

CS EXECUTIVE

Module 2 | New Syllabus

Question Book

**ECONOMIC, COMMERCIAL
AND INTELLECTUAL
PROPERTY LAWS**

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1



Laws Relating Foreign Exchange Management

June 2015 (3 marks)

- What is meant by person of Indian Origin?

Dec 2015 (3 marks each)

- Alex, a foreign diplomat desires to buy immovable property in India. Is he permitted to do so? Give reason in brief.
- What are the classes of capital transactions of persons resident in India?

Dec 2015 (5 marks)

- Define the term “Authorized Person” under the Foreign Exchange Management Act, 1999 and state the powers of the RBI to issue direction to an authorized person.

Dec 2016 (7 marks)

- What is direct investment outside India? Discuss the regulations in respect of acquisition and transfer of immovable property outside India.

June 2017 (5 marks each)

- Explain the procedure relating to establishment of Appellate Tribunal under Foreign Exchange Management Act, 1999.
- What are the provisions relating to compounding of FEMA related offences by the Reserve Bank.
- What is current account transaction under Foreign Exchange Management Act, 1999.

June 2018 (5 marks)

- ➔ What is meant by contravention and compounding of contravention?

Dec 2018 (4 marks each)

- ➔ Foreign Exchange Management (Possession Possession and Retention of foreign Currency) Regulations 2015, deals with limits on possessions and retention of foreign currency or foreign coins. What is the limit of possession or retention of foreign currency or foreign coins under Regulations 3?
- ➔ Who is an authorized person under FEMA, 1999 & what are his obligations?

June 2019 (4 marks)

- ➔ Explain the permissible capital account transactions by an individual under the liberalized remittance scheme.

June 2019 (5 marks)

- ➔ How a person resident in India can hold, own, transfer or invest in any immovable property situated outside India. Comment.

Dec 2019 (5 marks)

- ➔ Explain the power of the Reserve Bank of India to issue directions to an authorized person under FEMA, 1999.

Dec 2019 (4 marks each)

- ➔ Point out the prohibited transactions under the Liberalised Remittance Scheme.
- ➔ Discuss the establishment and jurisdiction of Appellate Tribunal constituted under the Foreign Exchange Management Act, 1999.

Dec 2020 (5 marks each)

- ➔ Name any five permissible current account transactions made by an individual under Liberalized Remittance Scheme (LRS).
- ➔ Discuss the provisions relating to mode of acquiring immovable property outside India by a person resident in India under FEMA , 1999 & Foreign Exchange Management (Acquisition & Transfer of Immovable Property Outside India) Regulations, 2015.

Dec 2020 (4 marks each)

- State the obligations of an Indian person who has made direct investment outside India, under the provisions of FEMA, 1999.
- Explain briefly scope and procedure for compounding of contravention under FEMA, 1999.
- Discuss the transactions which are prohibited under “Liberalised Remittance Scheme”.

June 2021 (5 marks each)

- State the pre-requisites for compounding process in respect of contravention committed, under the FEMA, 1999.
- Upto what limit an authorized dealer may release foreign exchange for business trip and medical treatment abroad, under liberalized Remittance Scheme(LRS)

June 2021 (4 marks each)

- Enumerate the situations in which the drawal of foreign exchange is prohibited under the Foreign Exchange Management (current account transactions) Rule, 2000.
- Describe the remittances by person other than the individual which require prior approval of the Reserve Bank of India.

Dec 2021 (5 marks)

- State the rules relating to acquisition and transfer of immovable property in India by a Non Resident Indian (NRI).

Dec 2021 (4 marks each)

- Explain various modes of acquiring property outside India by a Resident Indian.
- What is the object and scope of Foreign Exchange Management Act, 1999?
- What is Liberalised Remittance Scheme? What are the facilities available to students for pursuing their studies abroad under this scheme? Explain.

June 2022 (5 marks)

- ➔ What are the limits of Current Account Transactions by an Individual under LRS?

June 2022 (4 marks each)

- ➔ What do you mean by Compounding of contravention?
- ➔ What is the limit on possessions & retention of foreign currency or foreign coins under the Foreign Exchange Management (Possession Possession & Retention of Foreign Currency) Regulations, 2015?

Dec 2022 (5 marks)

- ➔ What documents are to be submitted by a person resident in India for transfer of shares, to a person resident outside India by way of gift.

Dec 2022 (4 marks)

- ➔ Discuss overall scheme of FEMA, 1999.

June 2023 (5 marks)

- ➔ Elaborate briefly the pre-requisites for compounding process under FEMA, 1999.

June 2023 (4 marks each)

- ➔ What do you mean by Liberalised Remittance Scheme?
- ➔ Define the following terms as stated under FEMA, 1999:
 - A) Automatic Route
 - B) Government Route
 - C) Foreign Portfolio Investment
 - D) Foreign Portfolio Investor.

Dec 2023 (4 marks)

- ➔ What facilities are available in case of private visits and for emigration under the Liberalized Remittance Scheme (LRS)?

June 2024 (5 marks)

- ➔ Vinesh is a person resident outside India. He wishes to acquire the immovable property in India for carrying on a permitted activity. Explain whether Vinesh can do so under Section 6(5) of the Foreign Exchange and Management Act, 1999?

2



Foreign Direct Investment Regulations and Policy

June 2015 (3 marks)

- ➔ What is meant by Foreign currency Convertible Bond (FCCB)?

Dec 2015 (3 marks)

- ➔ Mention the prohibited sectors\activities in which Foreign Direct Investment is prohibited.

Dec 2016 (3 marks)

- ➔ What is “intent & obligation” of foreign direct investment in India under the Foreign Exchange Management Act, 1999?

Dec 2018 (5 marks)

- ➔ Prior approval of RBI is not mandatory for transfer of Capital Instruments from resident to non-resident by way of sale. Comment.

June 2019 (5 marks)

- ➔ what are the conditions for a Indian company to allot sweat equity shares of its holding company to its employees, who are resident outside India.

June 2019 (4 marks each)

- ➔ Under what conditions “Foreign Direct Investment” on LLP is permitted.
- ➔ Enumerate the sectors\activities where FDI is prohibited under the Foreign Direct Investment Policy in India.

Dec 2020 (4 marks)

- ➔ Discuss various modes of payment allowed for receiving FDI to an Indian Company.

June 2021 (4 marks)

- ➔ State the penalties which may be imposed on a person, who contravenes the Foreign Direct Investment Regulations.

June 2022 (4 marks)

- ➔ What are the penalties for contravention of Foreign Direct Investment Regulations?

Dec 2022 (4 marks)

- ➔ Describe the conditions which do not require fresh approval of the Government for bringing in further foreign investment in a business entity, under FDI in India.

June 2023 (4 marks)

- ➔ What mandatory documents are required to be submitted for export and import of goods from\into India?

June 2024 (5 marks)

- ➔ What are the conditions for foreign investment in LLPs?

3



Overseas Direct Investment

Dec 2018 (4 marks each)

- ➔ What are the eligibility criterias for forming the trust under the India Trust Act, 1882?
- ➔ What are the obligation on Indian Party which has made direct investment outside India?

June 2019 (4 marks)

- ➔ State the sources within which the Indian mutual funds registered with SEBI are permitted to invest in overseas direct investment.

Dec 2019 (4 marks)

- ➔ What is the eligibility criteria for overseas investment by proprietorship concerns and registered trust.

June 2021 (4 marks)

- ➔ What are the permissible sources for the funding of Overseas Direct Investment.

Dec 2021 (4 marks)

- ➔ Can a resident individual acquire\sell foreign securities without prior approval of Reserve Bank of India ? Comment.

June 2022 (4 marks)

- ➔ What are the conditions for Indian party tp make investment in overseas joint venture or wholly owned subsidiaries?

Dec 2022 (4 marks)

➔ What are the provisions relating to Acquisition \ sale of foreign securities by Resident individual in India./

June 2023 (4 marks each)

➔ Discuss the terms and conditions for overseas direct investment by a proprietorship concern \ unregistered partnership firm in India.

➔ What do you mean by “Financial Commitment” and “Indian Party” under Overseas Direct Investment?

Dec 2023 (5 marks)

➔ Chandu intends to make overseas direct investment with a view to earning a return. Since Chandu is looking at either real estate or lottery, you are required to state the restriction or prohibitions in context of ODI.

June 2024 (5 marks)

➔ What is meant by Overseas Direct Investment (ODI) and Overseas Portfolio Investment (OPI) under Overseas Direct Investment?



4



External Commercial Borrowings

June 2019 (4 marks)

- ➔ Whether conversion of “External Commercial Borrowings” into equity is permissible? Comment.

Dec 2020 (4 marks)

- ➔ Explain the procedure for raising external commercial borrowings under approval route RBI by the borrower.

Dec 2021 (4 marks)

- ➔ What is the procedure of raising external commercial borrowings? Explain.

June 2022 (4marks each)

- ➔ Who are recognized lenders in External Commercial Borrowing Framework?
- ➔ How hedging is regulated under External Commercial Borrowing framework?

June 2023 (4marks)

- ➔ In which manner External Commercial Borrowings (ECB) proceeds are permitted to be parked abroad as well as domestically?

June 2024

- ➔ **NO QUESTION ASKED YET**



5



Foreign Trade Policy and Procedure

Dec 2016 (5 marks)

- ➔ What are the short-term and long term objectives of India's foreign trade policy?

June 2017 (5 marks)

- ➔ Describe the privileges of Export and Trading House Status Holders in pursuance to the foreign trade policy?

June 2018 (5 marks)

- ➔ Distinguish between "Capital Goods" and "Consumer Goods" under Foreign Trade Policy of the Government of India.

Dec 2019 (4 marks each)

- ➔ Explain the objectives of "Foreign Trade Policy" under the foreign trade policy for 2015-2020.
- ➔ What are the privileges of the "Status Holders" under the foreign trade policy and procedure of India enumerated under the Foreign Trade Policy 2015-2020?

Dec 2020 (4 marks each)

- ➔ The import and export of which is prohibited under Foreign Trade Policy and procedure? How can those item be imported and exported?
- ➔ Discuss the categories of items which are not eligible for Merchandise Exports from India Scheme (MEIS) under the Foreign Trade Policy and procedure.

June 2021 (4 marks)

➔ Which types of complaints and trade disputes maybe raise against the exporters to maintain a good image of the country in abroad to promote export?

Dec 2021 (4 marks)

➔ What are the basic objectives of present Foreign Trade Policy? Explain.

June 2022 (4 marks each)

➔ How does export promotion capital goods scheme facilitate the import of capital goods for producing capital goods and services to enhance Indian Export Competitiveness?

➔ What is Importer-Exporter Code? How is it obtained?

Dec 2022 (4 marks each)

➔ Foreign Trade Policy envisages, “ Export should not be a function of marketable surplus should also reflect an enhancement of economic capacity & development”. Explain the statement.

➔ Elaborate the objectives of Foreign Trade Policy (FTP) 2023 of India.

Dec 2023 (4 marks)

➔ Who is status holder under the Foreign Trade policy and procedure of India enumerated as per Foreign Trade Policy.

June 2024 (5 marks)

➔ What is the meaning of “Deemed Exports” for the purpose of Foreign Trade Policy (FTP) and Goods and Services Tax (GST). What are the benefits for deemed exports?

6



Law Relating To Special Economic Zones

Dec 2016 (8 marks)

State the salient features of the Special Economic Zones Act, 2005. Also the method of appointment and functions of the Development Commissioner.

June 2017 (3 marks)

Discuss the functions of Special Economic Zone Authority under Special Economic Zones Act, 2005.

Dec 2017 (5 marks)

When the Board of Approval is empowered to suspend the letter of approval granted to the developer under Special Economic Zone (SEZ) Act, 2005.

Dec 2018 (5 marks)

Capital goods and spares that have become obsolete\ surplus, may be exported transferred to another Special Economic Zone unit law does not permit to dispose in Domestic Tariff Area on payment of applicable duties. Comment.

Dec 2018 (4 marks each)

Section 34 of Special Economic Zones Act, 2005 casts upon the Authority a duty of undertake such measures as it thinks fit for the development, operation and management of Special Economic Zone. Explain.

Who can establish Special Economic Zone? Discuss.

June 2019 (5 marks)

➔ Explain under what circumstances the Central Government is empowered to supersede any authority constituted under Special Economic Zones Act, 2005? What will be the consequences if such power is exercised by the Central Government?

June 2019 (4 marks each)

➔ What do you understand by “Offshore Banking unit” under Special Economic Zone Act, 2005?

➔ How the “Special Economic Zone Authority” is constituted under Special Economic Zone Act, 2005? Which are the defects or irregularities for which any act or proceedings of an authority can not be invalidated?

Dec 2019 (5 marks)

➔ State the prime functions of the Development Commissioner as incorporated in the Special Economic Zones Act, 2005.

Dec 2020 (4 marks each)

➔ State the prime functions of the Development Commissioner as incorporated in the Special Economic Zones Act, 2005.

➔ Explain the functions and powers of Approval Committee under the Special Economic Zones Act, 2005.

➔ Discuss the functions of authority constituted under Special Economic Zone Act, 2005

June 2021 (4 marks)

➔ What is meant by Special Economic Zones (SEZ)? State the purpose and salient features of Special Economic Zones Act, 2005.

➔ What is Offshore Banking Unit? Explain the procedure for setting up and operation of Offshore Banking Unit.

Dec 2021 (5 marks)

➔ “Special Economic Zones are the growth engines of our country”. Comment upon this statement in view of salient features of Special Economic Zones Act, 2005.

June 2022 (4 marks)

→ Explain the guidelines for notifying Special Economic Zone.

Dec 2022 (4 marks)

→ How the Approval Committee is constituted under the Special Economic Zone Act, 2005?

June 2023 (4 marks)

→ Explain the provisions with regards to setting up of unit under Section 15 of the Special Economic Zones Act, 2005.

Dec 2023 (5 marks)

→ Analyse the powers of the Central Government to supersede the Special Economic Zone Authority under the Special Economic Zones Act, 2005. What will be the consequences of its implementations?

June 2024 (5 marks)

→ XYZ Ltd. has been granted approval by the Board of Approval for foreign collaboration and foreign direct investments (including including investments by a person resident outside India) in the Special Economic Zone for its development, operation and maintenance. XYZ Ltd. has persistently defaulted in complying with the directions of the Board. What action can be taken by Board of Approval against XYZ Ltd. under Section 10 of the Special Economic Zones Act, 2005?

7



Law Relating To Foreign Contribution Regulation

June 2015 (5 marks)

- ➔ Define “Foreign Contribution” under the Foreign Contribution (Regulation) Act, 2010.

Dec 2015 (3 marks each)

- ➔ Which organisations\individuals are specifically prohibited from receiving foreign contribution under the Foreign Contribution (Regulation) Act, 2010?
- ➔ State the procedure for making an application for renewal of certificate under the Foreign Contribution (Regulation) Act, 2010.

June 2016 (5 marks)

- ➔ Which organisations\individuals are specifically prohibited from receiving foreign contribution under the Foreign Contribution (Regulation) Act, 2010?

Dec 2018 (5 marks)

- ➔ The object of the Foreign Contribution (Regulation) Act 2010 is to legalise foreign donations and hospitality to office bearers of political parties. Comment.

Dec 2018 (4 marks)

- ➔ Which are the organizations persons who are specifically debarred from receiving foreign contributions under Foreign Contribution (Regulation) Act, 2010?

Dec 2019 (5 marks)

- ➔ Enumerate the powers of the Central Government to prohibit receipt of foreign contribution under the Foreign Contribution (Regulations) Act, 2010.

Dec 2019 (4 marks)

- ➔ State the provisions regarding the penalties and punishment provided under the Foreign Contribution (Regulation) Act, 2010.

Dec 2020 (5 marks)

- ➔ Discuss the circumstances in which the Foreign Contribution (Regulation) Act, 2010 does not apply.

June 2021 (5 marks)

- ➔ Enumerate the persons who are prohibited from accepting foreign contributions under the Foreign Contribution (Regulation) Act, 2010.

June 2021 (4 marks)

- ➔ When and to whom an appeal may be preferred against the order of adjudication of confiscation, under the Foreign Contribution (Regulation) Act, 2010?

Dec 2021 (5 marks)

- ➔ Discuss the powers of Central Government to prohibit receipt of foreign contribution.

June 2022 (5 marks)

- ➔ What kind of restrictions and prohibition have been imposed upon person, resident of India and citizen of India to accept foreign contribution under the Foreign Contribution (Regulation) Act, 2010?

June 2022 (4 marks)

- ➔ Cancellation of certificate under the Foreign Contribution (Regulation) Act, 2010". Discuss.

Dec 2022 (5 marks each)

- ➔ Elucidate the provisions regarding the management of foreign contribution of person whose certificate has been cancelled or surrendered.
- ➔ Section 3(1) of the Foreign Contribution (Regulation) Act (FCRA), 2010 deals with prohibition to receive foreign contribution". Discuss.

Dec 2022 (4 marks each)

- ➔ What do you understand by Foreign Hospitality? List the categories of persons who require prior approval from the Ministry of Home Affairs before accepting Foreign Hospitality?
- ➔ Discuss adjudication of confiscation and procedure thereof, under the Foreign Contribution (Regulation) Act, 2010

June 2023 (5 marks)

- ➔ Discuss the provisions where the Central Government may call for and examine any proceedings under the Foreign Contribution (Regulation) Act, 2010.

Dec 2023 (5 marks each)

- ➔ Explain the provisions of Section 5 of the Foreign Contribution (Regulation) Act, 2010 relating to procedure to notify on Organization of political nature.
- ➔ Amit, a director of Public Limited Company was on a business trip to USA. Suddenly, he developed chest pain there and was by one Jhon, a US national who happened to be his friend.
Did Amit violate the provisions of the Foreign Contribution Regulations Act, 2010? Give reason.

June 2024 (5 marks)

- ➔ Gama is resident in India and citizen of India. He is going to receive the foreign contribution from US. Explain the foreign contribution and conditions under which he can receive such foreign contribution under Foreign Contribution (Regulation) Act, 2010?

8



Prevention of Money Laundering

June 2015 (8 marks)

➔ “The problem of money laundering is no longer restricted to the geopolitical boundaries of any country. It is a menace that cannot be contained by any nation alone.” Discuss this statement in the context of impact of money laundering and the enactment of the Prevention of Money Laundering Act, 2002.

Dec 2015 (7 marks)

➔ Define the term “money laundering”. How does it impact the development of a growing economy? Discuss.

June 2016 (5 marks)

➔ What is meant by “money laundering”? Mention the provisions of the Prevention of Money Laundering Act, 2002 regarding the obligations of banking companies, financial institutions and intermediaries.

Dec 2016 (3 marks)

➔ Define the term “money laundering”. How does it impact the development of a growing economy? Discuss.

Dec 2016 (5 marks)

➔ Discuss the objectives and functions of the Financial Action Task Force (FATF).

June 2017 (5 marks each)

→ State the obligation of bank on KYC policy as per guidelines issued by Reserve Bank of India.

→ How the attachment of property is executed under Prevention Money Laundering Act, 2002?

June 2018 (5 marks)

→ What are the provisions for freezing of assets under Section 51A of the Unlawful Activities (Prevention) Act, 1967? Briefly discuss.

Dec 2018 (3 marks)

→ What do you understand by the term “Money Laundering” under the Prevention of Money Laundering Act, 2002?

June 2019 (3 marks)

→ What are the effects of Money Laundering on the economic development of a country?

Dec 2019 (3 marks)

→ What do you mean by the KYC guidelines as given under the Prevention of Money Laundering Act, 2002?

Dec 2020 (3 marks)

→ Define the term “Money Laundering”. What is the punishment for money laundering?

June 2021 (4 marks)

→ Which information should be preserved by the banks under Prevention of Money Laundering Act, 2002?

June 2021 (3 marks)

→ Explain the obligation which have been imposed upon the banks to remain cautious under the Prevention of Money Laundering Act, 2002?

Dec 2021 (3 marks)

→ “Money Laundering is an Economic Crime”. What punishment is provided for it under Prevention of Money Laundering Act, 2002?

June 2023 (4 marks)

- ➔ Explain in brief the role of the Financial Action Task Force (FATF) in the prevention of money laundering under the Prevention of Money Laundering Act, 2002?

June 2024 (5 marks)

- ➔ What is meant by “Regulated Entities “(REs) under the Prevention of Money Laundering Act, 2002?



9



Law Relating to Fugitive Economic Offenders

Dec 2023 (5 marks)

- ➔ Faizal is a fugitive economic offender and has left India to avoid legal proceedings against him. Discuss the provisions relating to power of civil tribunal to disallow civil claims and attach his property.

June 2024 (5 marks)

- ➔ Discuss the power of survey by director under law relating to Fugitive Economic Offenders Act, 2018?



10



Law Relating to Benami Transactions & Prohibition

Dec 2018 (3 marks)

➔ Explain Adjudication of Benami Property under the Benami Transaction Act, 1988.

June 2019 (3 marks)

➔ Explain the salient features of the Benami Transactions (Prohibition) Act, 1988.

Dec 2019 (3 marks)

➔ State the provisions regarding punishment for Benami Transactions Incorporated under the Benami Transaction(Prohibition)Act,1988?

Dec 2020 (4 marks)

➔ What do you understand by “Benami Transaction” under the Benami Transactions (Prohibition) Act, 1988?

Dec 2020 (3 marks)

➔ “A” , an individual, by a transaction, purchased a house in the name of his wife. Consideration of transaction was paid by “A” ; out of his known sources. Government seized the house claiming it to be a benami property. Decide, whether the action of the Government is justified?

June 2021 (3 marks)

➔ In what manner and to whom the service of notice will be served under the Benami Transaction Act, 1988.

Dec 2022 (3 marks)

➔ State the provisions regarding prohibition and punishment for Benami Transactions (Prohibition) Act, 1988.

June 2023 (4 marks)

➔ Discuss the provisions for the confiscation and vesting of benami property under the Benami Transactions (Prohibition) Act, 1988.

Dec 2023 (4 marks)

➔ Elaborate the law and procedure in respect of confiscation and vesting of benami property under the Benami Transaction (Prohibition) Act, 1988.

Dec 2023 (5 marks)

➔ “A” , an individual, by a transaction, purchased a house in the name of his wife. Consideration of transaction was paid by “A” ; out of his known sources. Government seized the house claiming it to be a benami property. Decide, whether the action of the Government is justified under the Prohibition of the Benami Transaction Act, 1988?

June 2024 (5 marks)

➔ How is the Management of propertied confiscated under the Law relating to Benami Transaction and prohibition?

11



Competition Law

June 2015 (7 marks)

➔ “The Competition Act, 2002 does not prohibit dominance but the abuse of dominant position”. Discuss.

Dec 2015 (5 marks)

➔ What do you understand by the word “competition” in the market? In what way does “competition kill competition”? Discuss briefly.

Dec 2015 (8 marks)

➔ How is the Competition Commission of India established and what is its composition? Discuss the procedure laid down for the selection of Chairperson and other members along with their terms of office under the provisions of Competition Act, 2002.

June 2016 (5 marks each)

➔ What are the factors which the Competition Commission of India shall take into consideration to ascertain whether an agreement has an appreciable adverse effect on competition under the Competition Act, 2002?

➔ What is meant by “bid rigging”? What are the most commonly used ways in which bid rigging may occur?

Dec 2016 (5 marks)

➔ Write a note on the evolution and development of Indian competition laws.

June 2017 (3 marks)

➔ Explain the term “Abuse of Dominance” under Competition Act, 2002.

June 2017 (8 marks)

→ State the composition, duties, powers and functions of Competition Commission of India under Competition Act, 2002.

Dec 2017 (3 marks)

→ Describe the duties and powers of Director General under Competition Act, 2002.

Dec 2017 (8 marks)

→ Competition spurs efficiency and improves consumer welfare. There is a close relationship between competition and economic efficiency". How far do you agree with this statement?

June 2018 (3 marks)

→ Briefly explain categorically the conditions that are conducive to 'Cartelization'.

June 2018 (5 marks each)

→ What constitutes "abuse of dominance" under Competition Law?

→ Discuss the duties, powers and functions of Competition Commission of India.

June 2018 (7 marks)

→ State the composition of the "Competition Appellate Tribunal", comprising of qualification term provisions relating to Resignation and restriction on employment after the resignation of chairperson and/ or member; and who can represent the appellant before the Tribunal?

Dec 2018 (3 marks each)

→ (i) What do you mean by Cartel? Explain it with reference to Competition Act, 2002.

(ii) What agreement are anti competitive under the Competition Act, 2002?

(iii) what constitutes abuse of dominance under the Competition Act, 2002?

(iv) What do you understand by the term "Combination" under the Competition Act, 2002?

(v) Who is 'consumer' under the Competition Act, 2002?

Dec 2018 (5 marks each)

→ What factors have to be taken into consideration by the Competition Commission of India for the purpose of determining whether an enterprise enjoys dominant position or not? Explain.

→ What orders can be passed by Competition Commission of India under Section 27 of Competition Act, 2002 after any inquiry into agreement entered into by any enterprise or association of enterprises or person or association of persons or an inquiry into abuse of dominant position?

June 2019 (3 marks each)

➔ (a) How the competition commission will determine whether an agreement has appreciable adverse effect on competition? (3 marks)

(b) Whether the jurisdiction of the competition commission of India extends to acts/agreements taking place outside India, which affects competition in India? Explain.

(3 marks)

(c) What is the purpose of competition policy of India and Competition Act, 2002? (3marks)

(d) What is meant by dominant position under the Competition Act, 2002? (3 marks)

(e) Discuss the consequences of making false statement by a person being a party to combination under Competition Act, 2002. (3 marks)

June 2019 (5 marks)

➔ Explain what is meant by Bid-rigging, tie-in agreement, Exclusive supply agreement, and Refusal to deal.

Dec 2019 (3 marks each)

➔ In which circumstances collusive bidding or bid rigging may occur as per the Competition Act, 2002 (b) What penalties are prescribed by the Competition Act, 2002 for contravention of orders of the Competition Commission.

(c) What do you mean by the term 'person' as given under the Competition Act, 2002?

(d) Who can appear before the Competition Commission of India? Explain.

(e) State the conditions which are conducive to cartelization under the Competition Act, 2002.

Dec 2019 (5marks each)

➔ Explain the term 'Competition Advocacy' , state whether the Central/state government may make reference to the Competition Commission for its opinion on possible effects of such policy on the competition under the Competition Act, 2002?

➔ Explain the procedure for investigation of combination under the Competition Act, 2002.

Dec 2020 (3 marks each)

➔ Describe the jurisdiction of Competition Commission of India to inquire and pass orders in respect of acts and agreement taking place outside India which are likely to have an appreciable adverse effect on competition in relevant market in India.

➔ Discuss the functions and powers of Director-General under the Competition Act, 2002.

- ➔ What are the objectives of Competition Act, 2002?
- ➔ What is predatory pricing? Explain.
- ➔ What do you understand by “Anti- Competitive Agreement” under Competition Act, 2002?

Dec 2020 (5 marks)

➔ Discuss the duties of Director General under Competition Act, 2002. If a person fails to comply without reasonable cause with a directions given by the Commission or the Director-General, what punishment can be given under the Competition Act, 2002.

June 2021 (3 marks each)

- ➔ Explain the concept of cartel with reference to the Competition Act, 2002.
- ➔ State the composition to constitute the Competition Commission of India under the Competition Act, 2002.
- ➔ What do you understand by the Vertical Agreement under the Competition Act, 2002? State various types of Vertical Agreements mentioned in Competition Act, 2002?
- ➔ What are factors to taken into consideration by the Competition Commission of India, for determining whether an agreement has an appreciable adverse effect on competition?

June 2021 (5 marks)

- ➔ On what matters the Competition Commission of India may direct for the division of an enterprise, enjoying dominant position to ensure that such enterprise or group does not abuse its dominant position.
- ➔ Describe the penalties which may be imposed for non-furnishing of information and for making false statement on combination under the Competition Act, 2002.

Dec 2021 (3 marks each)

- ➔ What do you mean by cartel?
- ➔ What do you understand by Anti-Competitive agreements under the Competition Act, 2002?
- ➔ What do you understand by the term “Combination”- under the Competition Act, 2002?
- ➔ What is “Collusive bidding”? In which ways collusive bidding may occur?
- ➔ What constitutes ‘Abuse of Dominance’ under Competition Act, 2002? Critically analyse the relevant provisions.

Dec 2021 (5 marks each)

➔ What are the factors which are taken into account by the Commission to determine the dominance position of an enterprise under the Competition Act, 2002? Discuss.

➔ The basic purpose of Competition Policy and law is to preserve and promote competition as means of ensuring efficient allocation of resources in an economy. Discuss.

June 2022 (3 marks each)

➔ What was Raghavan Committee? What were the recommendations of Raghavan Committee?

➔ Define the term 'Service under the Competition Act, 2002?'

➔ What is the threshold limit for regulation of combination under Section 5 of Competition Act, 2002?

➔ Who can appear before the Competition Commission of India?

➔ Why do we need Competition in the market under the Competition Act, 2002?

June 2022 (5 marks each)

➔ How can the order of Competition Commission imposing monetary penalty be executed under the Competition Act, 2002? Explain.

➔ What is the procedure for inquiry of complaint under Section 19 of the Competition Act, 2002.

Dec 2022 (3 marks each)

➔ Define the terms "Tie-in agreement" and "exclusive supply agreement" under the Competition Act, 2002.

➔ Why do we need competition in the market?

➔ What are the conditions that are conducive to cartelization?

➔ Discuss "Competition Law and Policy" under the Competition Act, 2002.

➔ Define "Refusal to Deal" under Competition Act, 2002.

Dec 2022 (5 marks each)

➔ Discuss briefly the establishment, composition and terms of office of chairperson and other member of Competition Commission of India.

➔ State the factors which are taken into account by the Competition Commission to determine whether the combination would have the effect of or is likely to have a appreciable adverse effect on competition in the relevant market?

June 2023 (3 marks each)

➔ Under what circumstances the Central Government may remove the Chairperson or any member of the Competition Commission of India under the Competition Act, 2002?

➔ Discuss the provisions when the order passed by the Competition Commission of India may be rectified under the Competition Act, 2002.

➔ An organization constituted by the owners of Cement Industries unanimously decided to raise the price of cement above competitive level resulting in injury to the consumers and to the economy. But the decision taken by the organization was not in writing and also not intended to enforced legal proceedings. Discuss whether the decision take by organization may be considered as as an agreement under the provisions of the Competition Act, 2002?

➔ Mention the most commonly adopted ways in which collusive bidding or bid rigging may occur.

➔ Explain the provisions regarding “Meetings of Commission” under Section 22 of The Competition Act, 2002.

June 2023 (5 marks each)

➔ Explain the procedure which is being regulated by the Competition Commission of India under Section 36(2) while trying the suit under the provision of Competition Act, 2002.

➔ What are the orders that may be issued by the Competition Commission of India after inquiry into any agreement entered into by any enterprise or association of enterprises or any person or any association pf persons or an enquiry into abuse of dominant position under Section27 of the Competition Act, 2002?

➔ Titto is seller of dental floss in the market where he holds monopoly as there are only handful sellers in this product line of dental care. The competitor accuses him of possessing dominant position and abusing the same. Explain the understanding of Dominant position and abuse of the same.

Dec 2023 (5 marks)

- ➔ Which orders may be issued by the Competition Commission of India after inquiry into agreements or abuse of dominant position under Section 27 of the Competition Act, 2002?

Dec 2023 (3 marks)

- ➔ Describe the adopted ways in which collusive bidding or bid-rigging may occur.

June 2024 (5 marks)

- ➔ ABC Bearing Limited along with four other companies, who are the key competitors in the market decided among themselves to revise the prices to be quoted to Original Equipment Manufacturers (OEMs). Discuss whether this act amounts to Cartelisation under the Competition Act, 2002.

12



Law Relating to Consumer Protection

June 2015 (3 marks)

➔ What amounts to defect in goods under the Consumer Protection Act ?

June 2015 (5 marks each)

➔ What are the basic rights of consumers that are sought to be promoted and protected under Consumer Protection Act?

➔ Ms. Neelam, daughter of Ashok, was travelling by train. She fell down from the running train while she was passing through the inter- connecting passage between two compartments and died as a result of crush injuries on her head. Ashok claimed compensation from the Railways for deficiency in service. The Railways contended that the redressal agencies under the Consumer Protection Act had no jurisdiction to consider a complaint of this nature. They also contended that all the coaches of the train had been thoroughly checked at the starting point of the train and no defect was reported. Will Ashok succeed in getting compensation? Give reasons and refer to decided case law, if any.

➔ Pawan booked an air ticket for New York with Skyhigh airlines. At New Delhi airport, authorities found visa in order, but at Amsterdam, when his visa was checked it was found that the visa bears the photocopy of photograph. Thus, Pawan missed his flight to New York. However, the airlines helped him to reach New York on the same day. After reaching New York, Skyhigh airlines tendered an apology to Pawan for the inconvenience caused to him and paid as a goodwill gesture, a sum of ₹2,500. Pawan filed a complaint with National Commission under the Consumer Protection Act. Will Pawan succeed? Give reasons with reference to case law if any.

June 2016 (3 marks each)

➔ Explain the meaning of the Term “Consumer” as defined in the Consumer Protection Act.

➔ What do you understand by “Restrictive Trade Practices”?

June 2016 (5 marks)

➔ Ramesh purchased a tractor from Mahi Ltd. for tilling the land but he used it in idle time for transportation of agricultural produce on hire. Some defects were developed in the engine of the tractor. He complained to Mahi Ltd., but all in vain. Then he filed a suit in Consumer Disputes Redressal Forum for damages caused by the defects. Mahi Ltd. pleaded that Ramesh is not a 'consumer' within the definition of section 2(7) of the Consumer Protection Act as he is using the tractor for commercial purposes. Whether Ramesh will succeed in his case? Refer to relevant provisions of law in support of your answer with reference to case law, if any.

Dec 2016 (5 marks)

➔ Sohan has a truck which was driven by a driver, Shyam, but Shyam did not have valid licence for driving the truck. The truck was insured with an insurance company. On the way, all of a sudden the truck started burning. Sohan filed a claim with the insurance company. The insurance company repudiated the claim on the ground that driver of the said truck did not have valid driving licence. The truck owner pleaded that the claim is not related to 'driving' of the truck but the insurance company did not change its earlier decision. Sohan filed a complaint with the District Consumers' Disputes Redressal Forum. Will Sohan succeed? Discuss with reference to decided case, if any.

June 2017 (3 marks)

➔ Samir, on a holiday with his family, hired a taxi service. The taxi was in a poor condition and the driver had not adequate rest and drove rushly. Eventually, it went burst in the middle of the way. As a result, Samir and his family could not reach the airport in time to catch their flight. Decide, whether, Samir may be treated as a consumer under Consumer Protection Act?

June 2017 (5 marks)

➔ State the composition and jurisdiction of National Commission under Consumer Protection Act.

June 2018 (4 marks)

➔ The complainant booked a ticket from Delhi to New York by a KLM plane. The airport authorities in New Delhi did not find any fault in his visa and other documents. However, at Amsterdam, the airport authorities instituted proceedings of verification because of which the appellant missed his flight to New York. After reaching New York, the airlines tendered apology to the appellant for the inconvenience and paid as a goodwill gesture a sum of ₹2,500. The appellant made a complaint to the National Commission under the Consumer Protection Act. Whether the complainant will succeed? Give reasons with the help of decided case law.

June 2019 (3 marks)

→ Distinguish between Distinguish between the following:
Contract of service and Contract for service

June 2019 (4 marks)

→ Rajni got herself operated in the Devashri Hospital for removal of her uterus, as a cyst was found to have developed near one of her ovaries. The surgeon, who performed the operation, left abdominal pack in the abdominal. This caused lot of pain, suffering and uneasiness to her. The abdominal pack was subsequently removed by another surgical operation. It was alleged that due to negligence of the surgeon, the patient suffered all the consequences, therefore it should be treated as negligence in the treatment. But the Hospital authorities contended that the patient's problem was removed by the second operation, hence it is not deficiency. Rajni sought the relief under Consumer Protection Act stating that this negligence may be treated as deficiency and compensation may be paid to her. Decide whether Rajni will succeed or not? Why?

June 2021 (3 marks)

→ Ms. Rubina was operated in General Hospital Nagpur, which was under control of the Government of Maharashtra, free of charge for family planning i.e. tubectomy. Subsequently, she gave birth to a female child. She filed a complaint against the State of Maharashtra and the doctor, who performed the operation, claiming 2 lakh for negligence in performing the operation. Rubina sought the relief of 2 lakh under the Consumer Protection Act, 2019, stating that the negligence of the doctor and the State of Maharashtra, being the controller of the hospital may be treated as deficiency in the service. Decide, whether Rubina will succeed?

June 2021 (4 marks)

→ Rishi (the insured) purchased two life insurance policies with premium payable quarterly from ABC Insurance Company (the insurer). When the fifth premium became due, the agent of insurer met the insured and took a bearer cheque towards the premium payable by the insured in respect of the policies. The agent encashed the cheque immediately, but the amount of premium was not deposited by the agent for another four months. In the meanwhile, the insured met with a fatal accident and died. The claim of widow of the insured was repudiated by the insurer on the ground that the policies had lapsed on account of non-payment of the premium. Whether the claim of the widow may be recovered from the insurer? Decide.

Dec 2021 (4 marks)

→ A is the tenant of B. A asks B to clean, repair and maintain the building. B refuses. There is no provision in the lease agreement in respect of cleaning, repairing and maintaining the building. However, 'A' files a claim against 'B' under Consumer Protection Act, 2019. Decide referring Mrs. the relevant provisions of law.

June 2022 (3 marks each)

→ Ramu purchased a tractor from Mahendra Ltd. for tilling the land but he used it in idle time for transportation of agricultural produce on hire. Some defects were developed in the engine of the tractor. He complained to Mahendra Ltd., but all in vain. Then he filed a suit in Consumer Disputes Redressal Forum for damages caused by the defects.

→ Mahendra Ltd. pleaded that Ramu is not a 'consumer' within the definition of section 2 (7) of the Consumer Protection Act, 2019, as he is using the tractor for commercial purposes, whether Ramu will succeed in his case? Refer to relevant provisions of law in support of your answer with reference to case law, if any,

June 2022 (4 marks)

→ In pandemic of Covid 19 a drug company made an offer by advertisement, a reward of ₹ 10,000 to anyone suffering from Covid after using their drug in prescribed manner. Mrs. Romila having taken the drug as per prescription could not be cured. She claimed for the money. Will she succeed?

Dec 2022 (4 marks)

→ Ramesh purchased a tractor from Mahi Limited for tilling the land but he used it during idle time for transportation of agricultural produce on hire. Some defects were developed in the engine of the tractor. He complained to Mahi Limited, but all in vain. Then he filed a suit in Consumer Dispute Redressal Forum for damages caused by the defects. Mahi Limited pleaded that Ramesh is not a 'consumer' within the definition of section 2(1) (d) of the Consumer Protection Act, 1986, as he is using the tractor for commercial purposes.

Whether Ramesh will succeed in his case? Refer to relevant provisions of Law in support of your answer with reference to case laws, if any

June 2023 (4 marks)

→ Ranu hired a taxi car from his residence to airport as he and his family were going from Mumbai to Bengaluru. The taxi was in a poor condition and the driver had not adequate rest and drove rashly. Eventually, it went burst in the middle due to which Ranu and his family could not reach the airport in time to catch their flight.

Decide whether Ranu may be treated as a 'consumer' under the Consumer Protection Act, 2019?

Dec 2023 (5 marks each)

→ Tiya purchases a laptop for her sister Siya from HP. The laptop had initial installation issues, when taken to the manufacturer's service centre defect in the laptop was detected. The company refuses to redress the issues faced by Siya on the pretext that she was not the consumer. On the basis of the above case, answer the following questions:

(i) Can Siya be treated as a consumer as she is not the person who purchased the laptop?

(ii) If this laptop was purchased through amazon, explain the duty of the e-commerce giant in case of grievance.

→ Trilok purchased a tractor from Jahanvi Limited for tilling the land but he used it during idle time for transportation of agricultural produce on hire. Some defects were developed in the engine of the tractor. He complained to Jahanvi Limited, but all in vain. Then he filed a suit in Consumer Dispute Redressal Forum for damages caused by the defects. Jahanvi Limited pleaded that Trilok is not a 'Consumer' within the definition of section 2(i) (d) of the Consumer Protection Act, 1986, as he is using the tractor for commercial purposes. Whether Trilok will succeed in his case? Refer to relevant provision of Law in support of your answer with reference to case laws, if any?

June 2024

→ "Shardha Heights," a duly registered welfare society, took the proactive step of filing an application with the District Consumer Disputes Redressal Commission. The application was on behalf of 12 allottees who had encountered significant issues with Shobha Ltd. a real estate developer. These allottees alleged that despite booking units with Shobha Ltd. on various dates and making substantial payments towards the purchase, they had yet to receive possession of their properties. However, the District Commission took a decisive stance, rejecting the complaint lodged by Shardha Heights. Their decision rested on the assertion that Shardha Heights lacked the necessary legal standing, or locus standi, to file such a complaint. 'The Commission reasoned that Shardha Heights did not qualify as either a 'Consumer' or a 'Recognised' consumer association' under the applicable regulations. In light of this setback, Shardha Heights is now seeking to appeal against the District Commission's ruling.

➔ Considering the above statements, answer the following questions:

(i) Define Recognised Consumer Association as per Consumer Protection Act, 2019? (2 marks)

(ii) Whether Shardha Heights is a 'Recognised Consumer Association' as per Consumer Protection Act, 2019? Explain. (2 marks)

(iii) What is the Manner of filing Complaint to District Consumer Disputes Redressal Commission under Section 35 of the Consumer Protection Act, 2019? (3 marks)

(iv) Can complaint be filed before Consumer Commission online? Explain. (2 marks)

(v) To whom an Appeal can be filed by Shardha Heights against the order of District Consumer Disputes Redressal Commission and what is limitation period for doing so? (2 marks)

(vi) What are the restrictions on filing an appeal against District Consumer Disputes Redressal Commission? the order of (2 marks)

(vii) State the constitution of the District Consumer Disputes Redressal Commission. (2 marks)



13



Legal Metrology

Dec 2015 (3 marks)

➔ Define the term “stamp” under the Legal Metrology Act, 2009.

Dec 2016 (3 marks)

➔ What do you understand by International Organization of Legal Metrology (OMIL) Certificate System?

June 2017 (5 marks)

➔ Discuss the powers of the Legal Metrology Officer regarding inspection and seizure under Legal Metrology Act, 2009.

June 2018 (5 marks each)

➔ What are the declarations required to be made by the manufacturers on pre-packaged commodities”?

➔ Discuss the powers of inspection of the Director, controller or any other legal metrology officer, under the Legal Metrology Act, 2009.

Dec 2019 (3 marks)

➔ State the penalty provisions for use of non-standard weight and measures under the Legal Metrology Act, 2009.

Dec 2020 (4 marks)

➔ A shopkeeper sold a packet of pre-packed chillies which does not bear the declarations required to be made by the manufacturers on pre-packed commodities. Whether the shopkeeper has committed any act punishable under the Legal Metrology Act, 2009? Discuss.

June 2021 (3 marks)

➔ Explain the provisions regarding penalty for counterfeiting of seal specified under the Legal Metrology Act, 2009.

Dec 2021 (3 marks)

➔ What is the law relating to declaration on pre-packed commodity under Legal Metrology Act, 2009? Explain.

June 2022 (3 marks)

➔ What do you mean by International Organization Legal Metrology Certificate System ?

Dec 2022 (3 marks each)

➔ Discuss “Culpable Mental State” under the Essential Commodities Act, 1955.

➔ “Every non-standard weights and measures used in the course of trade is liable to be forfeited”. Examine.

June 2023 (3 marks each)

➔ Explain the provisions of the “Publication of names of convicted companies by court” as per Section 10-B of the Essential Commodities Act, 1955.

➔ Section 2A of the Essential Commodities Act , 1955 lists “foodstuffs” as an essential commodity in its schedule. Discuss with the help of decided case whether “tea” is also a “foodstuff” in this sense?

➔ What are the penalty provisions for vexatious search under Legal Metrology Act, 2009?

June 2024 (5 marks)

➔ Mukesh is manufacturer of “Jaggry Powder” and brings this product into market in the pre-packaged form but the retail price and quantity has not been mentioned on the packet. Is it an offence under Legal Metrology Act, 2009? If yes, what are the penalties for this offence? Will your answer be different if Mukesh mentions the wrong quantity on pre-packaged “Jaggry powder”?

14



Real Estate Regulation And Development Law

Dec 2018 (3 marks)

➔ Explain the salient features of the Real Estate (Regulation and Development) Act, 2016.

June 2019 (3 marks)

➔ Explain the functions of “Real Estate Regulatory Authority “ under Real Estate (Regulation and Development) Act, 2016.

Dec 2019 (3 marks)

➔ Explain the rights and duties of allottees under Real Estate (Regulation and Development) Act, 2016.

Dec 2020 (3 marks each)

➔ Discuss the functions of Real Estate Agent under the Real Estate (Regulation and Development) Act, 2016.

➔ What are the duties and functions of Real Estate Regulatory Authority?

June 2021 (3 marks each)

➔ Explain the objects and reasons for which the Real Estate (Regulation and Development) Act, 2016 has been enacted.

➔ Which project do not require registration under the Real Estate (Regulation and Development) Act, 2016?

Dec 2021 (3 marks each)

- ➔ State the objects and reasons for which Real Estate (Regulation and Development) Act, 2016 has been formed.
- ➔ Briefly explain the power of Tribunal established under Real Estate (Regulation and Development) Act, 2016.

June 2022 (4 marks)

- ➔ What are the rights of the allottees under the Real Estate (Regulation and Development) Act, 2016?

Dec 2022 (3 marks)

- ➔ Elaborate the concept of “Appropriate Government” as stated in section 2(g) of the Real Estate (Regulation and Development) Act, 2016.

June 2024 (5 marks)

- ➔ Rajeev booked a Flat in a housing scheme named “ Alpha Tower” launched by Alpha Pvt. Ltd. by paying the booking amount and executing the ‘Buyer’s agreement’. As per the buyer’s agreement , Flat was to be delivered with 3 years of agreement but the promoters of the company failed to deliver even after 5 years. Rajeev wants to withdraw from the projects and wants the refund of amount paid. Discuss as per the provisions of Real Estate Regulations and Development law whether Rajeev can withdraw from the project?
What is the remedy available to Rajeev, if he does not wish to withdraw from the project?

15



Intellectual Property Rights

June 2015 (5 marks)

➔ What are the basic principles of general agreement on trade in services (GATS)?

June 2015 (3 marks)

➔ What is meant by an “industrial property” under the intellectual property rights (IPRs)?

Dec 2023 (5 marks)

➔ What is meant by an “industrial property” under the intellectual property rights (IPRs)?

June 2024

➔ **NO QUESTION ASKED YET**



16



Law Relating To Patents

Dec 2015 (5 marks)

➔ Can a 'lapsed patent' be resorted? If so, state the procedure laid down for disposal of application for restoration of lapsed patent.

Dec 2023 (5 marks each)

➔ An application for registration of patents is filled with provisional specification indicating the subject matter to which the invention related. State the contents of specification.

➔ You have recently been appointed as Company Secretary of the Ever Innovative Limited. Your Company receives a notice from the controller of patent that the application filled by your company for the grant of a patent of a new machine was deemed to have been abandoned. How you propose to deal with the matter?

Dec 2023

➔ X Pharmaceuticals Ltd., a renowned pharmaceutical company engaged in producing new pharmaceutical drugs have developed a new drug applying the process of making, combining drugs of a chemical materials and a micro-organism. X Pharmaceuticals Ltd. had patented this new innovative process to the Appropriate authority and got its patent registered. Whereas Y Instra Lab Pvt. Ltd. engaged in producing pharma drugs developed a drug of a combination of drug of penicillin and lactobacilli following the same process as X Pharmaceuticals Ltd. used in producing its drugs and already entered the market with their combination of drug product for quite a few months.

X Pharmaceuticals Ltd., claimed that they have developed the process of manufacturing their drugs after years of research and development as also claimed that they have evolved a new process in producing the same drug with a new process hitherto unknown to the Pharmaceutical world. X Pharmaceuticals Ltd. filed a suit against Y Instra Lab Pvt. Ltd for seeking expert ad interim injunction restraining Y Instra Lab Pvt. Ltd. from using the said process for its products and marketing them.

. In light of the above, answer the following questions:

(i) Is the process developed by X Pharmaceuticals Ltd., is new and innovative? (5 marks)

(ii) Identify from the above case study as to whether the process adopted by X Pharmaceuticals Ltd., have been patented or 'combination of drug' have been patented? (3marks)

(iii) Can the process developed by X Pharmaceuticals Ltd., be used by Y Instra Lab Pvt. Ltd. in producing its combination of drug? (4 marks)

(iv) Can X Pharmaceuticals Ltd., restrain Y Instra Lab Pvt. Ltd. from using the process of combination of drug? (5 marks)

(v) What relief/award/order can be provided for X Pharmaceuticals Ltd. in this instant case.

(3 marks)

→ June 2024 (5 marks)

Amit, an Indian Resident wants to make an application outside India for the grant of a patent for an invention. Explain whether he can apply outside India as provisions of the Patent Act, 1970? What will be your answer if the invention is relevant for defence purpose?

→ June 2024 (2 marks each)

In the case of Bishwanath Prasad Radhey Shyam Vs Hindustan Metal Industries, (1979) 2 SCC 511, it was held by the Hon'ble Supreme Court of India that the object of Patent law is to encourage scientific research, new technology and industrial progress. A limited-time grant of the only right to own, use, or sell a patented method or product encourages the development of new commercially useful inventions. The disclosure of the invention to the Patent Office, which becomes public domain after a predetermined duration of the monopoly, is the cost of the monopoly grant.

In Raj Prakash Vs. Mangat Ram Choudhary AIR 1978 Delhi I, it was held that inventive creation, as is notable, is to discover something or find something not found or found by anybody previously. It isn't essential that the invention ought to be anything confounded. The fundamental thing is that the creator was first to embrace it. The main issue in this manner, is that each basic creation is asserted, as in the form of novelty or new character, it will be considered as an invention and the cases & specifications must be perused in that light. Section 2(1)(ja) of the Patent Act, 1970 defines the term inventive step as to mean a feature of an invention that involves technical advance as compared to the existing knowledge or having economic significance or both that makes the invention not obvious to a person skilled in the art. Section 6 of the Act provides that who can make an application for a patent for an invention.

Consider the above statements, answer the questions:

(i) What are the criteria for patenting the invention?

(ii) Are mathematical or business methods, computer programs per se, or algorithms patentable? Explain.

(iii) What can be Patented?

(iv) State any two advantages of patent.

(v) Ramchand invented a medicine and was about to apply for patent.

However, he passed away before applying. Can his legal representative apply for the patent?

17



Law Relating To Trade Marks

June 2015 (5 marks)

➔ Distinguish Distinguish between 'copyright' and 'international copyright'.

June 2015 (3 marks)

➔ What amounts to an 'inherently deceptive mark' under the Trade Marks, 1999?

Dec 2015 (3 marks)

➔ Explain the meaning of the term 'certification trade mark' under the Trade Marks Act, 1999.

June 2016 (5 marks)

➔ Distinguish between "assignment of a trademark' and 'transmission of a trademark' under the Trade Marks Act, 1999.

Dec 2016 (5 marks)

➔ What is Trade Mark? Comment on the benefits of trade mark to all stakeholders.

June 2024 (5 marks each)

➔ What are the absolute grounds for refusal of Registration of Trade Mark under Section 9(1) of the Trade Mark Act, 1999?

➔ What is meant by Trade Mark under the Intellectual Property Rights?

- Priya wants to start the trading of incense sticks (agarbattis, dhoops) and perfumeries as M/s Priya Perfumery. She made an application to the Registrar of Trade Marks to register a trade mark by name "RAMAYAN". State with reasons whether she will succeed in registering such a Trade Mark under the Trade Marks Act, 1999?

18



Law Relating To Copyright

June 2016 (3 marks)

- ➔ Who is an author under the provisions of the Copyright Act, 1957 for musical and other classes of work?

June 2017 (5 marks)

- ➔ State the legal provisions regarding infringement of copy right stated in the Copyright Act, 1957.

Dec 2023 (5 marks each)

- ➔ Explain the broadcast reproduction rights under the provisions of the Copyright Act, 1957.
- ➔ Do the following acts constitute infringement of copyright under the Copyright Act, 1957:
 - (i) Prof. Ajay recited in public an extract from a poem by Rabindranath Tagore.
 - (ii) ABC Publisher published a compilation of speeches of Atal Bihari Vajpayee, former Prime Minister, delivered in public without permission.
 - (iii) A newspaper publishes a copy of masterpiece painting of Ganesh while carrying a story on his death.
 - (iv) A book is not available in India. A librarian makes 10 copies of the book for the use of the Public library.
 - (v) A magazine reproduces an article on a political topic by Kuldeep Nayar.
- ➔ Manish assigned the copyright of his book to his niece Sujata in 2020. In 2022, due to some misunderstanding between them, Manish wants to revoke the assignment. Sujata contents that she has not made any fault and that she had helped a lot and there is no ground for revocation of assignment. Discuss.

June 2024 (5 marks each)

→ “The Registrar of Copyrights shall have the powers of a civil court when trying a suit under the Code of Civil procedure, 1908”. Elaborate the statement in context with Copyright Act, 1957.

→ Francis is a famous lyricist in India & world-wide. Sona, another lyricist copied a very catching phrase is very short. Mention the commonly known acts which are termed as infringement of copyright. Also discuss the penalties for infringement.



19



Law Relating To Geographical Indications Of Goods

June 2015 (5 marks)

➔ What is meant by “geographical indication’ in relation to goods under the Geographical Indications of Goods (Registration and Protection) Act, 1999? What are benefits of registration under this Act?

Dec 2015 (3 marks)

➔ Whether a registered geographical indication can be assigned or transmitted? Explain briefly.

Dec 2017 (5 marks)

➔ What is meant by “Geographical Indications” under the Intellectual Property Rights?

Dec 2023 (5 marks)

➔ Explain the provision 39 of Geographical Indications relating to penalty for false geographical indications.

June 2024 (5 marks)

➔ ‘Section 9 of the Geographical Indications of goods (Registration and Protection Act, 1999 prohibits registration of certain geographical indication”. Discuss.

June 2024 (5 marks)

India Tea Board owns the famous Geographical Indication "Darjeeling" and the logo of the woman holding the tea leaves, as well as the trademark "Darjeeling" under the Trademarks Act, regarding "tea".

ITC, Limited has used the "Darjeeling Lounge" as the name of its top lounge at its Kolkata hotel, ITC Sonar. Tea Board of India filed a Lawsuit against ITC Ltd. that by using the word "Darjeeling" in one of its hotel resorts in Kolkata which is a breach of its landmark as well as well as a certificate mark as tea Board is the registered owner of the "Darjeeling" sign.

Tea Board of India moved an interlocutory application for temporary injunction for restraining the ITC Ltd. from using or conducting or making its business at the hotel by the name "Darjeeling Lounge". Application stated that usage of the word "Darjeeling" in the name and logo by defendants is passing off or attempting to pass off its business or services so as to discredit the fame of Darjeeling tea as a geographical indication and/or to mislead persons. In light of the above, answer the following questions in the light of the Geographical Indications of Goods (Registration and Protection) Act, 1999:

- (i) Is the contention of the India Tea Board, that ITC Ltd. is engaging in Passing-off, correct? Explain. (2 marks)
- (ii) How a Geographical Indication is different from Trade Mark? (2 marks)
- (iii) Can the Tea Board of India file a complaint against 'X' for selling tea varieties at the Railway station under the name "Darjeeling Tea Stall"? (2 marks)
- (iv) What if ITC Limited has been operating and using the 'Darjeeling Lounge' long before the enactment of the Act? (2 marks)
- (v) What is punishment for applying false Geographical Indications?(2marks)
- (v) What is punishment for applying false Geographical Indications? (2marks)

20



Law Relating To Designs

June 2015 (3 marks)

➔ Registration of certain designs is prohibited under the Designs Act, 2000. Explain.

Dec 2016 (3 marks)

➔ What is meant by “piracy of a design”?

Dec 2023 (5 marks)

➔ Who is the proprietor of a design and state the prohibition in registration of certain design?

Dec 2024 (5 marks)

➔ What is the duration of the registration of a design? Can it be extended? How can the Registration of a Design be cancelled?

