





3

Barcode

Ans. to Q. No. - 5 (a) (i)

PART II (B).

□ In Light of the Provisions of Indian Patent Act 1970.

Advantages of Patents :

- 1 EXCLUSIVE RIGHTS

The Patentee has EXCLUSIVE RIGHT to make, use, sell, import the invention and stop others from doing so without prior permission.

- 2 EXCLUSIVE MONOPOLY

The Patentee has the EXCLUSIVE Monopoly over their invention for limited period of time of 20 years.

- 3 Encourages Innovation -

The Patentee gets encouraged by getting Registered Patent.

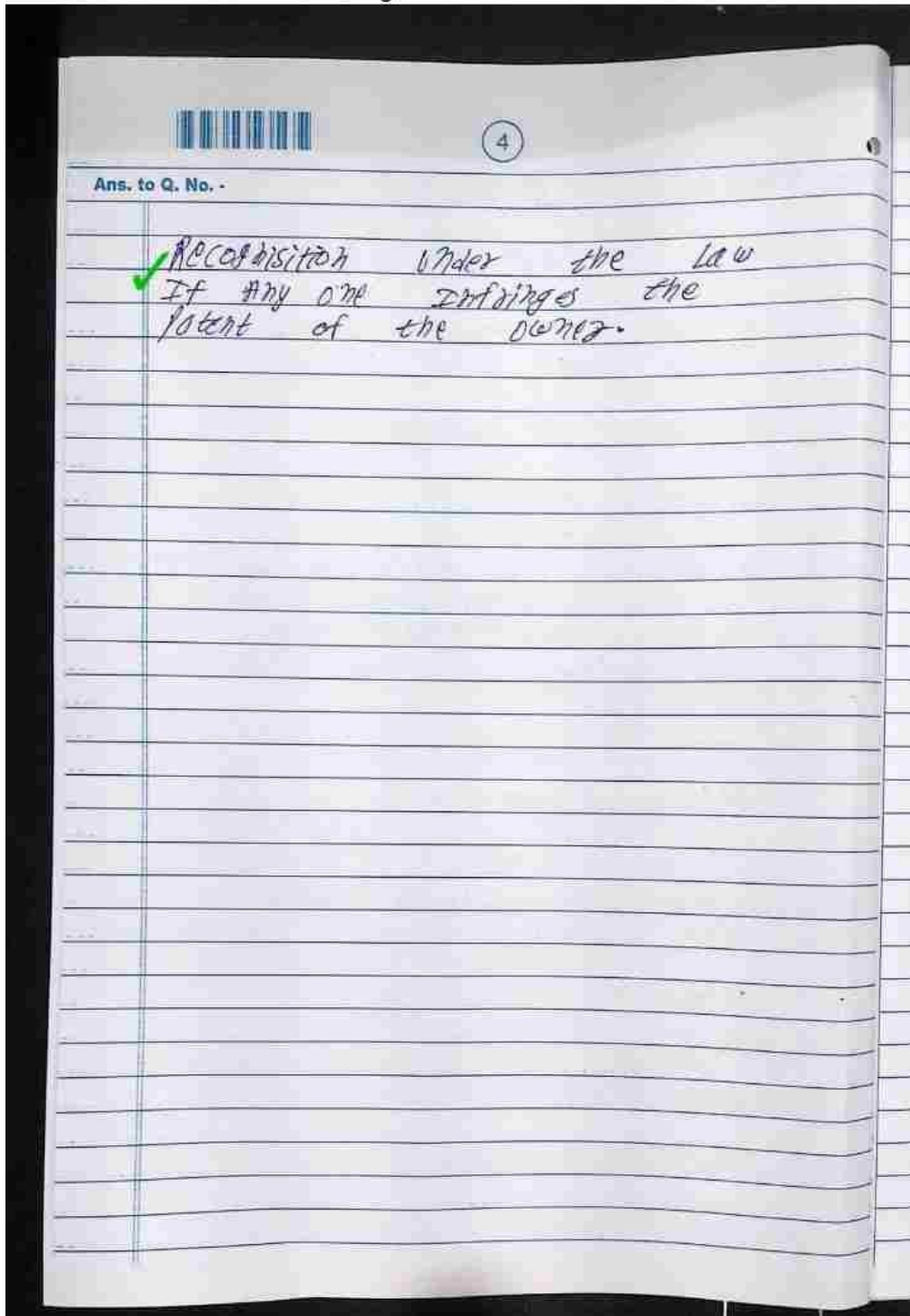
- 4 Legal Recognition.

The Patentee has legal

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5



Ans. to Q. No. -

5 (a) (ii)

In light of the provisions of Indian Patent Act 1970

Criteria for Patentability:

1 Novelty.

→ The Invention must be novel

1.5 Q5.a

→ It means that the invention must be new.

→ has and not known to public before.

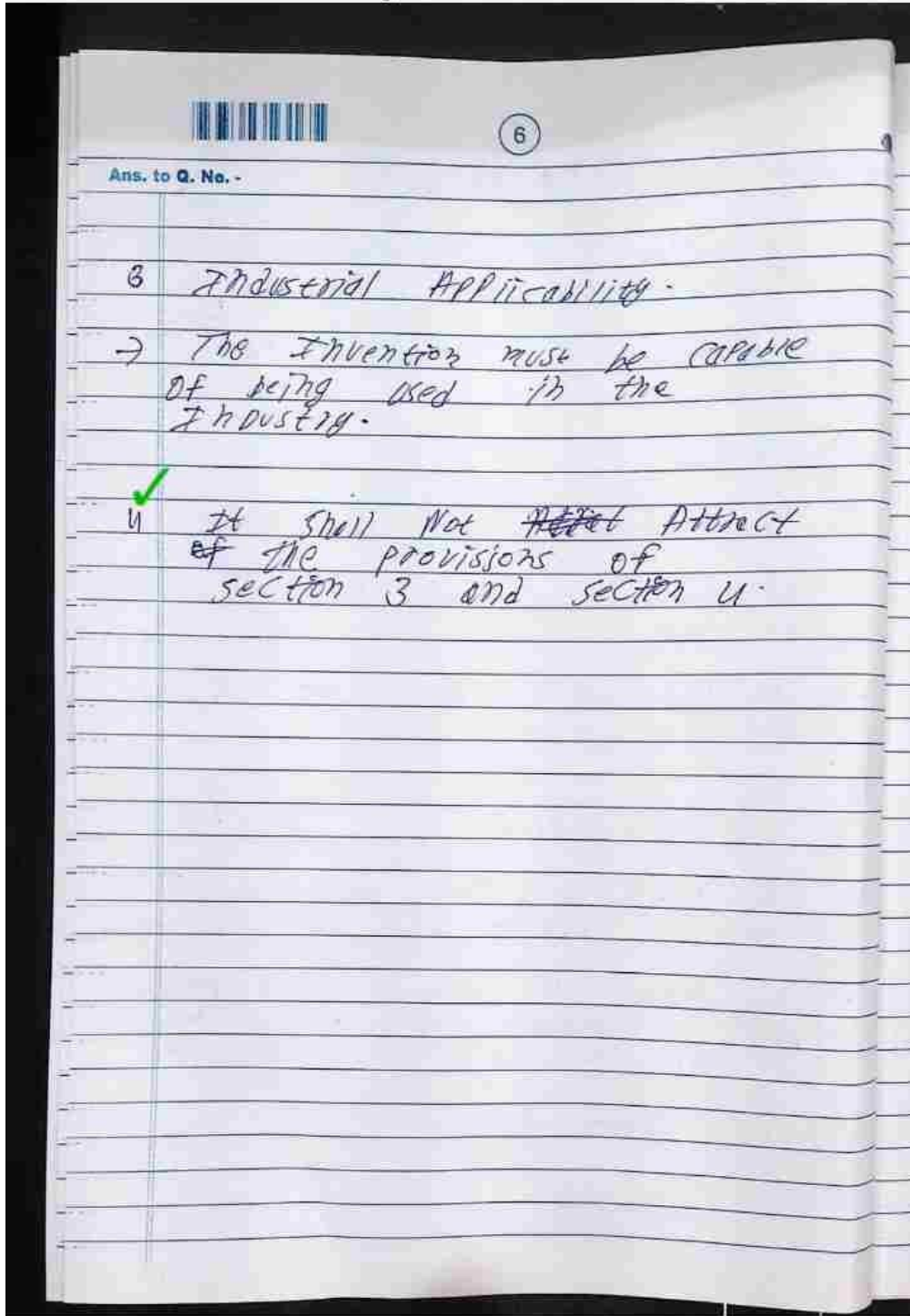
2 Inventive step

→ The invention must have an inventive step in his invention.

→ It means it should have technical development or advancement in comparison to existing.

→ or patent is

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Ans. to Q. No. - 5 (a) (iii)

□ In light of the ~~above~~ provisions of Section 62 of Indian Patent Act 1970

Procedure of Restoration of Patent.

→ If the Patent has ceased to have effect because of non filling of fees or non payment of fees.

→ Then the Patent holder may, make the Application to the Controller for Restoration of Patent.

→ The Application must be filled within 18 (eighteen) months from the date of ceased of Patent.

✓ 1 Q5.a

→ If After the Controller is satisfied that Patent holder has given the true information and delay was ~~not~~ because of bona fide reason.

→ Then the Controller may restore such Patent in accordance with the prescribed procedure.

The following procedure is to be followed by Novatech Pharma Pvt Ltd.



Ans. to Q. No. -

5(a)(iv)

□ In light of the provisions of Patent Act 1970

□ If the person ~~has~~ unauthorised uses,

→ If the unauthorised person uses, makes, sell or import the patented invention.

then the person shall be liable for

imprisonment not less than 6 months ~~and not exceeding 3~~  
upto 3 years



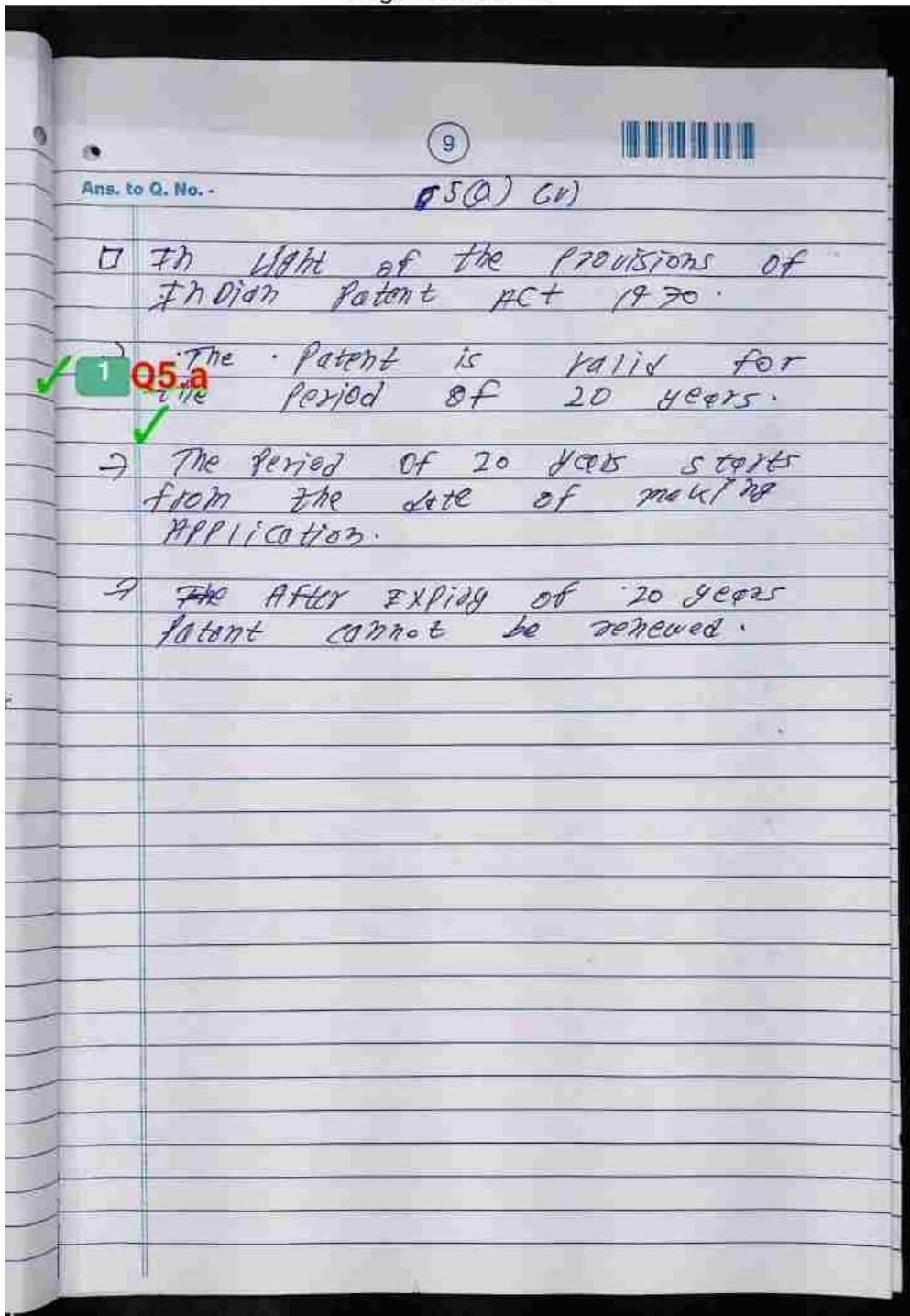
AND

✓ 1 Q5.a shall be also liable for fine.

→ The innovator can file the lawsuit for infringement of patent.



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Ans. to Q. No. -

5 (b) (i)

□ In light of the provisions of section 2 (i) (28) of Trademark Act 1999.

→ Well known Trademark means the Trademark which has gained the significant recognition or reputation over the relevant public.

✓ 1.5 Q5.b

→ Even the use of well known trademark in the dissimilar goods or services can lead to the confusion over relevant public.

The foremost example of well known Trade mark is.

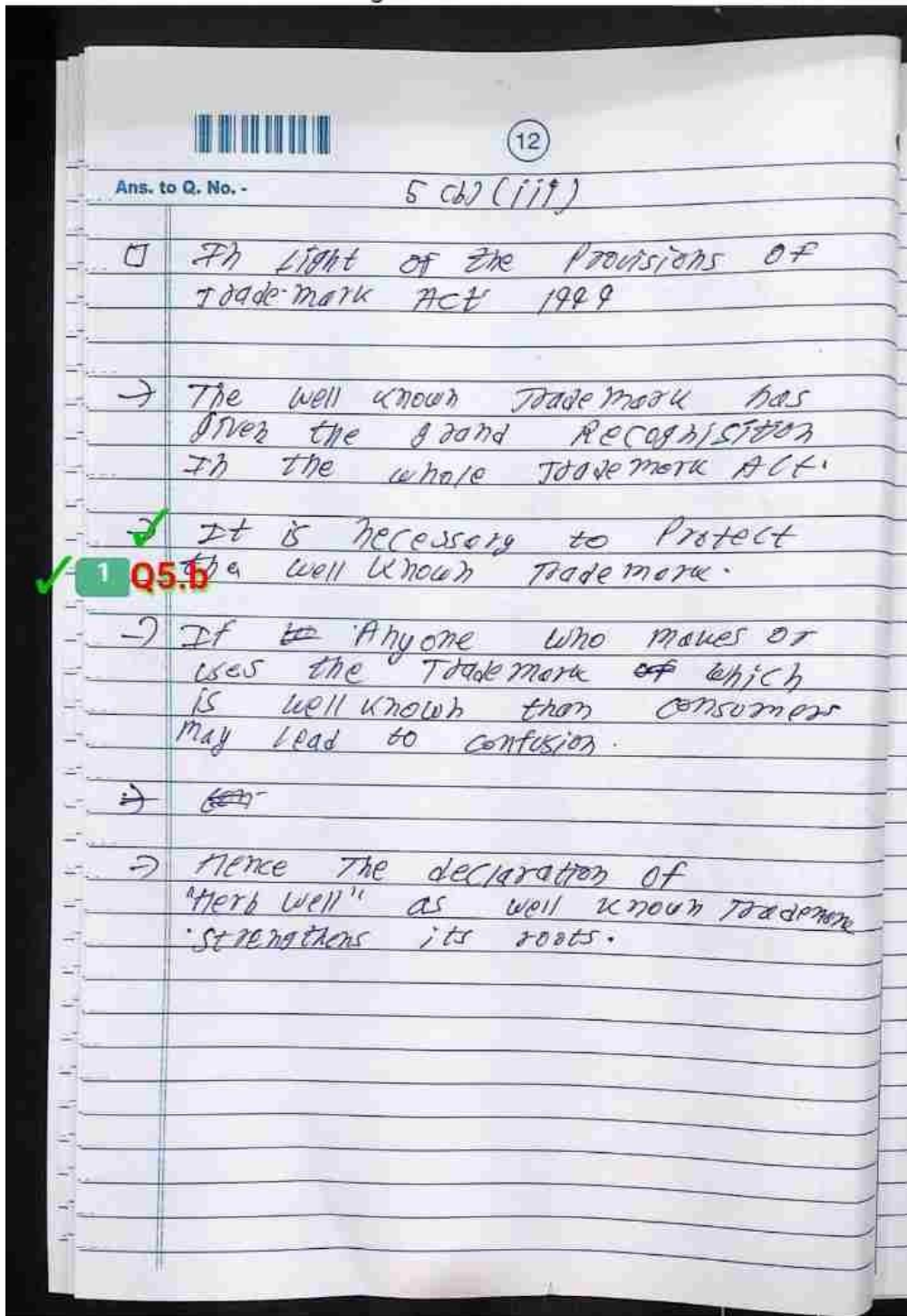
The logo of 'JIO' / Reliance / TATA etc.



Ans. to Q. No. -

5 (b) (ii)

- In light of the provisions of Trademark Act 1999.
- The well known trademarks is granted with the recognition.
  - The Registrar grants trade mark because of ~~the~~ the trademark is well known trademark.
  - The separate and Additional Recognition by Registrar - is **1 Q5.1** be granted ~~to~~ to well known Trade mark.
  - The whole Recognition is to given to trademark which is well known because, if the Unauthorized person infringes the trademark then, large number of people is affected and deceived.





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Ans. to Q. No. - 5(C) (IV)

□ In light of the provisions of Trade mark Act 1999.

~~This is~~  
The fact of the cases are similar to case law

**X** 05.b "Himalya Drug Co. vs S.B.L Ltd"

The Green Roots Ayurveda Pvt Ltd has to established,

- That he had not infringed the Trademark.
- X** - That he has used word 'herb' which is generic in
- That he has used the Trademark which is deceptively similar to the "Herb well"
- X** - The packaging is also the same as of the 'Herb well'



Ans. to Q. No. -

5 (b) (v)

□ In light of the provisions of Trademark Act 1999.

The fact of the case is similar to the case law

"Himalya Drug Co. vs SBL Ltd"

→ In this case SBL Ltd has used the word "LIV" which was previously registered by Himalya Drug Company.

✓ 1 Q5.b The argument was that LIV is the generic word ~~that~~ as river, and can be used by anyone freely.

→ Court dismissed the argument of SBL Ltd that the word LIV was not generic and it was created by the Himalya Drug Company.

Hence, in the light of the above provision, there is clear infringement of trademark of Herb Well.



National Intellectual Property Rights focuses on the key area for investment and models of made by persons.

✓ Goals of National Intellectual Property Rights Policy

✓ 1 Q6.A.i

1 TO Encourage Innovation.

It gives the motivation to science or IPR holder.

2 TO Generate Economic Activity -  
It also generates economic activity.

3 EXCLUSIVE RIGHTS ~~It is~~  
It gives EXCLUSIVE RIGHTS to the IPR holder.

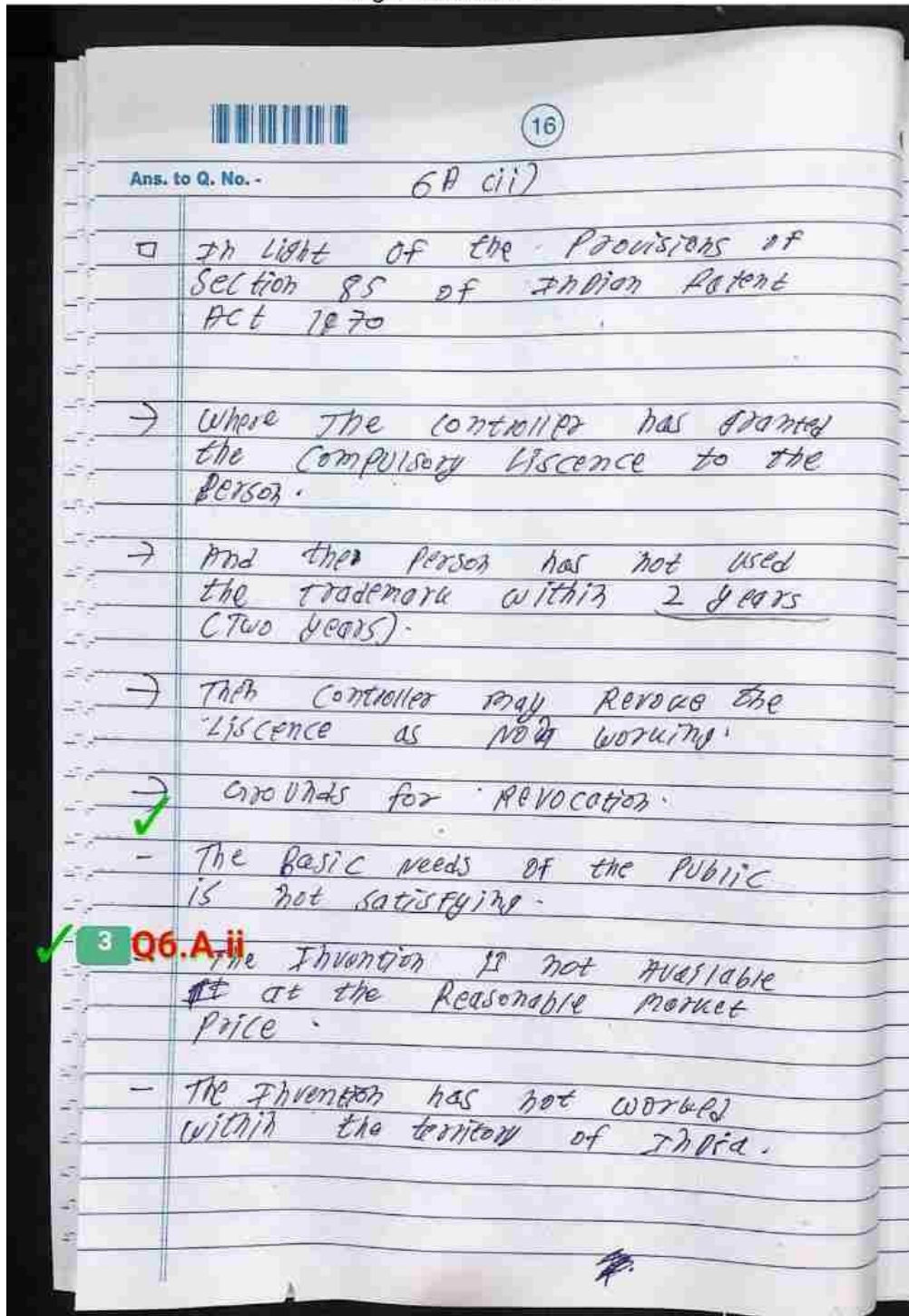
✓ Prevent unauthorised Infringements.

✓ 1.5 Q6.A.i

It prevents the use of IPR by unauthorised persons.

5 ~~It~~ International Validity

It gives international validity to the IPR holders.





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(17)

6 A CTD

Ans. to Q. No. -

□ In light of the provisions of Section 34 of Copy Right Act 1957

"Administration of Rights"

→ The Registered Copy Right Society has the EXCLUSIVE RIGHTS to

- collect Royalties on behalf of copy Righted owner.
- granting Licences to any person.

→ However ~~the~~ The copy right owner may grant Licences through his own.

4 Q6.A.iii

→ The Copy Right Society may ~~collaborate~~ collaborate with the International Copy Right societies for ~~Administ~~ Administration of Copy Rights.

→ The Copy Right Society shall have to distribute Royalties on non-discriminatory Basis.

→ The Board must be govern by Equal Members and Copy Right owners.



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Ans. to Q. No. - 6A (IV)

→ Intellectual Property Rights is the right which is given to the person, who has his own Intellect (MIND) made the Rights

→ The IPR is also governed by WIPO (World Intellectual Property Organisation) governed by World Trade Organisation (WTO)

→ The IPR is given to the person for his hard work in that thing.

→ Laws governing Intellectual Property Rights.

- 1 Trademark Act 1999
- 2 Geographical Indication Act 1999
- 3 Patent Act 1970
- 4 Copyright Act 1957
- 5 Industrial Design Act 2000

→ The Scope of Intellectual Property Rights is within India as well as Internationally.

→ WIPO and ~~TRIPS~~ <sup>TRIPS</sup> Trade Related Aspects of Intellectual Property Rights



(19)

Barcode

Ans. to Q. No. - Q 3 (d)

The Customs and Authorization Related Privileges.

- The License holder is given the Recognition over Custom Authorities.
- The License holder have not to provide Bank Guarantee for his goods or services.
- The License holder can get the Speedy Exercise of works.

✓ 2.5 Q3.a → Custom warehouses facility is also provided to the License Holder.

License holder in this context means "Status Holder Certificate"

Shyam will get all those above mention Privileges.



Ans. to Q. No. -

3 (b)

□ In light of the provisions of Foreign Exchange Management (Overseas Direct Investment) Rules.

(i) The person shall ~~not~~ Resident in India shall not acquire or transfer any immovable property without permission of RBI.

However No permission is required if,

✓ 1.5 Q3.b

1. Property is held by foreign national

✓ 2. Property was acquired before 8<sup>th</sup> July 1947 and continues with approval of RBI.

3. Property taken on lease for not exceeding 5 years.



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Barcode

Ans. to Q. No. - 3(b)

ii The person may acquire immovable property outside India in the following cases -

± The property was acquired by person resident in India from

(i) ✓ Gift

(ii) Inheritance.

(iii) Acquired from any person resident in India in accordance with FEMA 1999.

✓ 2.5 Q3.b

2 property acquired by company incorporated in India for his staffs and employees for residence purpose outside India.

3 The person resident in India who has acquired immovable property from

(i) funds maintained with authorised person under FEMA 1999.

(ii) NRE Account / NRO Account / FCNR (B) A/c



Ans. to Q. No. -

3(c)

In light of the provisions of Special Economic Zone 2005

Letter of Approval

→ The licence may be suspended by Board of Approval (BoA) for the period not exceeding 1 year (one year)

1.5 Q3.c

→ The Activities will be transferred into another person authorised by such BoA.

→ Circumstances under which Letter of Approval may be suspended

(i) The Developer is unable to discharge the functions and duties imposed on him or

(ii) The Developer has persistently defaulted in the direction or order or condition which was given by BoA.

(iii) The financial position of developer is so that he is unable to discharge functions and duties imposed on him.



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Ans. to Q. No. -

- However No Such LOP shall be suspended unless on 3 month notice is provided to the Developer
- No Such LOP shall be suspended unless the reasonable opportunity of being heard is given to the Developer.

2.5 Q3.c

The following Above-mentioned,  
 (a)

□ Fact of the Case :

- Delta Infra Pvt Ltd was granted LOP
- It has defaulted in payment in the orders and directions of BOA
- Multiple complaints has been received.
- BOA wants to suspend LOP.

□ ✓ Conclusion - The Above mentioned conditions and procedure has to be followed by BOA.



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Ans. to Q. No. - 2 (a)

□ In light of the provisions of Section 8 of Foreign Contribution (Regulation) Act 2010

→ The recent ammendment has caped the limit of using the foreign contribution for administrative purpose from "50%" to "20%".

→ No person shall utilize the foreign contribution for speculative business.

→ No person shall utilize the foreign contribution for administrative purpose Exceeding 20%.

However if the person has to utilize the foreign contribution Exceeding 20% have to make an application to Central Government.

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Barcode

Ans. to Q. No. -

□ Fact of the cases -

- ABC Pvt Ltd has granted certificate to receive foreign contribution
- The company has to utilize the full amount in mutual fund.

□ Conclusion -

In the light of above provisions and stated facts it is concluded that,

- ABC Pvt Ltd shall not utilize amount ~~for~~ exceeding 20% of for administrative purpose.

✓ Q2 a

- Company cannot utilize full amount.
- ✓ However company shall not utilize the funds for investment in mutual funds if the mutual fund is speculative business.



Ans. to Q. No. -

2(b)

□ In light of the provisions of Real Estate (Regulation and Development) Act 2016

(i) The penalty imposed on promoter of ~~House~~ XY2 Ltd shall be.

→ By Real Estate Regulation Authority (CREA).

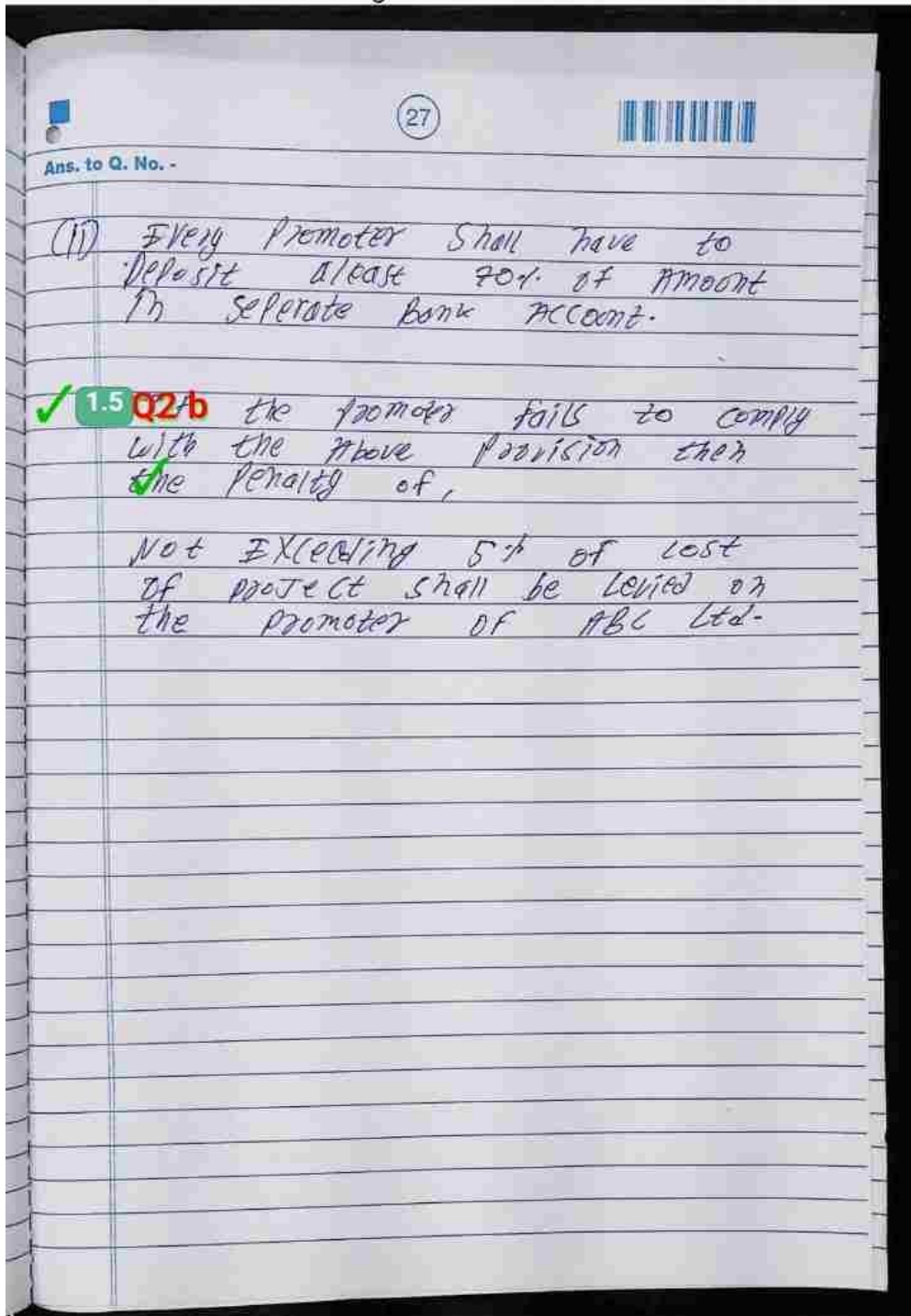
The penalty shall not exceed 5% of cost of project.

→ By Real Estate Appellate Tribunal (REAT)

✓ 2 Q2b ✓ The penalty shall not exceed be not exceeding 10% of cost of project or

Imprisonment for not less than 3 years or

Both.





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Ans. to Q. No. - 2 (C)

□ In light of the provisions of Foreign Exchange Management Act 1999,

→ The Compounding of any provisions other than section 3(a) of FEMA may be compounded by RBI.

The Amount of Contravention	Authorities of RBI.
1 Amount upto 60 lakh	Assistant General Manager
2 Amount Above <del>25 crore</del> 60 lakh and upto 2.5 crore	Deputy General Manager
3 Amount Above 25 crore and upto <sup>1.5 crore</sup>	General Manager
4 Amount Exceeding 5 crore	Chief General Manager



Since the Amount of Contravention is 2.2 crore, General Manager is the legal authority to grant

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Ans. to Q. No. -

the Compounding of offence.

Key factors to be considered by Compounding officers.

(i) Disproportionate or inappropriate loss caused to gain made by the person.

(ii) The unproportionate loss caused to any authority or person.

✓ 1.5 Q2.c ✓  
(iii) The Relative nature of offences.

All the above factors will be considered by general manager in compounding the case of XYZ Pvt Ltd.



2

Ans. to Q. No. - 11A (1)

□ In light of the provisions of money laundering Act 2002.

→ Financial Intelligence Unit of India (FIU-IND) is the Independent Body. which directly reports to Economic Council of India which is chaired by the Finance Minister of India.

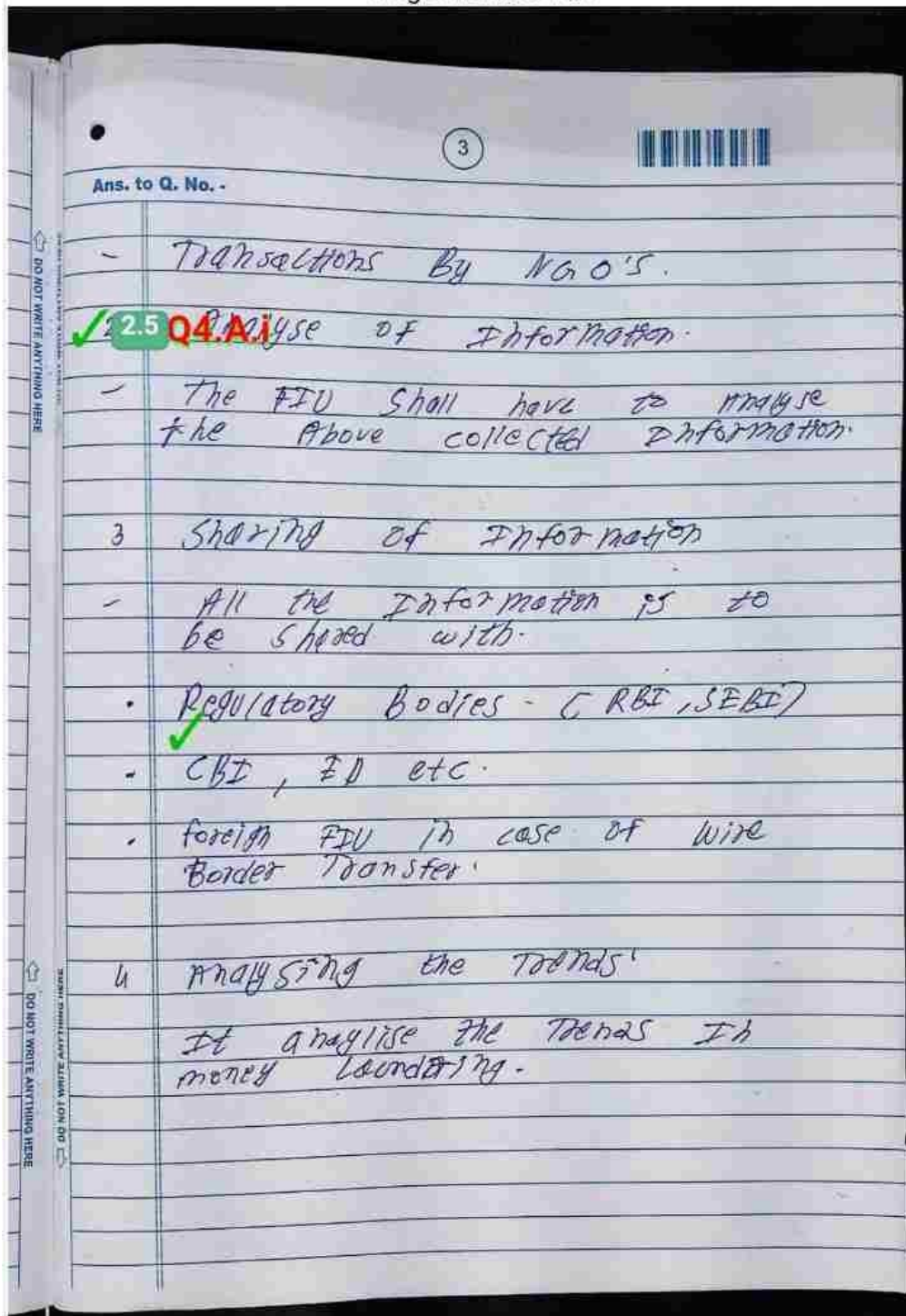
→ The FIU IND is responsible for all DCs related to money laundering, ~~features~~ terrorist financing.

Key Functions of (FIU-IND)

→ Collection of information.

- which is high cash transaction.
- cross border wire transfer.
- Real Estate transactions
- Transactions suspected to be money laundering

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4

Ans. to Q. No. - (U A C II)

□ In light of the provisions of FEMA C Overseas Direct Investment] Rules obligation of person Resident in India.

- 1 The person Resident in India shall have who have made the financial commitment or overseas investment shall have to give the documents evidencing the ~~the~~ investment within 6 months to A D Bank
- 2 The person ~~A~~ Above information will be retained by A D Bank.
- 3 The person Resident in India shall have to take the UID C. unique Identification number from A D Bank.

4 Q4.A.ii

4 UID is not the approval granted by RBI,

5 separate approval have to be ~~given~~ by the person residing in India.



ICS

Ans. to Q. No. -

Q4.A.iii)

→ The following documents are mandatory for EXPORT & IMPORT of goods.

1. IEC - (Import Export Code)
  - IEC is mandatory for Import and Export.
  - ~~IEC~~ IEC is valid for life time and NO renewal is necessary.
  - IEC is given on PAN card basis.
  - IEC is not required for services.
2. ✓ Bills of Exchange
3. Consignment Value Certificate
4. ✓ Electronic certificates from Government (if applicable).

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2

Ans. to Q. No. - 1(a) (1)

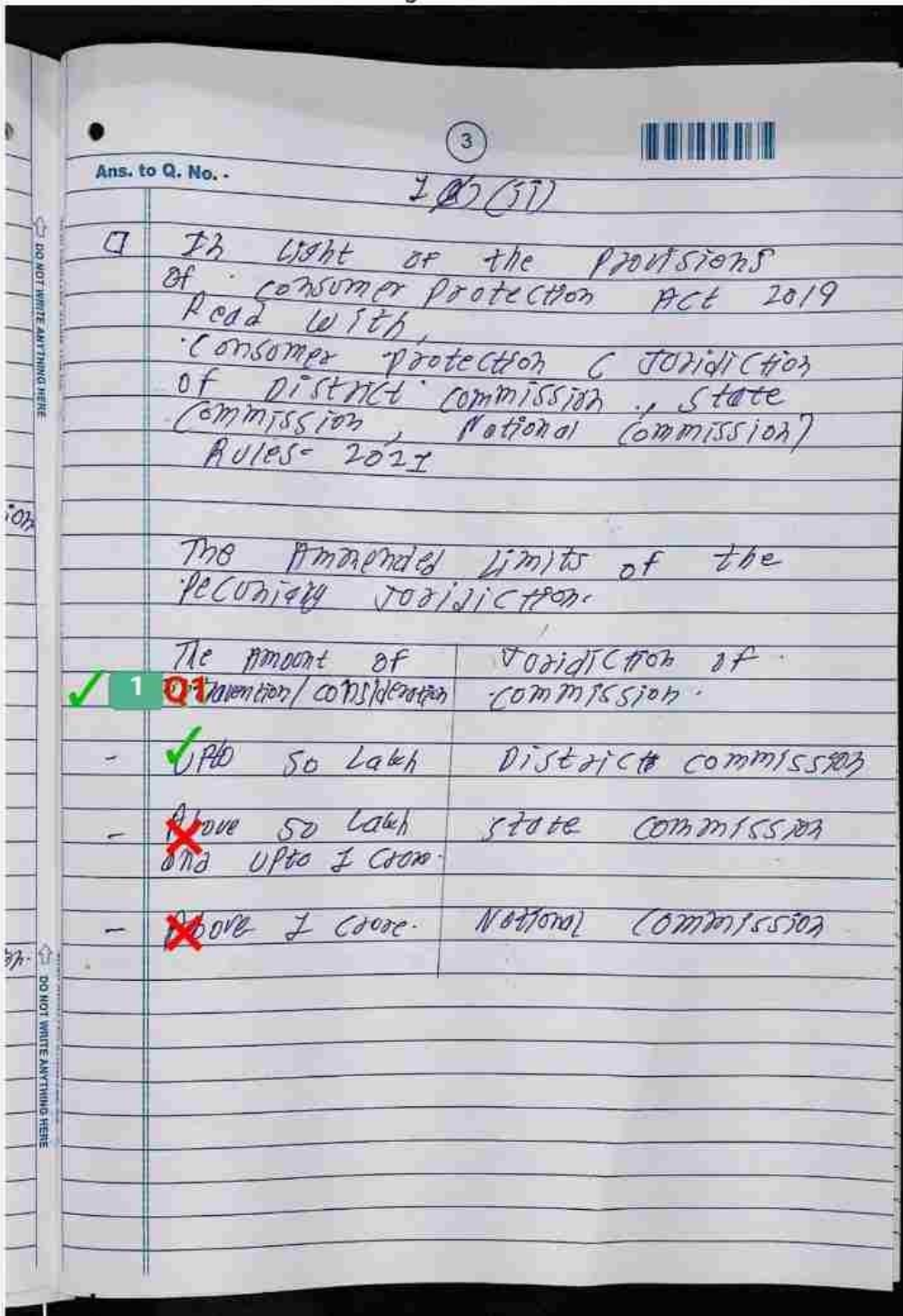
□ In light of the provisions of Consumer Protection Act 2019,

→ The ~~time~~ pecuniary jurisdiction of commissions before amendment -

Amount of consideration / Consideration	Jurisdictions of Commission
Upto <del>50 lakh</del> 1 crore	District Commission
Above 1 crore and upto 2 crore	State Commission
Above 2 crore.	National Commission

→ The limits after amendments.

Amount of consideration	Jurisdiction of Commission
- upto 50 Lakh	District Commission
- Above 50 Lakh and upto 1 crore.	State Commission
- Above 1 crore	National Commission.



Ans. to Q. No. -

3 (37)

In light of the provisions of consumer protection Act 2019 read with, Consumer protection (Jurisdiction of District Commission, State Commission, National Commission) Rules-2021

The amended limits of the pecuniary jurisdiction.

The amount of transaction/consideration	Jurisdiction of Commission
✓ Upto 50 Lakh	District Commission
- <del>Above 50 Lakh and upto 1 Crore</del>	State Commission
- <del>Above 1 Crore</del>	National Commission



Ans. to Q. No. -

I (1) (111)

Q In light of the provisions of Consumer Protection Act 2019.

In the decided case law court has given its decision as;

- The Article 14 of constitution of India is not violated in deciding the pecuniary jurisdiction.

- The law has given the power to make the regulations about the consumer protection act

✓ 1 Q19.

- But the power should be used in fair manner.

- Hence it is not violating article 14 of constitution India.



**ICS**

Ans. to Q. No. - I (iv)

□ In light of the provisions of Consumer Protection Act 2019, procedure of filling complaint.

- The complaint ~~are~~ shall be in writing.
- The complaint may be made through PRIME portal (E-Dakheel) platform of Government.
- The person shall, give fact of the complaint, name of the opposite party, Address of the opposite party, Place of cause of action.

✓ **3 Q1** manner of making Application.

→ The Application may be filled by :-

- 1 The consumer.
- 2 ~~The~~ one or more consumer in case of similar nature of complaint.

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2

Ans. to Q. No. -

- 3 Voluntary Consumer Association  
Association Registered under  
any law.
- 4 ~~Legal~~ Representative of Deceased  
Person.
- 5 Legal Guardian of minor
- 6 Central Government or State Government
- 7 Statutory Authority.

