

UNIVERSITY OF COLOMBO, SRI LANKA
FACULTY OF LAW
DEGREE OF MASTER OF LAWS BY COURSEWORK - 2023/24
SEMESTER I END EXAMINATION

Intellectual Property Law – TLLM11312
(Three Hours)

Total number of questions: 04

Answer any **Three (03)** questions and **no more**.
(Candidates will be penalized for illegible handwriting.)

1. “Adventures of King Rajasinghe” is a novel written by Mr. Rao, a famous novelist in Sri Lanka. The book was published by Kurulu Publication Company. This novel is mainly based on some adventurous life experiences and chronicles of King Rajasinghe I who ruled the country during the period of Sithawaka Kingdom. Although the whole story is based on many real historical events, the novel mainly carries a story relating to an illicit affair of one of the ministers of King Rajasinghe, a love story hypothetically created by the writer. The book has a high circulation in the local market. Meanwhile the Ministry of Education recommends the book as an additional reading book for the Advanced Level Art stream students.

Victor is a well-known film director in Sri Lanka. He was commissioned by Mr. Virath to make a film based on the chronicles of King Rajasinghe I. The film called *King Rajasinghe* is now being screened throughout the country under the directorship of Victor and as a production of Mr. Virath. The film carries many similar incidents that are described in the novel. The love story carried by the novel has also been reproduced in the film with some modifications created by the script writer. Mr. Rao finds that Mr. Virath has reproduced many parts of his novel in the film. Due to the shortage of the copies of the book available in the market, Siyatha Printers, a printing company in Sri Lanka, decides

to print additional thousand copies of the novel and sell them in the market at the same price as that of Kurulu Publication.

Analyze the legal issues relating to the violation of copyright in the above factual scenario and remedies available to the parties concerned.

2. The inadmissibility of a mark in Sri Lanka is determined based on the absolute and relative grounds for refusal stipulated by the Intellectual Property Act, No. 36 of 2023. Although some of these grounds can possibly overlap, each ground serves a distinct purpose.

Discuss the above statement with special reference to the relevant provisions of the Intellectual Property Act of Sri Lanka and decided cases. You are required to substantiate your answer with practical insights.

3. In establishing the standard of novelty, non-availability of the invention in the *prior art* plays a very significant role. Similarly, when proving the inventive step of an invention, non-obviousness to a *person having ordinary skill in the art* plays an equally important role. However, both criteria impose very high thresholds.

Do you agree with this statement? Critically analyze with special focus on the patentability of an invention under the Sri Lankan law.

4. Law relating to unfair competition in Sri Lanka effectively addresses any issue arising from any act or practice carried out or engaged in, in the course of industrial or commercial activities, that is contrary to honest practices in the market. This is also an additional remedy for any kind of infringement of intellectual property rights recognized by the Intellectual Property Act, No.36 of 2003 of Sri Lanka.

Critique the validity of the above statement drawing examples from relevant statutory provisions and case law jurisprudence of Sri Lanka.
