

2 Marks

1. What is a 'trade mark'?

Ans → A trademark is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprises. Trademarks are protected by intellectual property rights.

2. Who is a 'patentee'?

Ans → A patentee acquires the right, enforceable by law, to decide who shall and who shall not exploit his patented invention. The patentee can prevent others from making, using, offering for sale, selling or importing for those purposes the patented invention without the patentee's permission.

3. Who is a performer?

Ans → Any person who performs or presents any work, whether it is a musical, dramatic or artistic performance. A performer can also become the producer of the sound or visual recording and have all rights that a producer has, such as, reproducing a large number of copies, renting copies for commercial purpose etc.

4. Who is the first owner of copyright as per the copyright Act 1957?

Ans → The author is the real creator of the work and is recognized as the first owner of the copyrighted work vide section 17 of the Copyright Act. In most cases, the author is the only owner of literary and artistic works.

5. What is 'indications' under GI Act?

Ans → An indication which identifies any goods as originating in a country or territory, or a region or locality in that country or territory, where a given quality, reputation or other characteristic of the goods is essentially attributable to their geographical origin. This is known as geographical indication.

6. What is a 'photograph' under the copyright Act, 1957?

Ans → A photograph is considered as an 'artistic work' under the copyright Act and is thus protected. If someone violates the copyright, the photographer can seek legal remedies, including compensation for damages.

7. Explain the term "Design".

Ans → According to section-2(d) of designs act, 2000, "design" means only the features of shape, configuration, pattern, ornament or composition of lines or colours applied to any article whether in two dimensional or three dimensional or in both forms by any industrial process or means whether manual, mechanical or chemical, separate or combined, which in the finished article appeal to and are judged solely by the eye.

8. Explain the term "Engravings".

Ans → Section 2(i) define "engravings" includes etchings, lithographs, woodcuts, prints and other similar works, not being. Under copyright act.

9. Explain the term "Literary work".

Ans → Literary works cover a wide range of published and unpublished works of art such as prose, fiction, drama and poetry. The list includes diaries, autobiography, memoirs, letters and essays. Computer programmes and databases also qualify as literary works.

10. What is the mode of assignment of copyright?

Ans → Mode of assignment of copyright - It can be assigned either wholly or partially and with or without limitation on the whole or any part of the copyright. Assignment of copyright in any work shall not be valid unless it is in writing and signed by the assignor or by his authorised agent.

11. What is a Government work?

Ans → In the case of invention, the government can provide financial and other assistance for the conduct and commercialisation of local research and development. This can be done, typically, by financial grants, soft loans, and beneficial tax treatment of income derived from intellectual property.

12. Define "inventive step".

Ans → According to patent law, "inventive step" means a feature of an invention that involves technical advance as compared to the existing knowledge or having economic significance or both and that makes the invention not obvious to a person skilled in the art.

13.

What is a 'patent'?

Ans →

A patent is an exclusive right granted for an invention, which is a product or a process that provides, in general, a new way of doing something, or offers a new technical solution to a problem. To get a patent, technical information about the invention must be disclosed to the public in a patent application.

14.

What is a 'well known trademark'?

Ans →

A well known trademark is a mark that is widely recognized by the general public and is associated with a popular company or brand. These trademarks are often known as famous trademarks and enjoy a higher degree of protection under the Trademark Act, when compared to regular registered marks. Ex - Bata, Bislery, Tata, Hamdard etc

15.

Explain 'deceptively similar'.

Ans →

Section 2(1)(h) of the trademark act defines the word "deceptively similar" as A mark shall be deemed to be deceptively similar to another mark if it so nearly resembles that other mark as to be likely to deceive or cause confusion.

16.

What is copyright?

Ans →

Copyright is a type of intellectual property that protects original works of authorship as soon as author fixes the work in a tangible form of expression. Copyright simply means the right to copy. As per Oxford dictionary copyright means 'the exclusive right to publish or record a work.'

17.

Define the "collective mark".

Ans →

The term 'collective mark' is defined under section 2(1)(g) of trademark Act, 1999 as A trademark that distinguishes the goods or services of members of an association of persons who is not being a partnership with the meaning of the Indian partnership Act and which is the importance of the trademark those of others. Ex- CA (Chartered Accountant) ICSI

18.

Explain the term 'invention'.

Ans →

Invention, the Act of bringing ideas or objects together in a novel way to create something that did not exist before. An invention may be an improvement upon a machine product or process for increasing efficiency or lowering cost.

19. Who can apply for a trademark registration?

Ans → A person who claims to be the proprietor of the trademark in relation to goods and or services may apply for the registration of a trademark. Trademark is defined in section 2(2b) of the Trademark Act.

20. Who is an author?

Ans → Any individual who causes a work to be done is the author of that particular work. Section 2(d) of the copyright act establishes a list of authors for various types of work protected by copyright.
In general "The creator of a literary or dramatic work is referred to as the author."

21. Define the word "Transmission".

Ans → Transmission, is the transfer of a trademark by operation of law or devolution on the personal representative of a deceased person that is not an assignment. A trademark is legally transferred from the proprietor to the other person or his legal heir upon death is known as transmission.

22. What is 'service' under the trademark Act, 1999?

Ans → According to trademark act six classes of services such as advertising, business management and administration, insurance, monetary and real estate, education, entertainment and legal etc covered. A 'service' which is done for the benefit of a third party.

23. What is the "patent cooperation treaty"?

Ans → The PCT is an international patent law treaty concluded in 1970. It provides a unified procedure for filing patent applications to protect inventions in each of its member states. India is also a member of PCT. Filing patent application under PCT implies securing legal protection for an invention under patent law in more than 150 country at once. Major global corporation, research institute and universities seek patent protection via PCT.

24. Explain 'Assignment' of copyright.

Ans → The term "copyright assignment" refers to the transfer of copyright ownership rights from the original

owner (the assignor) to another entity (the assignee). It involves granting the assignee certain rights to use, reproduce, distribute, and monetise the copyright work.

25. What is 'Berne Convention'?

Ans → The Berne Convention, adopted in 1886, deals with the protection of works and the rights of their authors. It provides creators such as authors, musicians, painters, poets etc with the means to control how their works are used, by whom and on what terms.

26. What is 'Mark' under trademark Act?

Ans → Section 2 (1) of trademark Act define "Mark" includes a device, brand heading, label, ticket, name, signature, word, letter, numeral, shape of goods, packaging or combination of colours or any combination thereof.

27. Explain the term 'Artistic work' under Copyright Act, 1999.

Ans → Section 2 (c) of Copyright Act define "Artistic work" means 'a painting, a sculpture, a drawing, a photograph or any other artistic work.

28.

Explain the term 'package' under the Trademark act, 1999.

Ans →

Section 2(9) define "package" includes any case, box, container, covering, folder, receptacle, vessel, casket, bottle, wrapper, label, band, ticket, reel, frame, capsule, cap, lid, stopper and cork.

29.

What is an associated trademark?

Ans →

Section 2(1)(c) deals with associated trademark. Associated trademark refer to those marks which are owned by the same proprietor in respect of identical or similar goods and services, which would otherwise be likely to deceive or cause confusion if used by a person other than the proprietor.

For instance, the proprietor of amul, which continuously expand its range of product, would associate all marks pertaining to their various product under the original registered trademark.

30

What is passing off?

Ans →

Passing off is a legal reference for what happens when an individual or a business misrepresents someone else's goods or services in order to try and pass them off as their own.