

Roll No.

OPEN BOOK EXAMINATION

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 4

Total number of printed pages : 8

NOTE : *Answer ALL Questions.*

1. Star Health filed a patent application titled “system and Method for Automated Content Creation and Distribution Using Machine Learning-Based Template.” The invention claimed an AI-driven platform capable of automatically selecting design templates, adjusting layouts, analysing user engagement data and redistributing optimized content through a cloud-based infrastructure. The objective was to enhance digital marketing efficiency in the pharmaceutical sector in the wake of the recent pandemic. The invention aimed to deal with future global threats to human life through coordination and by using machine learning algorithms and customise promotional materials to facilitate faster and equitable access to health products.

During examination, the Indian Patent Office (IPO) raised objections under Section 3(k) of the Patents Act, 1970, which excludes “a mathematical or business method or a computer programme per se or algorithms” from patentability. The Controller observed that although the invention was framed as a “system and method”, its core contribution lay in a computer programme executing algorithms for template selection and optimization. The claimed invention

did not disclose any novel hardware component, nor did it demonstrate an improvement in the functioning of a computer system. It was implemented on general-purpose computers and servers without any technical modification to hardware architecture. The IPO concluded that the invention merely automated a business or marketing process using software and machine learning techniques. The advancement claimed was commercial or administrative in nature rather than technical. Consequently, the application was refused under Section 3(k) of the Patent Act, 1970 as being a computer programme per se.

Based upon the facts of the case, answer the following questions :

- (a) “Patent law is applicable to inventions in any field of technology without discrimination. In that sense, Patent law is technology neutral and apply to computer software.” Explain.
- (b) Explain the significance of patent claim. What are the key considerations while drafting a patent claim ? Support your answer with case laws.
- (c) What is TRIZ methodology ? What are the uses of TRIZ methodology in the field of patent ?
- (d) Explain the importance of the concept of patent pooling and cross licensing. Discuss the effect of patent pooling on Competition.
- (e) What are the various modes and grounds of revocation of a patent ?

(5 marks each)

2. In 2025, the Asocia de Pisco, an Association representing traditional grape spirit producers in Peru, filed an application before the Indian Geographical Indications Registry seeking registration of "Pisco" as a Geographical Indication (GI) under the Geographical Indications of Goods (Registration and Protection) Act, 1999. The association claimed that Pisco is a historically recognized distilled grape spirit originating from the coastal valleys of Peru, where unique grape varieties are cultivated and the beverage is produced using 400-year-old traditional distillation methods. Their grape spirit has reputation and distinctive characteristics due to the climatic conditions, soil composition and traditional practices of the region. The association further argued that authentic Pisco enjoys a global recognition and is exported to numerous countries, including India.

Upon publication of the GI application in the GI Journal, several objections were filed.

The first opposition came from Indian whisky manufacturers Association who argued that the term "Pisco" had been used in India for decades in the hospitality and beverage industry, particularly in cocktails such as Pisco Sour and granting exclusive rights over the term "Pisco" could disrupt long-standing commercial practices and lead to confusion among consumers in the Indian market. A second opposition was filed by the Chilean Pisco Producers Council, representing producers from Chile. They argued that Pisco is also produced in certain regions of Chile and that the term historically refers to a broader geographical and cultural heritage shared by both countries. They claimed that exclusive GI registration by the Peruvian association could unfairly restrict Chilean producers from marketing their products in India under the same name.

In addition, the Registrar also received representations from GreenTech Solutions, an Indian importers and exporter Company expressing its concern about the strict enforcement of the GI that it will affect their supply chains of restaurants and bars that had been serving cocktails labelled as “Pisco Sour” for many years. They further claimed to be the exporter of a special variety of grapes grown in Bangalore and exported to Italy for the preparation of grapes spirit. Under Corporate Social Responsibility, their research laboratory regularly analyses the genetic information of the seeds used to grow this special variety of grapes and developed through traditional knowledge contributed by local communities of breeders of the region to identify the genes responsible for crop resilience and adaptation.

Based upon the facts of the case, answer the following questions :

- (a) What is the difference between the Geneva Act and Lisbon Agreement ? What is the relevance of the Geneva Act of the Lisbon Agreement for the GI framework ?
(5 marks)
- (b) State the registrable varieties as per the protection of plant varieties. In which category a new variety bred by a farmer is registered under Protection of Plant Varieties and Farmers Right Act, 2001.
(5 marks)
- (c) What is People’s Biodiversity Register (PBR) and describe its main purpose as per the Biological Diversity Act, 2002.
(5 marks)

: 5 :

(d) What is the significance of Traditional Knowledge ? When is the approval required to undertake biodiversity related activities as per the Biological Diversity Act, 2002 ?

(5 marks)

(e) “Determining the value of one’s intellectual property is a challenging job.” In the light of the statement explain the methods of valuation of IPR.

(5 marks)

3. Beyond Reality Drama Pvt. Ltd., a production company, conceptualised a television show titled “Jadu Ki Nagri” with strong animation content. The foundational idea was formally documented in a concept note and registered with the Film Writers’ Association. Over an extended period, the plaintiffs expanded this preliminary idea into a comprehensive blueprint for a television serial, incorporating detailed story, character delineations, familial structures, thematic tracks, set aesthetics, costumes, jewellery designs, VFX animation effects and other production elements. According to them, these iterations constituted original literary creations entitled to copyright protection.

The Beyond Reality Drama contended that in anticipation of formal commissioning arrangement, founded upon trust and commercial confidence, they exchanged the concept notes and creative materials to JEEVA Entertainment Pvt. Ltd., a broadcasting company. A Letter of Intent was executed, reinforcing the expectation of collaboration. However, complications arose and Beyond Reality Drama declined this proposal and eventually withdrew their materials from JEEVA Entertainment Pvt. Ltd. Correspondence between the parties revealed a mutual understanding

that developed narrative framework, characters and creative architecture would not be utilized by JEEVA Entertainment Pvt. Ltd without authorization. Despite these communications, JEEVA Entertainment Pvt. Ltd. aired a new serial titled “Jaduee Shahar” which, according to Beyond Reality Drama, bore substantial similarity to their developed concept and embodied the core elements previously shared in confidence.

Furthermore, a famous Bollywood actor Sumant Shroff who has a three movies exclusive contract with Beyond Reality Drama Pvt. Ltd., found that without his consent, the first episode of the serial “Jaduee Shahar” included his morphed images and voice-cloned audio clips manipulating the viewers into believing that he has in fact played that character and landed his voice to the content, thereby harming his reputation. The serial generated significant viewers engagement, earning approximately ₹ 1.5 crore through advertising revenue from over five million views.

Based upon the facts of the case, answer the following questions :

(a) Explain how Personality Rights are protected through Copyright Act, 1957. Support your answer with help of a recent decision by the Delhi High Court.

(5 marks)

(b) Briefly explain how the First Sale Doctrine limits the distribution rights of copyright holders in India. Support your answer with help of a recent decision by the Delhi High Court.

(5 marks)

(c) Examine the justification for including computer programmes in “literary work”. Also explain the infringements pertaining to copyright vested in software.

(5 marks)

: 7 :

(d) How do businesses prevent misuse of confidential information under the trade secret? What essential elements must be established to secure protection for confidential information in contractual negotiations?

(5 marks)

(e) Explain any five Intellectual property issues involved in the sale of business.

(5 marks)

4. Riddhi Glass Works Ltd., a company engaged in manufacturing decorative glass sheets applied for registration of a particular ornamental pattern used on its glass products under the Designs Act, 2000. The company claimed that the pattern applied to the glass sheets was prepared using a special digital device with semiconductor integrated circuit. The distinctive visual feature on the glass sheet qualified for protection as a registered design and after obtaining registration, the company began manufacturing and selling the glass sheets with this design and marketed it under the name “Falcitab”. Sometime later, Siddhi Glass Works Ltd., a company also engaged in manufacturing decorative glass sheets started manufacturing glass sheets with a similar appearance under the Trademark “Falcigo”.

Riddhi Glass Works alleged that its registered design had been copied and demanded that Siddhi Glass Works must stop manufacturing and selling the alleged infringing products. It also instituted a suit seeking a permanent injunction, contending that Siddhi Glass Works marketing their glass sheet under the name “Falcitab” bore a deceptively similar resemblance to its glass sheet under the trademark “Falcigo”. It was asserted that the phonetic and structural similarity between the two marks created a substantial likelihood of confusion, thereby facilitating the possibility of passing off its product.

Siddhi Glass Works Ltd., however, disputed the claim and filed a petition before the appropriate authority seeking cancellation of the design registration. It contended that the design in question was not new or original at the time it was registered because similar designs had already been published in a foreign catalogues and documents before the date of registration in India. They argued that these publications were accessible to the public and therefore amounted to prior disclosure of the design.

Based upon the facts of the case, answer the following questions :

- (a) Examine the legal principles governing deceptive similarity. Support your answer with case law.
- (b) “Initial interest confusion test proceeds on the principle that confusion in the minds of consumers may arise at the preliminary stage, prior to the actual purchase being completed.” Explain this statement with support of a recent decided case.
- (c) State the grounds and procedure for cancellation of design under the Designs Act, 2000.
- (d) Examine the legal distinction between functionality and aesthetic originality in design infringement. Support your answer with case law.
- (e) Explain the infringement of layout-design and its exceptions under the Semiconductor Integrated Circuits Layout-Design Act, 2000.

(5 marks each)

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