

**ISC SEMESTER 1 EXAMINATION**  
**SPECIMEN QUESTION PAPER**  
**LEGAL STUDIES**  
**PAPER 1**  
**(THEORY)**

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*Maximum Marks: 70*

*Time allowed: One and a half hours*

*(Candidates are allowed additional 15 minutes for only reading the paper.)*

**ALL QUESTIONS ARE COMPULSORY**

*The marks intended for questions are given in brackets [ ].*

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*Select the correct option for each of the following questions.*

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**Question 1**

**[30]**

Choose the correct option to answer the following questions.

- (i) TRIPS is an international agreement that sets \_\_\_\_\_ for all World Trade Organization countries.
  - (a) Maximum Standards for protection of intellectual property.
  - (b) Minimum standards for intellectual property protection.
  - (c) Basic standards.
  - (d) Basic Limitations.
  
- (ii) Patent applications can be filed in India by:
  - (a) True and First Inventor.
  - (b) Assignee of the inventor.
  - (c) Legal representative of the inventor.
  - (d) All of the above.

- (iii) What is the distinctive feature of a Geographical Indication?
- (a) Geographical origin
  - (b) Commercial value of a good
  - (c) Place of assembly of parts
  - (d) Public acknowledgement.
- (iv) Who can register Geographical Indication?
- (a) An Individual
  - (b) Company
  - (c) Association of Producers.
  - (d) None of the above.
- (v) The Term 'WIPO' stands for:
- (a) World Investment Policy Organisation.
  - (b) World Intellectual Property Organisation.
  - (c) Wildlife Investigation and Policing Organisation.
  - (d) World Institute for Prevention of Organised Crime
- (vi) The author of a work may \_\_\_\_\_ all or any of the rights in the copyright only after the work is available in the public domain.
- (a) Relinquish
  - (b) Assign
  - (c) Licence
  - (d) Transfer
- (vii) The term "publication", under The Copyright Act of 1957 means making a work available to the public by bringing out copies or by \_\_\_\_\_ the work to the public.
- (a) Transmitting
  - (b) Transferring
  - (c) Communicating
  - (d) Forwarding

- (viii) In India, the registration of copyright is \_\_\_\_\_ as the registration is treated as mere recording of a fact and does not create or confer any new right.
- (a) Not exclusive.
  - (b) Not mandatory.
  - (c) Not transferable.
  - (d) Not inclusive.
- (ix) Which of the following Geographical Indications are not prohibited from registration in India?
- (a) That which is likely to deceive or cause confusion.
  - (b) That which relates to goods produced with traditional knowledge.
  - (c) That which comprises or contains scandalous or obscene matter.
  - (d) That which would otherwise be disentitled to protection in a court.
- (x) Who can sue for infringement of a trademark?
- (a) Central Government on behalf of owner.
  - (b) Registered trademark owner only.
  - (c) Unregistered trademark owner.
  - (d) State Government on behalf of owner.
- (xi) Which of the following is the right conferred to the patentee?
- (a) Right to not work out patent.
  - (b) Right to exploit patent.
  - (c) Right to expand patent.
  - (d) Right to oppose compulsory licence.
- (xii) Which of the following is not patent-able in India?
- (a) Process of medical treatment of human beings and animals.
  - (b) Methods of agriculture or horticulture.
  - (c) Inventions related to atomic energy.
  - (d) None of these.

- (xiii) Section 9 of the Trade Marks Act contains provisions regarding \_\_\_\_\_.
- (a) Absolute grounds for refusal.
  - (b) Relative grounds for refusal.
  - (c) Grounds for opposition.
  - (d) Grounds for infringement action.
- (xiv) Geographical Indication is a:
- (a) Private right
  - (b) Community right
  - (c) Intellectual property right
  - (d) Both (b) and (c)
- (xv) Certification mark indicates \_\_\_\_\_.
- (a) Source
  - (b) Quality
  - (c) Both (a) and (b)
  - (d) None of the above
- (xvi) Which of the following ADR processes is quasi-judicial?
- (a) Arbitration
  - (b) Mediation
  - (c) Conciliation
  - (d) Negotiation
- (xvii) Under which of the following codes can Arbitral Award be enforced as a decree?
- (a) Code of Criminal Procedure
  - (b) Code of Civil Procedure
  - (c) Either (a) or (b)
  - (d) None of these
- (xviii) What is Intellectual Property?
- (a) A bundle of many rights.
  - (b) A transferable right.
  - (c) Intangible.
  - (d) All of the above.

- (xix) Arbitration can be:
- (a) Ad-hoc
  - (b) Contractual
  - (c) Institutional
  - (d) All of the above
- (xx) Which of the following techniques are not included in ADR?
- (a) Negotiation
  - (b) Conciliation
  - (c) Arbitration
  - (d) Lokpal
- (xxi) The number of arbitrators that can be appointed by the parties is:
- (a) Three
  - (b) Two
  - (c) Eight
  - (d) Ten
- (xxii) What are the essentials of an arbitration agreement?
- (a) Fee of the arbitrators must be mentioned.
  - (b) Parties should be willing to settle differences by arbitral process.
  - (c) Seat of the arbitration must be mentioned.
  - (d) Governing law of arbitration must be mentioned.
- (xxiii) Which of the following statutes govern the Lok Adalat?
- (a) Lok Adalat Act.
  - (b) Legal Services Authority Act.
  - (c) Right to Information Act.
  - (d) None of the above.

- (xxiv) The conciliator is bound by:
- (a) Principles of Natural Justice.
  - (b) Code of Criminal Procedure, 1973.
  - (c) Code of Civil Procedure, 1908.
  - (d) Both (a) and (c).
- (xxv) Which of the following is an incorrect statement?
- (a) The conciliator shall assist the parties in an impartial and independent manner.
  - (b) The conciliator can make proposals for settlement, if it is accompanied by the statement of reasons.
  - (c) The conciliator shall be guided by the principles of objectivity, fairness and justice.
  - (d) None of the above.
- (xxvi) Which of the following disputes can be resolved through mediation?
- (a) Election disputes
  - (b) Criminal offences
  - (c) Matrimonial disputes
  - (d) Cases of Minors
- (xxvii) Which of the following is the most correct description of arbitration?
- (a) An informal meeting between the parties to discuss the way to resolve the issue.
  - (b) An adjudicative process where the parties submit their dispute to an impartial tribunal for a binding decision.
  - (c) A meeting between the parties where an impartial third party facilitates discussions.
  - (d) None of the above.
- (xxviii) The award made by the Lok Adalat is:
- (a) Deemed to be a decree of the civil court like arbitration award.
  - (b) Deemed to be a decree of the family court.
  - (c) Effective as an arbitral award.
  - (d) Not binding on the party.

- (xxix) What type of cases are not dealt by Lok Adalat?
- (a) Compoundable criminal offences.
  - (b) Family disputes.
  - (c) Non-compoundable criminal offences.
  - (d) Motor accident claims.
- (xxx) In principle, an award is a final determination of a \_\_\_\_\_ in the arbitration.
- (a) Particular issue
  - (b) Claim
  - (c) Either (a) or (b)
  - (d) None of the above

**Question 2**

**[20]**

*Read the passage given below and answer the following questions by choosing the correct option.*

1. Company X Ltd. and Y Ltd. referred their dispute for arbitration as per the agreement. The arbitrators passed an award without giving an opportunity to Y Ltd. to present their arguments.
- (a) The arbitration award is \_\_\_\_\_.
    - (i) Valid
    - (ii) Invalid
    - (iii) Incomplete
    - (iv) Illegal
  - (b) Can Y Ltd. take recourse to a Court?
    - (i) Yes, as it is a violation of natural justice principles.
    - (ii) No, as arbitrators are not obliged to hear both the sides.
    - (iii) Only with the consent of arbitrator.
    - (iv) Only with the permission from Supreme Court.

2. Sanjay and Mohit are partners in a firm. They make an agreement in writing to refer to an arbitrator regarding any dispute between them in business. In spite of this agreement, Sanjay files a suit in court against Mohit relating to a dispute.
- (a) When does the Court have jurisdiction to decide the dispute?
    - (i) When no valid arbitration agreement exists.
    - (ii) When one of the parties does not want arbitration.
    - (iii) When the disputed amount is above ₹ 10 lakhs.
    - (iv) When the partnership is registered.
  - (b) When should Sanjay approach the Court?
    - (i) At the time of filing an appeal in Court only against arbitral award.
    - (ii) Anytime during the arbitration proceeding.
    - (iii) After filing an FIR with the police.
    - (iv) After the constitution of the Arbitral Tribunal.
3. The People's Court or Lok Adalat is an important institution to bring justice in all spheres of life of the common man, in a friendly and accessible manner.
- (a) With reference to Lok Adalat, which one of the following statements is correct?
    - (i) Lok Adalat have the jurisdiction to settle the matters at pre-litigative stage and not the pending matters before any court.
    - (ii) Lok Adalat can deal with civil and criminal matters.
    - (iii) Every Lok Adalat consists of either serving or retired judicial officers only.
    - (iv) None of the above
  - (b) What kind of cases can be referred to Lok Adalat?
    - (i) Any case pending before any court.
    - (ii) Any dispute which has not been brought before any court but is likely to be filed.
    - (iii) A case arising out of an FIR.
    - (iv) A case involving the armed forces.



4. A company manufacturing Air Conditioners wanted to register “CoolAC” as their trademark. However, their application was rejected.
- (a) Their application was rejected because:
    - (i) The mark lacked distinctiveness.
    - (ii) The mark described the features of the goods or services.
    - (iii) The mark was fancy.
    - (iv) The mark was obscene.
  - (b) They should have instead chosen:
    - (i) A suggestive mark like “Polar” which does not describe the product.
    - (ii) A distinctive font and colour scheme for “CoolAC”.
    - (iii) To register a patent instead.
    - (iv) To register it as a copyright.
5. Koka-Koala is a new brand of chocolates whose packaging logo has the words “Koka-Koala” and a Koala bear. Both are in red and white colours just like in the Coca-Cola trademark.
- (a) Can Koka-Koala get a trademark on this logo? Why?
    - (i) Yes, as the product belongs to a different class of products.
    - (ii) No, as Coca-Cola is a registered mark and can prevent use of similar marks even for a different class of products.
    - (iii) Yes, as a red Koala bear is a distinct image.
    - (iv) No, as Coca-Cola is a large and powerful corporation.
  - (b) A Trademark can only consist of words and symbols because
    - (i) Only words and symbols can be printed on the two dimensions of paper.
    - (ii) Only words and symbols have different meanings.
    - (iii) Trademarks can consist of 3-dimensional shapes and even sounds.
    - (iv) Trademarks cannot contain copyrighted works.

6. Mr. Fixer is a practical genius who likes to explore gadgets. He decides to combine a mini flashlight with a lighter.

(a) Mr. Fixer can get a patent on this device because:

(i) It is novel and unobvious.

(ii) It is a combination of two existing inventions

(iii) Mr. Fixer is a known inventor.

(iv) Mr. Fixer has already filed the maximum patent applications allowed.

(b) Choose the correct option in the light of the statement given below.

An invention can be patented if it meets the criteria of novelty, innovation and industrial application.

(i) This is true as all conditions under law are met.

(ii) This is false as drugs and other compounds prepared by chemical methods are not patentable even if all these conditions are met.

(iii) This is false as inventions are just discoveries of a prior art.

(iv) This is true only if the application is filed within one year.

7. Mineral Springs is an area adjacent to the Darjeeling City where high quality tea is grown. The producers there want to register their own Geographical Indication (GI).

(a) What should a producer ensure to register his/her own Geographical Indication?

(i) GI is not likely to deceive or cause any confusion.

(ii) GI is not contrary to any existing law.

(iii) GI does not comprise or contain scandalous or obscene matter.

(iv) All of the above.

(b) Any authorised user of a GI acquires the:

(i) Right to obtain relief in case of infringement of the GI.

(ii) Right to use the GI mark.

(iii) Both (i) and (ii).

(iv) None of the above.

8. Trinity is a computer genius and has written an algorithm to enable robots to paint stunning works of art.
- (a) Under the Copyright Act, her programme is:
    - (i) A literary work
    - (ii) An artistic work
    - (iii) A work of sculpture
    - (iv) A photograph
  - (b) The only criteria for copyright protection apart from fixation is:
    - (i) Novelty
    - (ii) Originality
    - (iii) Literary merit
    - (iv) Monetary value
9. A college professor uses examples and exercises from a textbook in his online lectures, study material and exam question papers. He does so without taking permission from the Author or Publisher.
- (a) What can the Professor be termed guilty of?
    - (i) Copyright infringement.
    - (ii) Using unfair means.
    - (iii) Plagiarism and violation of professional ethics.
    - (iv) Bad intentions
  - (b) What does Section 52 of the Copyright Act do?
    - (i) Gives instances of actions that infringe copyright.
    - (ii) Gives instances of actions that do not infringe copyright.
    - (iii) Gives the process of registration a copyright.
    - (iv) Defines the protected works.

10. India had no laws regarding Geographical Indication until the Basmati Rice controversy highlighted the issue.
- (a) The Geographical Indication (Protection and Registration) Act was passed in the year:
- (i) 1997
  - (ii) 1999
  - (iii) 1998
  - (iv) 2000
- (b) What should the application for registration of a Geographical Indication (GI) include?
- (i) The geographical map of the territory, country, region or locality in which the goods originate or are manufactured.
  - (ii) The class of goods to which the product belongs.
  - (iii) Both (i) and (ii).
  - (iv) None of the above

### Question 3

[20]

1. Nishtha and Diksha are talented illustrators and script writers. They collaborate to create a graphic comic called 'The Demon-crazy Chronicles' and give it to a local book publisher, Rashtra Publications. The publications commissions them to create more episodes and also guides them in the process of registration to acquire copyright. Thereafter, it obtains the publishing rights over the comics via assignment. Soon, the comic becomes a popular bestseller.

Bhrashtachar, a rival publishing house, begins to sell sub-standard replicas at a cheaper price.

- (a) In the context of the passage given above, who is the author of the graphic comic?
- (i) Nishtha and Diksha are joint authors of the work as their contribution to the work is not distinct from each other.
  - (ii) Nishtha and Diksha are not joint authors of the work as their contribution is distinct.
  - (iii) Neither Nishtha nor Diksha are the authors of the work as Rashtra has commissioned them.
  - (iv) Rashtra Publications is the author as it brings out the comic in the market.

- (b) Who can sue Bhrashtachar for copyright infringement?
  - (i) Only Nishtha
  - (ii) Only Diksha
  - (iii) Either Nishtha or Diksha
  - (iv) Rashtra
- (c) Who has the rights of adaptation over the comic?
  - (i) Only Nishtha
  - (ii) Only Diksha
  - (iii) Nishtha and Diksha jointly
  - (iv) Rashtra
- (d) What is mandatory while drafting the Adaptation Rights?
  - (i) Clearly identifying the work and rights being assigned.
  - (ii) Specifying the duration of assignment.
  - (iii) Specifying the territorial extent of such assignment.
  - (iv) Specifying the amount of royalty payable to the author or his legal heirs.
- (e) Which of the following consequences can Bhrashtachar face for infringement?
  - (i) Anton Pillar order allowing the plaintiff to inspect its premises.
  - (ii) Mareva injunction to freeze its assets.
  - (iii) Criminal charges amounting to life imprisonment.
  - (iv) Damages based on the number of infringing copies sold.

2. During the time of the pandemic Covid-19, physical hearings in courts have been suspended and norms of social distancing are followed which has led to the emergence of mediation as a tool for conflict resolution. Litigants have begun to realise the benefits of mediation. Mediation and Conciliation have led to early resolve of the disputes without the need for arduous trials.

- (a) Section \_\_\_\_\_ of CPC advocates alternate dispute resolution methods to resolve the dispute.
- (i) 69
  - (ii) 89
  - (iii) 11
  - (iv) 98
- (b) Which of the following matters cannot be referred to ADR ?.
- (i) Customer complaints
  - (ii) Civil cases
  - (iii) Criminal cases
  - (iv) Cases of trade disputes
- (c) While drafting a contract, mediation clause:
- (i) Should not be included as it delays the resolution of the dispute.
  - (ii) Should be included as it resolves the dispute in a less time.
  - (iii) Should be included as it is mandatory.
  - (iv) Does not exist and there is only mediation agreement.
- (d) Conciliation proceedings come to an end when:
- (i) The conciliator thinks that there is a possibility of a settlement.
  - (ii) The conciliator formulates the terms of settlement.
  - (iii) The conciliator draws up a plan for settlement with the consent of the parties.
  - (iv) The settlement agreement is signed by both the parties.
- (e) Which of the following statements is correct about Mediation?
- (i) It is not recognised by the legislation in India.
  - (ii) It is not recognised as an alternative dispute resolution mechanism for all kinds of disputes.
  - (iii) It is not recognised as an alternative dispute resolution mechanism for certain kinds of disputes.
  - (iv) It is not an alternative dispute resolution mechanism.

3. “Thought Umbrellas” are a unique product made of the giant heart-shaped leaves of the *macaranga nicobarica* plant indigenous to the Andaman and Nicobar Islands. The Islanders believe that sleeping in their shade makes dreams come true and gives one creative thoughts and ideas. They have a huge demand as a cultural souvenir in domestic and international markets.
- (a) If a person has a creative idea while sitting under a Thought Umbrella and scribbles it onto the sand, will he/she acquire copyright?
- (i) Yes, as copyright does not require any registration and is acquired immediately on expression.
  - (ii) No, as there is no fixation in a tangible medium.
  - (iii) No, as the scribbled words are not original.
  - (iv) No, as a scribble on sand is a sand sculpture.
- (b) What does the idea-expression dichotomy allow?
- (i) Only one copyright on one idea.
  - (ii) Several copyrights on the same idea.
  - (iii) No copyright on ideas only on expressions.
  - (iv) Several copyrights on expressions of the same idea
- (c) What do Geographical Indications (GI) imply in relation to goods?
- (i) The place where the goods are manufactured.
  - (ii) A geographical place.
  - (iii) A link between the characteristics of the good and the region where it is produced.
  - (iv) The origin of goods.
- (d) *Copyright in Literary Works (published during the lifetime of the Author)* has a duration of \_\_\_\_ years.
- (i) 100
  - (ii) 40
  - (iii) 50
  - (iv) 60

- (e) How can the islanders protect the “Thought Umbrellas”?
  - (i) By registering a copyright
  - (ii) By acquiring a patent.
  - (iii) By forming an association of producers and registering it as a Geographical Indication
  - (iv) By designing a colourful umbrella logo and filing a trademark application.
  
- 4. Ranvir and Lipika had a matrimonial dispute for which they opted for litigation as the mode of dispute resolution. However, the procedure turned out to be very lengthy with long gaps between hearing dates. Many a times, the lawyers representing the parties charged their fees without fruitful results.
  - (a) Choose a suitable alternative dispute resolution method for Ranvir and Lipika for a speedy disposal of their dispute.
    - (i) Mediation
    - (ii) Lok Adalat
    - (iii) Family Court
    - (iv) Panchayat
  - (b) Which is the correct statement about ADR?
    - (i) It has made little progress as a mode of dispute resolution in comparison to formal litigation.
    - (ii) It can carry the full power and weight of any formal litigation setting if the parties participate and accept the decision.
    - (iii) It is not binding but only optional.
    - (iv) It cannot be judicially enforced.
  - (c) Which of the following is a disadvantage of Arbitration?
    - (i) High fee
    - (ii) Limited appeal
    - (iii) Flexibility
    - (iv) Quickness



- (d) Mediation results are voluntary when:
  - (i) Both the parties agree to accept the resolution
  - (ii) The mediator insists to accept the resolution
  - (iii) The court confirms
  - (iv) The winning part accepts it
  
- (e) Identify the correct statement on the comparison of the role of a mediator with that of an arbitrator.
  - (i) Arbitrators and Mediators carry out their tasks identically.
  - (ii) Arbitrators and Mediators have different approaches.
  - (iii) Mediators tend to favor one side over the other in the final decision.
  - (iv) Arbitrators tend to favor one side over the other in the final decision.