

NATIONAL LAW UNIVERSITY DELHI

LL.M. (Professional), Semester-II (Regular Students-Batch of 2021)

End Semester Assessment (Online), September-2022

Paper: Trademarks and Geographical Indications

Total Marks: 70

Instructions:

1. Question 1, 2 and 3 are compulsory. Choose one among Q.4 and Q.5
 2. No clarification shall be sought on the question paper.
 3. Maximum word limit for 20 Mark answer is 2000 words and for a 10 mark answer is 1000 words.
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Q.1)A. Covid Beverages Limited is a multinational corporation with “Covidnil” as its main brand of beer. It holds a good reputation in the Indian as well as international market. After the Covid19 pandemic, Dronacharya Pharmaceuticals comes out with „Covidnil” medicine as an immunity booster for Covid-19. Covid Beverages Limited sues for infringement. What are the possible grounds of defence for Dronacharya Corporation?

B. Mr. Shanta Prasad had registered a trademark „Azizi” in 1997. He assigned this trademark to 3 persons- Mr. Ali, Ms. Tiwari and Mr. Singh in separate assignment agreements. He also licensed his mark to 2 persons- Mr. Shah and Ms. Irani. After death of Mr. Shanta Prasad, Mr. Ali sued Mr. Shah and Ms. Irani for unauthorized use of the mark, as licence agreement had expired after death of Mr. Shanta Prasad. Decide

(10x 2= 20 Marks)

Q.2)A. Explain the Basmati GI controversy in India?

B. How are foreign GIs protection in India in the context of wines and spirits

(10x2= 20 Marks)

Q.3)A. Opera Gym Services is a famous brand of gyms and fitness centres in Bangalore. It offers its services primarily offline in the Metropolitan area of Bangalore. However, due to lockdown, it started offering these services online, accessible from anywhere in India through an app „OmegaOne”. A Mumbai based watch company „Omega” also has an app „OmegaOne” which allows its consumers to check their fitness from anywhere in India, also providing online sessions of exercise and Yoga. Omega Watches files a case of trademark infringement against Opera Gym Services in Delhi High Court. Decide if the Delhi High Court has jurisdiction to try the case.

B. Banarasi Sarees is a registered Geographical Indication. Landmark Hotels, Lucknow names a saree lounge in their hotel as Banaras. The lounge has sarees and different kind of clothing from different parts of Uttar Pradesh, but does not have Banarasi sarees. Decide if the same is an infringement of GI.

(10x2 = 20 Marks)

Q.4) What are well known-marks and how are they protected in India? Can any mark be granted a well-known mark protection if the product containing the mark is not sold in India?

(10 Marks)

OR

Q.5) What type of non-conventional marks are granted in India? What is the procedure for registration of non-conventional marks in India?

(10 Marks)