

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

**P.G.DIPLOMA IN CYBER LAWS  
2019 – 2020**

**Take Home - Annual Exams (August, 2020)**

**PAPER III - 1.3 IPR in Cyber Space**

**TOTAL MARKS: 100**

**INSTRUCTIONS TO CANDIDATES**

- a) Please mention your name, ID No. and Subject name on the Answer Sheet.***
- b) Only typewritten answers will be accepted.***
- c) Clearly indicate the question numbers while answering them.***
- d) Answer all the questions given below. Each question is for 25 Marks.***
- e) Every answer should be ideally within 1000 words only. The word limit is mentioned to give an approximate idea about the length of the answer.***
- f) Cut and paste of any material either from reading material or from internet will result in rejection of answer-sheet, which means a failure with zero marks. No plagiarism.***
- g) If the answers of two students are similar, it will be presumed that both the students consulted each other and two answer sheets will be cancelled.***

**Answer the following questions:**

1. What is “standardisation” and what kind of issues and challenges arise when intellectual property is involved in the standard setting process?
2. Write a comparative note on the patent and copyright protection and also answer the following question. Assume that a friend of yours develops a new way of calculating targets in a cricket match truncated due to rain disruptions. He publishes a detailed note on the method in his famous sports blog. The method receives highly favourable response from various national and international cricketers. Somebody tells your friend that by publishing the details of his method in his blog, he may have missed out on the possibility of getting a patent on the method subsequently. Has such publication impacted the patentability of the method? In any case, your friend also wants to know how far and what kind of protection would be available to him under copyright law? Explain your answer in detail.
3. SriRam Co. Ltd. markets maternity clothing and other merchandise under the name Ganga and Ganga Maternity/Ganga Maternite. It was granted a trademark registration for the trademark Ganga, used in association with maternity clothing and other products. It also has registration applications pending for the trademarks Ganga Maternity/Ganga Maternite.

ABC Marketing Group Inc. registered the domain name ganga.com. SriRam Co. does not allege that ABC was aware of SriRam or its activities at that time. With its complaint SriRam Co. submitted a list of fifty domain names that have been registered by ABC. Most of the domain names on this list are relatively generic (sky.com, water.com, default.com, cricket.com etc).

ABC used the domain name ganga.com on the web to redirect HTTP requests to a different site, at the domain name abcmarketing.com. That web site described ABC’s business as

“the development and marketing of valuable Internet domain names” and invited persons interested in ABC’s plans for a particular domain name to contact the company.

If SriRam Co Ltd. wants to file a complaint under Universal Dispute Resolution Policy, how would this be decided in your opinion?

4. Daily Sunrise, a newspaper, brought a suit against Herald, cloud-based instant messaging service and unnamed defendants operating certain Herald channels, which allegedly circulate versions of the plaintiff’s newspaper through PDF. The version circulating is downloaded from the plaintiff’s web-portal, where registered users can view the e-paper free of cost. While Herald was served notices on the alleged infringement occurring through its channels, it did not respond, and consequently, the plaintiff brought a suit for copyright and trademark infringement against Herald as an intermediary, and against the users, owners and operators of the various ‘channels’ on which the alleged infringement was taking place. Daily Sunrise alleged that Herald was aware that its service is being used for circulating unauthorised copies of various popular newspapers and that Daily Sunrise had itself written to Herald asking it to examine its service to check any such violation. Herald argued that it did not have sufficient information on the alleged violations and hence it decided not to act. How do you look at this scenario in the light of the relevant law in India?