

UNIVERSITY OF COLOMBO, SRI LANKA
FACULTY OF LAW
MASTER OF LAWS DEGREE PROGRAMME 2024/26
2nd Semester End Examination – 2025
Intellectual Property Law – LLM12403

(Three Hours)

Total number of questions: 04

Answer any **Three (03)** questions only.
(Candidates will be penalized for illegible handwriting.)

01. In copyright law, authorship and ownership are two distinct concepts. While the author is having moral rights the owner of copyright possesses economic rights. Generally, the ownership flows from authorship; the person who makes the work is the first owner of the copyright in the work, provided that he/she has not created the work in the course of employment. Anyway, the owner of copyright is the person having the authority of exploiting the work using different methods such as licensing and assignment. However, this traditional concept of authorship and ownership of copyright has faced enormous issues due to the advancement of modern technology.

Do you agree with the above statement? Discuss with reference to the relevant legal provisions, case law and the issues faced by the copyright law in light of the development of current technologies.

(20 Marks)

02. Suresh is an engineer who has been fascinated by mechanical inventions since his school days. He currently works at RAM Engineering Holdings (Pvt) Ltd., a well-known apparel company in Sri Lanka, where he holds the position of Group Leader of Innovations. During the course of his regular working hours, and using the company's facilities and resources, Suresh developed a sophisticated full-body scanning system. The system captures the body geometry of customers using white light and infrared

technologies, and classifies the scans by suggesting suitable fabric types based on the individual's body morphology.

Previous systems were limited to basic shape extraction and rarely utilized skin reflectance for analytical purposes. In contrast, Suresh's system employs multi-spectral reflectance to detect body curvature, soft tissue regions, and high-stress zones. It further integrates thermal and optical data to predict and classify fabric needs, for instance, suggesting stretch fabric for curvier hips or non-stretch for more stable areas like shoulders.

- i. Suresh intends to apply for patent protection in Sri Lanka for this system and is in the process of preparing his application. However, he is uncertain whether the system meets the legal requirements for patentability under the Sri Lankan intellectual property law. He is also concerned about whether he is entitled to patent rights. Advise him assuming that you are Suresh's Attorney-at-Law.
- ii. Advise Suresh on the potential applicability of other intellectual property rights beyond patents that may offer protection for his innovation. In your answer, identify the different aspects of the system that may fall within the scope of such rights, and critically assess how effective each form of protection is.
- iii. Advise Suresh on the options available for securing patent protection for his system in jurisdictions outside Sri Lanka. Explain the different filing routes and recommend the most suitable route for obtaining effective patent protection in other jurisdictions.

(20 Marks)

03. In the context of economic development of many developing countries through investment and trade agreements, protection given for trademark plays a vital role. However, the protection given under the traditional trademark law has faced several issues due to the development of recognizing non-traditional trademarks and some conflicts emanated from AI-driven investments and trade. Trademark protection and public health issues remain areas to be addressed separately but attentively. Sri Lankan trademark law is still far behind in addressing these important issues.

In light of the above statement, analyze the existing trademark law in Sri Lanka while identifying some present-day challenges faced by it.

(20 Marks)

04. Answer Either (i) OR (ii):

- i. Sri Lankan trade secret law has been enacted as an aspect coming under the broad scope of law relating to unfair competition. This situation neither serves for proper recognition of unfair competition law nor the promotion of trade secret law in Sri Lanka.

Critically analyze the above statement with reference to the provisions of the current IP Act and case law jurisprudence.

- ii. In the context of bringing local industries to the global market while securing their identity relating to originality and locality geographical indication law in a country plays a vital role. Law relating to geographical indication in Sri Lanka still requires reforms to achieve this target.

Discuss with special reference to law relating to geographical indication in Sri Lanka.

(20 Marks)
