Roll No. .....

Time allowed : 3 hours *Maximum marks : 100*

Total number of questions : 6 *Total number of printed pages : 12*

NOTE : Answer ALL Questions.

PART–I

1. A consumer complaint was filed by Aparna, the wife of a deceased man Mihir, who died in a car fire involving a Ford Endeavour. The Petitioner challenged the provisions of the Consumer Protection Act, 2019, which limited her ability to approach the National Commission based on the price paid rather than the compensation claimed. The facts of the case are given below :

   Mihir purchased a Ford Endeavour Titanium for ₹ 32 lakhs. On 20th November, 2018, the vehicle caught fire during use which resulted in the death of Mihir. A criminal proceedings were initiated following the incident. Aparna, filed a consumer complaint under the Consumer Protection Act, 2019, in which she claimed compensation of ₹ 52 crores for the loss. The complaint was filed before the District Consumer Commission, Vadodara, due to the new pecuniary jurisdiction limits under the Consumer Protection Act, 2019. She contended that under the 1986 Act, she could have approached the National Commission directly as jurisdiction was based on the amount claimed and not the consideration paid. It was contended that the current regime under the 2019 Act violates Article 14 of the Indian Constitution due to its arbitrary and discriminatory impact on access to justice and disrupts the hierarchy of judicial forums.

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Based on the above facts, answer the following questions with regard to the provisions of Consumer Protection Act, 2019 :

(*i*) What is the Pecuniary jurisdiction of Commissions as per Consumer Protection Act, 2019 ?

(3 marks)

(*ii*) State the Pecuniary jurisdiction of Commissions according to Consumer Protection (Jurisdiction of the District Commission, the State Commission and the National Commission) Rules, 2021.

(3 marks)

(*iii*) Is it constitutional to determine pecuniary jurisdiction based on the amount paid and not on the basis of compensation claimed ? Does this classification violate Article 14 of the Indian Constitution ?

(2 marks)

(*iv*) Enumerate the procedure for filing complaint before Consumer Commission.

(4 marks)

(*v*) What is the purpose behind referring to the Constitution and functioning of the Central Consumer Protection Council/Authority ?

(3 marks)

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2. (*a*) ABC Pvt. Ltd. who has been granted certificate to receive foreign contribution, receives foreign contribution for administrative purpose but it invests whole amount of contribution in the mutual funds. Discuss whether ABC Pvt. Ltd. can do so. Also, explain the provisions of Restriction to utilize Foreign Contribution for Administrative Purpose as per Section 8 of the Foreign Contribution (Regulation) Act, 2010.

(*5 marks*)

(*b*) State the penalty to be imposed in the following cases as per the provisions of the Real Estate (Regulation and Development) Act, 2016 :

(*i*) A Housing Scheme Project was launched by XYZ Ltd. The Promoters of the company started the selling of plots and booking of apartments without registering this project with the Real Estate Regulatory Authority.

(*ii*) A Housing Scheme Project was launched by ABC Ltd. The promoter of the company filed an application for the registration of this project giving an affidavit stating that seventy per-cent of the amounts realised for the real estate project from the allottees, from time to time, shall be deposited in a separate account to be maintained in a scheduled bank to cover the cost of construction and the land cost and shall be used only for that purpose. But, in reality, that account was never opened.

(*3+2=5 marks*)

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(c) XYZ Pvt. Ltd., a startup based in Bengaluru, inadvertently committed a contravention other than Section 3(a) of the Foreign Exchange Management Act, 1999 (FEMA), involving a sum of ₹ 3.2 crore and now wishes to voluntarily rectify this mistake under the Foreign Exchange (Compounding Proceedings) Rules, 2024. Which RBI officer will act as the Compounding Authority for this case ? What key factors will be considered by the Compounding Authority while determining the compounding amount for XYZ Pvt. Ltd. ?

(5 marks)

3. (a) Shyam is a successful exporter who has recently been awarded a Status Holder Certificate in recognition of his consistent contribution to India's foreign trade. He now plans to participate in export promotion by sending product samples abroad free of cost. What customs and authorization related privileges can Shyam avail under the Foreign Trade Policy ?

(5 marks)

(b) Answer the following questions as per Overseas Direct Investment :

(i) When shall a person resident in India, shall not acquire or transfer any immovable property situated outside India ?

(ii) When can a person resident in India may acquire immovable property situated outside India ?

(2+3=5 marks)

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(c) Delta Infra Pvt. Ltd. was granted a letter of approval (LOA) by the Board of Approval (BOA) to develop a multi-product Special Economic Zone (SEZ) in Gujarat. Two years into the development, multiple complaints surfaced against the company. The BOA has now decided to suspend the LOA. Explain the circumstances under which a suspension order can be issued against Delta Infra Pvt. Ltd. ? What statutory conditions must the BOA comply with in order to suspend the LOA granted to Delta Infra Pvt. Ltd. ?

(5 *marks*)

Attempt all parts of either Q. No. 4 or Q. No. 4A

4. (a) Explain the Procedure for Investigation of Combination under Section 29 of the Competition Act, 2002.

(5 *marks*)

(b) State the procedure for 'Approval of model' of weight or measure before its manufacture or import under the Legal Metrology Act, 2009. When such approval is not required ?

(5 *marks*)

(c) Explain the conditions relating to 'Life Insurance Corporation (LIC)' along with percentage of Equity/FDI cap and Entry Route under Foreign Direct Investments Regulation & Policy.

(5 *marks*)

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OR (Alternate question to Q. No. 4)

4A. (*i*) Describe Financial Intelligence Unit — India (FIU-IND) and what are the main functions of it ?

(*5 marks*)

(*ii*) Explain the obligations of a person resident in India making Overseas Direct Investment (ODI).

(*5 marks*)

(*iii*) What are the mandatory documents required for export/import of goods from/into India as per India's Foreign Trade Policy and Procedure ?

(*5 marks*)

PART–II

5. (*a*) Innovatech Pharma Pvt. Ltd., a registered Indian pharmaceutical company, was granted a patent in 2018 for its drug 'Painexol', used to treat chronic pain. In 2020, Innovatech developed an improved formula for Painexol that reduced its side effects and filed a patent of addition for this improvement. By 2022, Elixir BioCare Ltd., a competing pharmaceutical company, approached the Controller of Patents seeking a compulsory licence to manufacture and distribute a generic version of Painexol in India. Meanwhile,

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Innovatech failed to pay the patent renewal fees for 2023, attributing the oversight to clerical errors during financial restructuring. In March 2024, Innovatech applied for the restoration of the lapsed patent. Elixir BioCare opposed this application, citing the delay and lack of bona fide intention and simultaneously began selling generic Painexol even before receiving a compulsory licence.

In view of the above case, answer the following questions :

(*i*) What advantage will Innovatech have as a patentee under the Indian Patents Act ?

(*2 marks*)

(*ii*) What are the Criteria of Patentability ?

(*2 marks*)

(*iii*) What is the procedure to be followed for the disposal of Innovatech's application for restoration under Section 61 of the Indian Patents Act ?

(*3 marks*)

(*iv*) State the legal remedies that Innovatech can seek if Elixir began selling generic Painexol before receiving a compulsory licence ?

(*1 mark*)

(*v*) What is the validity term of a Patent in the Indian System ?

(*2 marks*)

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(*b*) In 2010, GreenRoots Ayurveda Pvt. Ltd. developed a herbal supplement for liver health under the brand name "HerbWell", packaged in a distinctive green-and-gold bottle with a leaf-shaped cap. Over the years, the product gained immense popularity both in India and abroad, supported by significant investments in television advertising, Ayurveda health fairs and endorsements from medical professionals. By 2024, "HerbWell" had earned a strong reputation and was widely recognised by consumers. In 2024, another company, Herbal Wellness India Ltd., launched a liver tonic under the brand name "HerbWel+". Its packaging was strikingly similar to that of "HerbWell" and the word "HerbWel" was written in a nearly identical font, with only a "+" symbol added at the end. GreenRoots Ayurveda Pvt. Ltd. objected, asserting that this similarity was likely to mislead consumers into believing that "HerbWel+" was associated with or endorsed by them. They claimed that "HerbWell" had become a well-known trademark and that the actions of Herbal Wellness India Ltd. amounted to passing off.

In view of the above case, answer the following questions :

(*i*) Define the "well-known trademark" as per Section 2(1) (zg) of the Trade Marks Act, 1999.

(*2 marks*)

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(*ii*) Explain how the Trade Mark Rules 2017 provide a mechanism for a trademark like "HerbWell" to be declared a well-known trademark.

(*2 marks*)

(*iii*) How would a declaration of "HerbWell" as a well-known trademark strengthen GreenRoots Ayurveda Pvt. Ltd.'s legal position against Herbal Wellness India Ltd. ?

(*2 marks*)

(*iv*) What elements must GreenRoots Ayurveda Pvt. Ltd. establish to succeed in a passing off action ?

(*2 marks*)

(*v*) Referring to *Himalaya Drug Co. v. S.B.L. Ltd. (2013),* discuss whether GreenRoots Ayurveda Pvt. Ltd. can argue that its mark "HerbWell" is distinctive even though it contains the word "Herb," which is commonly used in the Ayurvedic Industry.

(*2 marks*)

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Attempt all parts of either Q. No. 6 or Q. No. 6A

6. (*a*) Destiny Relators, a furniture company has created a new chair design with a unique floral pattern on the backrest. They registered this design for chairs under a specific class of articles, Class 9 for furniture. After some time, the company decides to use the same floral pattern on a line of tables, since the tables also fall within Class 9.

Can Destiny Relators apply to register the design for the tables as well ? Support your answer as per provisions of Section 6 of the Design Act, 2000.

(*5 marks*)

(*b*) Goyal Ltd. has registered its logo, a stylized "T", without specifying any color limitations whereas, Royal Ltd. has registered its logo, a stylized "S" with a specific color combination — green and white. Discuss whether there is any limitation as to colour as per Section 10 of the Trade Marks Act, 1999 ?

(*5 marks*)

(*c*) Atul was granted a patent for a new water purification apparatus. Later, he discovered that a university laboratory had been manufacturing and using the apparatus for research purposes without his consent. Explain the conditions under which a patent is granted as specified in Section 47 of the Patents Act, 1970, and discuss whether the actions of the university laboratory are permissible.

(*5 marks*)

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(*d*) A local weaver in India produces shawls and wishes to market them under the famous geographical indication "Kullu Shawls", known for their origin and quality from the Kullu region. The weaver labels the shawls and their packaging as "Original Kullu Shawls" and advertises them online using this indication.

Discuss whether the weaver is deemed to have applied a geographical indication to the goods as per the provisions of Section 37 of the Geographical Indications of Goods (Registration and Protection) Act, 1999.

(*5 marks*)

OR (Alternate question to Q. No. 6)

(*i*) Examine the key focus areas of the National Intellectual Property Rights Policy and explain how its seven goals aim to promote innovation, entrepreneurship and socio-economic development.

(*5 marks*)

(*ii*) Explain the provisions of 'Revocation of Patents by Controller for Non-working' as per Section 85 of the Patent Act, 1970 ?

(*5 marks*)

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(*iii*) What are the provisions regarding 'Administration of Rights of owner by Copyright Society' as per Section 34 of Copyright Act, 1957 ?

(5 *marks*)

(*iv*) Discuss the scope of Intellectual Property as per Intellectual Property Rights.

(5 *marks*)

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