

**DIRECTORATE OF DISTANCE EDUCATION
NALSAR UNIVERSITY OF LAW, HYDERABAD**

Post-Graduate Diploma in Cyber Laws (Batch 2020 – 2021)

Take Home – Annual Examination (June, 2021)

Paper III – 1.3. IPR in Cyber Space

TOTAL MARKS: 100

INSTRUCTIONS TO CANDIDATES

- a) Read the instructions for Take Home Examination carefully and adhere to the same.
 - b) *Please mention your name, ID No., subject name and total number of pages on the Answer Sheet.*
 - c) *Clearly indicate the question numbers while answering them.*
 - d) *Answer all the four questions and each question carries 25 marks.*
 - e) *The answer for the 25 marks question should be written within 1500 words.*
 - f) *Since this is a take home exam, we expect your answers to be analytical rather than straight answers.*
 - g) Copying from any source including from other students is strictly prohibited. Plagiarism is considered as a serious academic mis-conduct and the University will take action as it deems fit.
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1. X owns a technology company. In the launch of a new and improved product, X anticipates that he may have to incorporate certain standards which may or may not be covered by patents held by others. He approaches you to seek guidance of issues relating to licensing of such standards. . You are required to provide him a guidance note explaining the issues he should look out for while adopting the standards and legal position visa-vis such licensing.
2. While discussing the essential features of copyright law answer the following question. X Company publishes a used car valuation digital database which sets forth X Company's projections of the values of "average" versions of used cars to be sold in a particular geographic region during the next six weeks. These predicted values are set forth separately for each automobile make, model, number body style, and engine type. The database also provides predicted value adjustments for various options and for mileage in 5.000 mile increments. The valuation figures given in the database are not historical market prices, quotations, or averages; nor are they derived by mathematical formulas from available statistics. They represent X Company's editors predictions, based on their professional judgement and a wide range of informational sources. Are the valuations, in and of themselves, copyrightable and is the car valuation database copyrightable? Explain your answer in detail.

3. *That ideas should freely spread from one to another over the globe, for the moral and mutual instruction of man, and improvement of his condition, seems to have been peculiarly and benevolently designed by nature, when she made them, like fire, expansible over all space, without lessening their density in any point, and like the air in which we breathe, move, and have our physical being, incapable of confinement or exclusive appropriation. **Inventions then cannot, in nature, be a subject of property.***" Thomas Jefferson

Do you agree with the statement? What are the different ways in which you can explain the existence of intellectual property rights?

4. Big-Mart is a well-known chain of discount stores. Harish registers bigmartsucks.com and offers to sell it to Big-Mart for 5 million dollars. Big-Mart declines, Harish then uses the domain name to operate a website, which solicits and posts criticism of Big-Mart from disgruntled employees and dissatisfied customers. Big-Mart files a complaint under UDRP. What do you think would be the outcome?