



# THE INDIAN LAW INSTITUTE

(Deemed University)

NEW DELHI

ANNUAL EXAMINATION-APRIL 2017

## P.G. DIPLOMA IN ALTERNATIVE DISPUTE RESOLUTION PAPER I – FUNDAMENTALS OF ALTERNATIVE DISPUTE RESOLUTION

**Time: 3 hours**

**Max. Marks: 100**

**Answer any Five questions. All questions carry equal marks.**

1. Distinguish between litigation and non-adversarial forms of ADR mechanisms.
2. Discuss in detail the dispute resolution through LOK Adalats.
3. What is negotiation? Discuss the process of negotiation.
4. How is counselling distinct from mediation? When should a mediator prefer a private session over a joint session?
5. Detail various communication inhibitors that a party may have that impede free flow of information to the conciliator.
6. Discuss common mediation techniques to facilitate the resolution of the dispute by the parties.
7. Discuss the skills involved in drafting a conciliation settlement agreement.
8. Write short notes on any TWO of the following:
  - (a) Elements of Opening Statement by the mediator
  - (b) Importance of confidentiality of conciliation proceedings
  - (c) Different facets of legal counselling

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ANNUAL EXAMINATION-APRIL 2017

## P.G. DIPLOMA IN ALTERNATIVE DISPUTE RESOLUTION PAPER II – INDIAN LAW ON ALTERNATIVE DISPUTE RESOLUTION

**Time: 3 hours**

**Max. Marks: 100**

**Answer any Five questions. All questions carry equal marks.**

1. Discuss in detail the scope of ADR techniques in labour and industrial dispute.
2. Discuss in the light of recent judicial pronouncements how do interim measures before the court differ from interim measures ordered by arbitral tribunal?
3. Explain the scope of recourse against arbitral award with forms and contents of arbitral award with the help of recent judgments.
4. Discuss the scope of amendment of section 2(2) of the Arbitration and Conciliation Act, 1996 with special emphasis on *Bhatia International v Bulk Trading* and *Bharat Aluminium Co v. Kaiser Aluminium Technical Service, Inc.*
5. Discuss the appealable orders under section 37 of the Arbitration and Conciliation Act 1996? Is there any provision for appeal against orders under section 11 appointing or refusing to appoint an arbitrator?
6. Analyze the evolution of Conciliation as a mode of Dispute Settlement. What is the nature and scope of a Settlement-Agreement entered into between the parties to a dispute in conciliation proceedings?
7. The power exercised by the Chief Justice of the High Court or Chief Justice of India under section 11(6) of the Arbitration and conciliation Act, 1996 is a judicial power? Critically analyze.
8. Write short note on any TWO of the following:
  - a. Scope of the term “Arbitration Agreement”
  - b. ADR in family disputes
  - c. Difference between Institutional and Ad-hoc Arbitration

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ANNUAL EXAMINATION-APRIL 2017

## P.G. DIPLOMA IN ALTERNATIVE DISPUTE RESOLUTION PAPER III – INTERNATIONAL COMMERCIAL ARBITRATION

**Time: 3 hours**

**Max. Marks: 100**

**Answer any Five questions. All questions carry equal marks.**

1. Explain the significance and the role of UNCITRAL in the development of the international commercial arbitration with special reference to the UNCITRAL MODEL LAW 1985. How has India adopted the said model law?
2. Explain 'Arbitrability' in general. Discuss in detail the 'Objective Criterion' of Arbitrability.
3. Explain in detail the doctrines of 'Competence-Competence' and 'Separability' in arbitration. What is the doctrine of 'severability'. Is it different from 'separability'?
4. Describe the role of the International Chamber of Commerce (ICC), Paris in shaping the international trade. Make special reference to its arbitration rules.
5. Describe in brief the evolvement of the present day World Trade Organization (WTO). Explain its dispute settlement mechanism.
6. What are the grounds for the refusal of enforcing 'foreign' award under the New York Convention, 1958 vis-à-vis International Commercial Arbitration? An award in favour of your client 'C' has been 'set-aside' by a court in the country where it was passed. 'C' seeks your advise whether the said award can be enforced in some country. Advise 'C'.
7. What are the significant features of the ICSID Convention on Investment Arbitration? Explain.
8. Write short notes on any TWO of the followings:
  - a. Bhatia International v. Bulk Trading
  - b. The Channel Tunnel case
  - c. The Alabama Claims Case

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## P.G. DIPLOMA IN ALTERNATIVE DISPUTE RESOLUTION PAPER IV – APPLICATION OF ADR IN OTHER FIELDS

**Time: 3 hours**

**Max. Marks: 100**

**Answer any Five questions. All questions carry equal marks.**

1. What do you understand by the Plea Bargaining and Fast Track Criminal Courts? Analyze whether plea bargaining can be included in the ADR techniques.
2. What do you mean by Online Dispute Resolution Policy. Explain WIPO, ICANN, UDRP & In domain name dispute resolution policy?
3. How far the recent amendment in the Arbitration & Conciliation Act contributed towards neutrality, fairness and efficacy of the Arbitral Tribunal.
4. How far online dispute resolution can be an effective solution to the e-commerce disputes in context of the emerging e-governance? Discuss pros & cons.
5. How the information technology can be used to expedite the arbitration process? Critically analyze referring to the provisions and also the recent amendments?
6. Critically analyze whether the present ADR system is capable of rendering justice to the needy.
7. Discuss the scope of ADR in relation to government and construction contracts.
8. Write short note on any TWO of the following:
  - a) Victim vs Offender Mediation in Criminal Justice System
  - b) Issues in Arbitration Agreement Drafting
  - c) Professional ethics in India

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# THE INDIAN LAW INSTITUTE

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ANNUAL EXAMINATION-APRIL 2017

P.G. DIPLOMA IN CYBER LAW

PAPER I –BASICS OF THE COMPUTER AND CYBER WORLD

**Time: 3 hours**

**Max. Marks: 100**

**Answer any Five questions. All questions carry equal marks.**

1. Match the followings:

a) SSD	Database
b) Router	Hardware
c) AIO	Personal Information
d) Hashtag	Digital Signature
e) Linux	Storage
f) SQL Injection	CopyLeft
g) Doxing	ALU
h) Encryption	Networking
i) Register	Scanner
j) NIC	Twitter

2. Write a detailed note on OSI Layer?

3. What is Cloud Computing? What are difference deployment models for Cloud Computing?

4. Write a detailed note on Memory of Computer System? What is virtual memory in Windows based operating system?

5. What is Operating System? Write a note on Windows Boot process.

6. What are the essential elements of Computer Programming? What is the difference between Computer Program and Algorithm? Explain with the example.

7. What is Internet? What are the threats to computer security and various measures that shall be taken by user when connecting to the Internet?

8. Write short notes on any TWO of the following:

- I. Memory Units in Computer
- II. Encryption
- III. Business Software

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ANNUAL EXAMINATION-APRIL 2017

P.G. DIPLOMA IN CYBER LAW

PAPER II – REGULATORY FRAMEWORK OF THE CYBER WORLD

**Time: 3 hours**

**Max. Marks: 100**

**Answer any Five questions. All questions carry equal marks.**

1. What do you understand by 'Jurisdiction' in the borderless cyberspace. Discuss jurisdiction principles and their application in the online world.
2. The Supreme Court in *Shreya Singhal v. Union of India* has affirmed value of free speech and expression, quashing, section 66A of Information Technology Act, 2000 (IT Act) as unconstitutional. Discuss freedom of speech and expression in the virtual space in light of the above mentioned judgment.
3. Online Dispute Resolution (ODR) methods are proving successful in resolving complex cross border disputes between parties without need to resort to traditional litigation and simultaneously bear multifarious advantages for the concerned disputants. In light of this statement discuss various methods and advantages of Online Dispute Resolution (ODR).
4. Discuss the Role of law in regulating the cyber world.
5. Define E-Contracts. Explain the existing legal jurisprudence in India pertaining to Online Contracts with the help of the principles enshrined under the Information Technology Act, 2000.
6. Discuss in detail how the growth of cyberspace has created new form of crime.
7. Discuss the concept of property in cyberspace and its salient features. Explain the existing legal regime pertaining to protection of property rights in India.
8. Write short note on any TWO of the following:
  - a. Cyber Terrorism
  - b. Online defamation
  - c. Ethics and etiquette in cyberspace

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ANNUAL EXAMINATION-APRIL 2017

P.G. DIPLOMA IN CYBER LAW

## PAPER III – INTELLECTUAL PROPERTY RIGHTS IN THE CYBER WORLD

**Time: 3 hours**

**Max. Marks: 100**

**Answer any Five questions. All questions carry equal marks.**

1. What do you mean by 'Search Engine Optimization' and its role in digital marketing/online advertising? How can the abuse of Search Engine Optimization can be controlled on the Internet and what are the legal remedies to counter such abuse?
2. Define various types of intellectual property applicable on digital products in the digital environment? What could be the various tools and methods of managing one's Intellectual Property on the Internet?
3. P2P networking alongwith encryptions have sounded like the death knell of copyright on the Internet. Do you agree with the statement? Give reasons for your views.
4. How the 'linking', 'inlining' and framing' can be exploited to infringe the intellectual property rights in the digital environment? What are the legal remedies available to protect from such abuse?
5. What is the extent of the liability of ISPs for online infringement of copyright under Indian law?
6. What do you understand by caching? What are the levels at which caching could be done in the Internet transmission? How could this practice impinge on someone's copyright?
7. What do you understand by TLD & ccTLD? Described the procedure for their registration and dispute resolution in India.
8. Write short note on any TWO of the following:
  - a. Cyber Squatting
  - b. Technological Protection Measure
  - c. Principle of WPPT

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ANNUAL EXAMINATION-APRIL 2017

P.G. DIPLOMA IN CYBER LAW

PAPER IV – ELECTRONIC COMMERCE

**Time: 3 hours**

**Max. Marks: 100**

**Answer any Five questions. All questions carry equal marks.**

1. Examine the essential conditions for the formation of an electronic contract?
2. What are the types of e-commerce models prevalent currently? Explain the consumer related legal issues and remedies relating to e-commerce transactions?
3. The privacy issues have increased after the introduction of mobile commerce. Critically analyse the privacy provisions available under Indian laws with relevant case laws.
4. How far terms of service conditions and disclaimer important in E-commerce transactions?
5. “Regardless of whether the parties call their transaction a license or sale or lease, the transaction creates a contract between the parties.” Validate this statement in the light of terms and conditions framed in e-commerce transactions?
6. From the perspective of banking products and services being offered through Internet, Internet banking is nothing more than traditional banking services. Do you agree? Substantiate with adequate international and national legal framework.
7. Explain the term ‘electronic data exchange’. What are the legal concerns and remedies pertaining to this?
8. Write short notes on any TWO of the following:
  - a) Differences between shrink wrap contract and Click Wrap contracts
  - b) Mobile Value Added Services (MVAS)
  - c) Relevance of disclaimer in E-commerce

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ANNUAL EXAMINATION-APRIL 2017

P.G. DIPLOMA IN CYBER LAW

PAPER V – INFORMATION TECHNOLOGY ACT, 2000

**Time: 3 hours**

**Max. Marks: 100**

**Answer any Five questions. All questions carry equal marks.**

1. Define E-Governance. Discuss emerging challenges of E-Governance in context of recent initiative taken by the Government of India? Discuss with the help of relevant provisions of the Act.
2. IT Act, 2000 has introduced many amendments in the Indian Evidence Act, 1872. Discuss the provision relating to admissibility of electronic evidence and presumptions regarding the Digital Signature, Electronic Record and E-Gazette.
3. Critically analyze the grounds on the basis of which, the Supreme Court has declared Section 66A as unconstitutional in 'Shreya Singhal v. Union of India. What are the alternative remedies now available to a person who becomes victim of offences u/s 66A under IT Act or other Indian Laws?
4. What kind of role does the Adjudicating Officer plays under the IT Act, 2000? Elaborate the process of adjudication by referring to the relevant provisions under the IT Act and Rules made thereunder.
5. Recently, there have been lot of attacks on critical information infrastructure in India. Suggest suitable measures and the remedies available to a critical government department to protect the IT infrastructure. Discuss with relevant provision under IT Act, 2000.
6. Pornography has become a big nuisance on the internet. Discuss the provision relating to the pornography and breach of privacy under the IT Act and remedies available to a person and power of government to block such contents.
7. What is SPDI? The IT Act provides that in case of data breach, a corporate body negligent in implementing and maintaining reasonable security practices is liable to compensation and would also be criminally liable in certain cases. Discuss relevant provision given under IT Act and The Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2009.
8. Write short notes on any TWO of the following:
  - a. Attribution of electronic records
  - b. Digital signature certificate
  - c. Powers of Cyber Appellate Tribunal

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ANNUAL EXAMINATION-APRIL 2017

## P.G. DIPLOMA IN CORPORATE LAWS AND MANAGEMENT PAPER I – GENERAL PRINCIPLES OF COMPANY LAW–I

**Time: 3 hours**

**Max. Marks: 100**

**Answer any Five questions. All questions carry equal marks.**

1. Discuss the nature of Corporate Personality and state various theories of Corporate Personality.
2. Explain the historical perspective and development of Company Legislations in India.
3. What is meant by a “Promoter”? Explain in brief the position of a Promoter relating to his rights and duties in a company as well as the liabilities.
4. What is a “Share”? How is it different from debentures and stocks? Write down the various rights and liabilities of a Shareholder in a company?
5. “It does not matter what you call them so long as you understand what their real position is.” Discuss the statement and bring out the exact position of the directors of a company.
6. Elucidate the authority of a company to borrow. Explain the consequences of unauthorized borrowing with the help of case law.
7. What do you understand by the terms “Inter-corporate loans” and “Inter-corporate investments”? Explain in light of the provisions as enumerated in the Companies Act, 2013.
8. Write short notes on any TWO of the following:
  - (i) Reduction of Share Capital
  - (ii) Transfer and Transmission of shares
  - (iii) Investor protection

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ANNUAL EXAMINATION-APRIL 2017

P.G. DIPLOMA IN CORPORATE LAWS AND MANAGEMENT

PAPER II – GENERAL PRINCIPLES OF COMPANY LAW – II

**Time: 3 hours**

**Max. Marks: 100**

**Answer any Five questions. All questions carry equal marks.**

1. “Majority will have its way, but the minority must be allowed to have its say.” Discuss this proposition with reference to the prevention of oppression and mismanagement in a company with help of relevant case law.
2. Elucidate the need for corporate social responsibility theories and give justification for socio-economic obligations of companies. Also critically examine corporate social responsibility provisions under the Companies Act, 2013.
3. When can a company be wound-up by the court and when can a company be wound-up voluntarily? Also comment on the statement “Liquidation, winding up and dissolution are equivalent terms”.
4. Discuss the different kinds of meetings and the legal formalities involved in holding a meeting by a company.
5. “An auditor is not bound to be detective and to work with his suspicion, that there is something wrong. He is a watchdog not a blood hound...”. Examine this statement with reference to auditors qualification, appointment, powers, duties and role.
6. “A multi-disciplinary team that not only uncovers the fraud, but is able to direct and supervise prosecutions under various economic legislations through appropriate agencies.” Comment and state the statutory provision relating to inspection, inquiry and investigation.
7. Elucidate the provisions relating to reconstruction, amalgamation, merger and take-over under Companies Act, 2013, with special reference to cross border and fast track merger.
8. Write short note on any TWO of the following:
  - a) Director’s report
  - b) Distinguish between class suits and oppression and mismanagement
  - c) Serious Frauds Investigation Office (SFIO)

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ANNUAL EXAMINATION-APRIL 2017

P.G. DIPLOMA IN CORPORATE LAWS AND MANAGEMENT

PAPER III – BUSINESS LAW AND REGULATION OF BUSINESS

**Time: 3 hours**

**Max. Marks: 100**

**Answer any Five questions. All questions carry equal marks.**

1. The Public Liability Act, 1991 was made effective to provide through insurance, immediate relief, by one who controls or handles hazardous chemicals, to persons affected due to accident due to handling of such hazardous substances on 'No Fault Liability' basis. Substantiate this by explaining the relevant provisions under the Act?
2. What are the important provisions laid down under NGT Act, 2010 that made the procedures simple and easy for environmental governance in India?
3. What are the important conditions for the formation of a contract under Indian Contract Act, 1872?
4. What do you mean by "Negotiable Instrument" under Negotiable Instruments Act, 1881? What are the types of negotiable instruments available as per the Act?
5. What are the modes of Dissolution applicable under Partnership Act? Explain the liability provisions applicable after dissolution?
6. "A contract of sale of goods is a contract whereby the seller transfers or agrees to transfer the property in goods to the buyer for a price". Explain this statement describing the relevant provisions under Sale of Goods Act, 1930.
7. What are the relevant provisions relating to the working of National Consumer Disputes Redressal Commission under Consumer Protection Act, 1986?
8. Write short note on any two of the following:
  - a) Judicial Intervention in Arbitration
  - b) Limited Liability Partnership Agreement
  - c) Foreign Direct Investment

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NEW DELHI

ANNUAL EXAMINATION – APRIL 2017

P.G. DIPLOMA IN CORPORATE LAW AND MANAGEMENT

PAPER IV – THEORY AND PRACTICE OF MANAGEMENT

**Time: 3 hours**

**Max. Marks: 100**

**Answer any Five questions. All questions carry equal marks.**

1. Management is the process of setting goals, acquiring resources and utilizing them to achieve predetermined goals. Elaborate.
2. We are living in a world of turbulence and uncertainty. There has to be a conscious plan in order to be a 'master' rather than a 'victim' of the events when they unfold. Discuss this in the context of business planning.
3. Managers are constantly faced with the formidable task of making choices. Describe the steps involved in effective decision-making.
4. What is meant by organization structure? Explain the key pillars around which an effective organization structure can be developed.
5. Explain the essential components of effective Communication and discuss the importance of "feedback" in this process.
6. No team game can be won by a single player. Likewise, successful business organizations are also a result of team effort. How would you select and develop an effective team?
7. What do you understand by Motivation? Explain by examples and discuss Hygiene-Motivation theory by Herzberg.
8. Write short notes on any TWO of the following:
  - (a) Change or perish.
  - (b) Concept of Responsibility, Authority and Accountability of a job holder.
  - (c) Leadership is the fulcrum on which various demands are balance.

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ANNUAL EXAMINATION-APRIL 2017

P.G. DIPLOMA IN CORPORATE LAWS AND MANAGEMENT

PAPER V – BOOK KEEPING AND ACCOUNTANCY

**Time: 3 hours**

**Max. Marks: 100**

**Answer any Five questions. All questions carry equal marks.**

1. (a) Discuss the meaning, scope and objectives of Auditing.  
(b) Discuss on various Accounting concepts.
2. (a) From the following information calculate the Profit or Loss earned by the Businessman

(i)	Capital at the end of the year 31.3.2017	Rs. 10 lacs
(ii)	Capital introduced during the year 2016-17	Rs. 2 lacs
(iii)	Drawings made for personal use	Rs. 1 lac
(iv)	Capital Introduced in the beginning of the year on 1.4.2016	Rs. 4 lacs
(v)	Further drawings made on 31.7.2016	Rs. 1 lac

  
(b) What is the difference between Receipt & Payment and Income & Expenditure Account?  
(c) What are the different methods of calculations of Depreciation on fixed assets in a Business?
3. (a) What is Break Event point? How it is calculated graphically and mathematically?  
(b) What is the difference between fixed costs and variable costs?  
(c) What is the difference between capital expenditure and revenue expenditure? Give examples of both types of expenditure in a business organization.
4. Mr. Shyam and Co. started a new business on 1.4.2016 with a capital of Rs. 20 lacs. He opened a Bank Account in SBI and deposited a sum of Rs. 13 lacs out of total capital. During the year 2016-17 he made the following transactions:-
  - i. Purchased raw material in cash for Rs. 2 lacs and by cheque Rs. 4 lacs.
  - ii. He paid wages Rs. 1 lac in cash, salary Rs. 2 lac by cheques, Rent of the shop Rs. 20000 by cheque and cartages Rs. 5000 in cash.
  - iii. He purchased raw material from Mr. Ram on credit for Rs. 2 lacs.
  - iv. He sold goods in cash for Rs. 4 lacs and on credit to Mohan Rs. 10 lacs.
  - v. He purchased furniture for the office by cheque for Rs. 2 lacs.
  - vi. He purchased Machine by cheque for Rs. 2 lacs.

P.T.O.

Make Journal Entries, Ledger Accounts and Trial Balance for the year ending on 31.3.2017 of Mr. Shyam & Co. on the basis of the principles of double entry book-keeping.

5. From the following Trial Balance of Mr. Mohan & Sons and additional information given below prepare final accounts for the year 2016-17

Particulars	Debit – Balances In Rs.	Credit-Balances In Rs.
Capital on 1.4.2016	-	36,00,000
Purchases & Sales	10,00,000	20,00,000
Sales Returns and Purchase Returns	2,00,000	1,00,000
Salaries	1,00,000	-
Wages	2,00,000	-
Rent	8,000	-
Printing & Stationary	10,000	-
Travelling Expenses	20,000	-
Fuel and Power	1,20,000	-
Octroi charges	2,000	-
Custom Duty paid	4,000	-
Internet paid	16,000	-
Plant and Machinery	3,00,000	-
Land and Building	4,00,000	-
Furniture & Fixtures	80,000	-
Preliminary Expenses	60,000	-
Debtors	4,00,000	-
Creditors	-	6,00,000
Bills Receivable	6,00,000	-
Bills Payable	-	8,00,000
Bank Loan	-	2,00,000
Investments	30,00,000	-
Cash at bank	7,80,000	-
Total	73,00,000	73,00,000

Additional Information:-

- (i) Closing stock on 31.3.2017 Rs. 8,00,000
- (ii) Outstanding wages Rs. 40,000
- (iii) Outstanding rent Rs. 4,000
- (iv) Depreciation on Plant & Machinery to be charged @ 10% per annum
- (v) Depreciation on furniture to be charged @ 20% per annum

P.T.O.

6. (a) From the following Informations, prepare the Cost sheet of a Business, calculate total cost and cost per unit and the sales price. Total units produced and sold are 1000.

Raw Material used	Rs. 2,00,000
Direct wages paid	Rs. 1,00,000
Direct Expenses paid	Rs. 1,00,000
Factory overheads paid	Rs. 50,000
Office overheads paid	Rs. 50,000
Selling & Distribution Exp. Paid	Rs. 40,000
Profit Margin on Total cost	30%

- (b) From the following informations, calculate Break Even point sales

Fixed Cost	Rs. 10,00,000
Variable Costs	Rs. 60 per unit
Selling Price	Rs. 100 per unit
Total Units sold	1000

What will be B.E.P. sales to earn a Profit margin of 20% before tax.

- (c) What are the sources of Finance available to a Joint Stock Company, Discuss in Brief?

7. (a) What is the Income & Expenditure to be charged to Income & Expenditure Account of a Business for the financial year 2016-17 from the following data:

(i)	Subscription received during the year 2016-17	Rs. 3,00,000
	Subscription outstanding as on 31.3.2017	Rs. 1,00,000
	Subscription outstanding as on 31.3.2016	Rs. 50,000
	Subscription received in Advance as on 31.3.2016	Rs. 40,000
	Subscription received in Advance as on 31.3.2017	Rs. 30,000
(ii)	Wages paid during the year 2016-17	Rs. 80,000
	Wages outstanding as on 31.3.2017	Rs. 30,000
	Wages outstanding as on 31.3.2016	Rs. 20,000

- (b) What is a Bank Reconciliation Statement? What are the possible causes of difference in the balance shown by the Pass Book and the Cash Book?

- (c) Distinguish between Sale under the Hire Purchase System and sale under the Instalment System.

8. Write short note on any TWO of the following:

- (a) What is the difference between Equity Shares, Preference Shares and Debentures?  
 (b) What is the difference between Depreciation, Reserve and Provisions?  
 (c) Discuss in brief the various types of errors in financial Accounting.

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P.G. DIPLOMA IN INTELLECTUAL PROPERTY RIGHTS LAW

PAPER I – GENERAL REGIME OF INTELLECTUAL PROPERTY LAW

**Time: 3 hours**

**Max. Marks: 100**

**Answer any Five questions. All questions carry equal marks.**

1. Discuss the main efforts made through treaties to achieve international patent harmonization.
2. Why is the protection of traditional knowledge an important aspect of intellectual property? What methods has India adopted to protect its traditional knowledge?
3. Make a comparative analysis of prominent differences in application of intellectual property concepts across various jurisdictions in U.S. , E.U. and India in context of trademark law and copyright law.
4. Discuss implications of Section 3(5)(i) of the Competition Act, 2002 on intellectual property laws.
5. Write short note on the following:
  - a) Labour theory of intellectual property rights
  - b) Utilitarian theory of intellectual property rights
6. Discuss Trade Secret Law in India. How are trade secrets protected and their infringement prevented in India?
7. Describe the need for and the general layout of the TRIPs Agreement. What was the major impact of the TRIPs agreement on intellectual property laws in India?
8. Write short notes on any TWO of the following:
  - a) Madrid Agreement and Protocol
  - b) Berne Convention
  - c) Patent Cooperation Treaty

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P.G. DIPLOMA IN INTELLECTUAL PROPERTY RIGHTS LAW

PAPER II – LAW OF COPYRIGHT AND RELATED RIGHTS

**Time: 3 hours**

**Max. Marks: 100**

**Answer any Five questions. All questions carry equal marks.**

1. What are the exclusive economic rights of the copyright owner under the Copyright Act, 1957?
2. Discuss the *fair dealing* doctrine by referring to the law laid down by courts.
3. Copyright law protects expression of the idea, not the idea *per se*. Elucidate.
4. Berne Convention, 1886 provides for “*moral rights*”, that is, the right to claim authorship of the work and the right to object to any mutilation, deformation or other modification of, or other derogatory action in relation to, the work that would be prejudicial to the author’s honour or reputation (*Article 6bis*). Discuss author’s special rights under the Copyright Act, 1957.
5. Performers and Broadcasting Organizations act as intermediaries in disseminating and broadcasting of the works. What are the provisions under the Copyright Act, 1957 which deal with the special rights of Performers and Broadcasting Organizations? What is the term of protection of Performers and Broadcasting Organizations?
6. What is Assignment in copyright? What are the requisites of valid assignment of Copyright?
7. Discuss the special provisions related to cover versions under Section 31C of the Copyright Act, 1957.
8. Write short note on any TWO of the following:
  - (a) First Sale Doctrine
  - (b) Sweat of the Brow Doctrine
  - (c) Minimal Creativity Doctrine

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# THE INDIAN LAW INSTITUTE

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ANNUAL EXAMINATION – APRIL 2017

## P.G. DIPLOMA IN INTELLECTUAL PROPERTY RIGHTS LAW PAPER III – LAW OF PATENTS, TRADE SECRETS AND RELATED RIGHTS

**Time: 3 hours**

**Max. Marks: 100**

**Answer any Five questions. All questions carry equal marks.**

1. Discuss the impact of TRIPS Agreement on developing countries. What are the flexibilities made available to the developing and least developed countries under the Agreement in lieu of stringent international obligations.
2. Critically evaluate the conditions and requirements for patentability in India. What inventions are considered non-patentable under Section 3 & 4 under Patents Act, 1970.
3. Discuss the rights of Farmers and Plant Breeders under Protection of Plant Varieties and Farmer's Rights Act, 2001.
4. Discuss the provisions regarding the licensing of patents for public health issues and parallel imports under the Patents Act, 1970.
5. A pre-grant representations moved by an interested party under section 25(1) of the Patents Act against the grant of a patent. The representation is rejected by the Controller of Patents and patent is granted. What other steps can be taken by the party under the Patents Act, 1970 to get the patent revoked? Explain with the help of recent case law.
6. What do you mean by the doctrine of anticipation of an invention? Explain the extent and scope of this doctrine in the context of different provisions under the Patents Act, 1970.
7. Discuss the concept of benefits sharing in relation to biodiversity in India. Discuss the efficacy of the regulatory mechanism available for this purpose under the Biodiversity Act, 2002.
8. Write short notes on any TWO of the following:
  - a. Revocation of Patents
  - b. Traditional Knowledge
  - c. Trade Secrets

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# THE INDIAN LAW INSTITUTE

(Deemed University)

NEW DELHI

ANNUAL EXAMINATION – APRIL 2017

P.G. DIPLOMA IN INTELLECTUAL PROPERTY RIGHTS LAW

PAPER IV – LAW OF TRADEMARKS, DESIGNS AND UNFAIR COMPETITION

**Time: 3 hours**

**Max. Marks: 100**

**Answer any Five questions. All questions carry equal marks.**

1. What are well known trademarks? Discuss the factors that are irrelevant to determine a trademark as a well known trademark.
2. What are the tests for finding out whether a trademark possesses inherent or acquired distinctive character.
3. Define the expression “deceptively similar” under the Trade Marks Act, 1999. Discuss the main tests laid down for determining whether the two trademarks are deceptively similar or not, with reference to the judicial pronouncements.
4. Elucidate the provisions of TRIPS Agreement for the protection of trademarks.
5. “Domain names shall be protected by the legal principles which are applicable to Trademarks.” Justify the statement with help of relevant case law.
6. Doctrine of Dilution stands aloof and independent from the doctrine of ‘likelihood of confusion’. Elucidate the statement with help of relevant case law.
7. Comparative Advertising which discredits or denigrates the trademark of the competitor is not permitted under Trade Marks Act, 1999. Explain with help of relevant case law.
8. Write short notes on any TWO of the following:
  - (a) Passing Off
  - (b) Assignment of Trademark
  - (c) Collective mark

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NEW DELHI

ANNUAL EXAMINATION-APRIL 2017

P.G. DIPLOMA IN INTELLECTUAL PROPERTY RIGHTS LAW

Paper V – INDUSTRIAL DESIGNS, GEOGRAPHICAL INDICATIONS AND  
LAYOUT-DESIGNS OF INTEGRATED CIRCUITS

**Time: 3 hours**

**Max. Marks: 100**

**Answer any Five questions. All questions carry equal marks.**

1. With reference to international conventions, trace the historical development of design protection.
2. Explain the provisions regarding infringement of Geographical Indications and what are the remedies available under the Geographical Indications Act 1999?
3. Differentiate between the protection under GI Act and Trademark Act?
4. Comment on the SICLD (The Semiconductor Integrated Circuits Layout Design Act, 2000) Act with reference to the TRIPS agreement and Washington treaty?
5. Explain the contours of freedoms provided by the SICLD Act such as reverse engineering, innocent infringement and first sale?
6. Differentiate between the design protection under Copyright Act and Design Act.
7. Explain the procedure for registration of Geographical Indications under the GI Act, 2000. Is restoration of a lapsed GI possible?
8. Write short note on any TWO of the following:
  - i. Parallel Import in context of GI
  - ii. Innovation and Novelty in context of design protection
  - iii. Utility Model

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