

- (b) In 2023, XYZ Pvt. Ltd. started manufacturing of Cetadine Microbicidal solution consisting of a Providone Iodine combination which is being marketed in pack sizes of 100 ml and 500 ml bottles under the trademark CETADINE. It has been extensively advertised by the company. The bottles bear distinctive labels having distinct colour combination, layout and get up which qualify as original artistic work within Section 2(c) of Copyright Act, 1957 and is registered with the Registrar. "R. Pharma Works" manufactures microbicidal solutions in bottles with a label having an identical and/or substantially similar get up, layout and colour scheme as that of XYZ Pvt. Ltd. Its bottles contain the name Povidone Iodine Solution. XYZ Pvt. Ltd. instituted a suit against "R. Pharma Works" for infringement and consequent damages. What are the defences that "R. Pharma Works" can plead in its favour? Will XYZ Pvt. Ltd. succeed in the suit?
- (c) What are the grounds and procedure to register a patent under the law relating to patents in India? Once a patent is granted can it be challenged further? State your answer with reasons and relevant provisions.
- (d) Section 3(k) of the Indian Patents Act, 1970 states that "a mathematical or business method, a computer program per se or algorithms" are not considered to be inventions. However, it does not impose a blanket ban on patenting computer-related inventions in India. A software can be granted patent if it is attached with novel hardware, an invention which is unique and capable of industrial use. Why is software not directly patented in India? Does this help the Indian software business to grow? Examine critically.

(5 Marks Each)

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

Question No. 6A

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