)
- b. Explain the grounds on which the case stands dismissed. (4)
- c. Do you agree with the judgement in this case? Comment (4)
