

## NEW SYLLABUS

Time allowed: 3 hours

Maximum marks: 100

Total number of questions: 6

NOTE: Answer ALL Questions.

## PART-I

## Question No. 1

Tiya purchases a laptop for her sister Siya from HP. The laptop had initial installation issues, when taken to the manufacturer's service center 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.
- (iii) Had a mediator been appointed to settle the issue, what is the procedure of mediation as given in provision.

(5 Marks each)

## Question No. 2

- a) ABC Ltd. maintained a rest house for the use of its Employees, Managing director and other executives. It entered into an agreement with XYZ Ltd. for the installation of central air-conditioning system. The system installed did not function well, and there was leakage of water from the AC ducts. ABC Ltd. filed a complaint claiming compensation for deficiency in service under the Consumer Protection Act, 2019. Will ABC Ltd. succeed?
- b) India's Foreign Trade Policy (FTP) has, conventionally, been formulated for five years at a time and reviewed annually. The focus of the FTP has been to provide a framework of rules and procedures for exports and imports and a set of incentives for promoting exports. In view of this enumerate the key highlights of Foreign Trade Policy 2023.
- c) What are Anti-Competitive Practices under Competition Act, 2002? State the factors, which are taken into account by the Competition Commission of India to determine whether Anti-Competitive Practices of an enterprise would have the effect of or is likely to have an appreciable adverse effect on competition in relevant market.

(5 Marks each)

## Question No. 3

- a) Discuss proceeds of crime under Prevention of Money Laundering Act, 2002 (PMLA). What are the actions that may be taken for not complying with the obligations under PMLA?
- b) In which manner External Commercial Borrowings (ECB) proceeds are permitted to be parked abroad as well as domestically?

(4 Marks)

(4 Marks)

c) Discuss the application procedure for setting up of a Special Economic Zone (SEZ) under SEZ Act, 2005.

(4 Marks)

d) Discuss the terms and conditions for overseas direct investment by a proprietorship concern/unregistered partnership firm in India.

(3 Marks)

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

**Question No. 4**

a) Pre-packaged commodity means a commodity which without the purchaser being present is placed in a package of whatever nature, whether sealed or not, so that the product contained therein has a pre-determined quantity. Discuss about pre-packaged declaration under Legal Metrology Act, 2009.

(4 Marks)

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

(4 Marks)

c) Whether following remittances by Resident Individuals need prior approval of Reserve Bank of India:

- i. Geeta gifts to her sister in New York USD 2,45,000.
- ii. Manav spends USD 3,50,000 as fees for an Academic Course in New Zealand.
- iii. Ishan spends USD 1,75,000 on European Tour.
- iv. Ashima is going to Australia for Emigration and she wants to draw USD 2,75,000.

(4 Marks)

d) Who is a Fugitive Economic Offender? How is an individual can be declared a Fugitive Economic Offender under Fugitive Economic Offender Act?

(3 Marks)

**OR (Alternate question to Q.No.4)**

**Question No. 4A**

a) Discuss the aims and advantages for which Real Estate (Regulation and Development) Act, 2016 (RERA) was enacted.

b) Discuss the salient features of Foreign Contribution (Regulation) Amendment Act, 2020.

c) State the permissible capital account transactions by an individual under Liberalized Remittance Scheme (LRS).

(5 Marks each)

## PART-II

## Question No. 5

- a) 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.
- ii. How a Geographical Indication is different from Trade Mark?
- 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'?
- iv. What if ITC Limited has been operating and using the 'Darjeeling Lounge' long before the enactment of the Act?
- v. What is punishment for applying false Geographical Indications?

(2 marks each)

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

(2 marks each)

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

**Question No. 6**

- a) 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 Patents Act, 1970? What will be your answer if the invention is relevant for defence purpose?
- b) 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?
- c) Francis is a famous lyricist in India & world-wide. Sona, another lyricist copied a very catching phrase from his song, there is likely to be infringement even if the phrase is very short. Mention the commonly known acts which are termed as infringement of copyright. Also discuss the penalties for infringement.
- d) What are the absolute grounds for refusal of Registration of trade mark under Section 9(1) of the Trade Mark Act, 1999?

(5 Marks each)

**OR (Alternate question to Q. No. 6)**

**Question No. 6A**

- a) What is the duration of the registration of a design? Can it be extended? How can the Registration of a Design be cancelled?
- b) What is meant by Trade Mark under the Intellectual Property Rights?
- c) "Section 9 of the Geographical Indications of Goods (Registration and Protection Act, 1999 prohibits registration of certain geographical indications." Discuss.
- d) "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 the Copyright Act, 1957.

(5 Marks each)