

**UNIVERSITY OF COLOMBO, SRI LANKA**  
**FACULTY OF LAW**  
**DEGREE OF MASTER OF LAWS IN COMMERCIAL LAW- 2024/25**  
**SEMESTER I END EXAMINATION**

**(Intellectual Property Law – TLLM 11312)**  
**(Three Hours)**

Total number of questions: 04

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

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1. "Copyright is not granted in respect of the ideas contained in the works. It is given to the tangible forms in which they are expressed. Thus, it is not an infringement of the copyright if an idea is taken from another source and applied. It would be infringement, if what is taken involves an expression of the idea."

*R.G. Anand vs. Delux Films*, AIR 1978, SC, 1613.

In light of the above opinion, identify the relevant provisions of the Intellectual Property Act of Sri Lanka that deal with the above phenomenon and critique the approach adopted by Sri Lankan judiciary with reference to the said issue.

(20 marks)

2. Dr. Cooray, a mechanical engineer and an academic affiliated to the Central University of Sri Lanka, developed an innovative drone technology capable of autonomous navigation in disaster zones to deliver emergency supplies with exceptional precision. Over the past five years, he engaged in extensive research, constructed prototypes, and successfully conducted controlled experimental trials. Recognizing the commercial viability of his invention, he now seeks to secure patent protection in Sri Lanka. However, six months ago, Dr. Cooray publicly presented his research at a technology exhibition in Singapore, where he demonstrated the unique functionalities of the drone before an international audience. Furthermore, four months ago, a peer-

reviewed article detailing the fundamental technical aspects of his invention was published in an international aerospace journal. Further, his employment contract mandates research and development activities at the university but does not explicitly address the ownership of intellectual property invented by academics while in the active service.

Furthermore, Dr. Cooray expects to obtain patent protection in international markets including the United States, the European Union, China, Japan, Canada, and India.

Dr. Cooray seeks your legal advice. Critically assess patentability of his invention as per the statutory criteria set out in the IP Act of Sri Lanka and evaluate the potential challenges, he may encounter in securing patent protection for his invention. Enlighten him on the available options for obtaining patent rights in other jurisdictions.

(20 marks)

3. The primary function of a mark is to identify the origin of the goods and services. However, in today's context, a mark performs multiple other functions as well. Yet, the Sri Lankan judiciary has not taken cognizance of these additional functions of marks.

Do you agree with the above statement? Discuss with reference to the relevant statutory provisions and judicial decisions on trademarks given by the Sri Lankan courts.

(20 marks)

4. The tort of passing off and protection against unfair competition represent two different yet overlapping remedial actions in the domain of intellectual property law. However, the scope and application of these two causes of action vary.

Critically analyze the above statement with reference to the statutory provisions in Sri Lanka, Common Law principles and relevant judicial decisions.

(20 marks)

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