

UNIVERSITY OF COLOMBO, SRI LANKA
FACULTY OF LAW
MASTER OF LAWS DEGREE PROGRAMME 2022/24
REPEAT EXAMINATION – TRIMESTER I, II, III & IV

Intellectual Property Law – LLM 1084

(Three Hours)

Total number of questions: 04

Answer any **Three** questions only.
(Candidates will be penalized for illegible handwriting.)

1. Copyright law provides protection for literary, artistic or scientific works which are original intellectual creations of authors. However, due to the expansion of technological development and entrepreneurship in modern society, the meanings of originality and authorship are subject to multiple interpretations.

Do you agree with the above statement? Discuss with reference to different challenges faced by the legal regime governing copyright in Sri Lanka.

(100 Marks)

2. Dishan is an undergraduate student who studies at the Faculty of Science of the University of Ruhuna. His parents and many relatives have engaged in cinnamon related industries in the Southern Province for a long time. After experiencing the hardship entailed in cinnamon bark feeling by using traditional methods, Dishan, during his leisure times at home, developed a new machine for cinnamon bark feeling. While designing the machine Dishan shared his experiences with Ramesh, one of his batch mates, who has also provided some valuable insights in inventing the machine.

Dishan published a research article in the university journal of scientific discovery explaining the existing know-how and how his invention differs from the prior knowledge. After seeing the research article, the university administration decided to produce the new machine as part of its university-industry collaboration project with a

renowned industry in the country, claiming patent rights for the university. Meanwhile, Ramesh is of the view that he can claim joint ownership for the machine.

Dishan wants to obtain sole patent ownership for the invention. He seeks your opinion on the patentability of this invention under the Intellectual Property Act, No.36 of 2003 of Sri Lanka. He further wishes to know how he can challenge the claims made by both the university and Ramesh regarding the patent ownership of the invention. Advise Dishan.

(100 Marks)

3. Law relating to the protection of marks, names and get-up is important in the perspective of required market power of traders as well as protecting different interests of consumers. Generally, the trademark owner obtains a bundle of exclusive rights upon securing a registration for his mark. These statutory embedded exclusive rights are in the form of positive and negative rights.

Do you think that the above statement correctly indicates the present position of trademark law in Sri Lanka? Discuss with reference to relevant statutory provisions and case law jurisprudence,

(100 Marks)

4. Answer Either

- a. Unlike many other branches of intellectual property, the areas covered under geographical indications are more country specific. India has understood this position well and accordingly addressed the issue successfully. However, Sri Lanka is far behind in implementing a comprehensive law relating to geographical indications.

Does this statement highlight the correct position pertaining to the protection of geographical indications in Sri Lanka? Critically comment citing practical examples and legal provisions

(100 Marks)

OR,

- b. It is not easy to propose any precise definition of a trade secret. However, there are many opinions among the legal experts that this branch of law should be given standalone protection.

In light of the above statement, critically analyse the importance of introducing a self-standing legal regime for trade secrets in Sri Lanka highlighting the pros and cons of current legal regime.

(100 Marks)
