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[For departmental use]
[Exercise-03]

E-exercise

On

Intellectual Property Rights
(I.P.R.)

Note:

In this E-exercise, attempts have been made to understand the concept of Intellectual Property Rights in the Customs and Excise Department. It is expected that it will help the new entrants into the service. Though all efforts have been made to make this exercise error free, but it is possible that some errors might have crept into the same. If you notice any errors or if you have any suggestion to improve this exercise, the same may be brought to the notice to the NACEN, RTI, Kanpur on the Email addresses: rtinacenkanpur@yahoo.co.in or goyalcp@hotmail.com (Email address of ADG, RTI, NACEN, Kanpur). This may not be a perfect E-exercise and all are requested to assist us to make it better.

Take the following Quiz & Test your knowledge

Participant is requested to undertake this test as to check his knowledge of Intellectual Property Rights and role of Customs authority in enforcement of these rights at Border.

Q. No.1 The distribution of work among various ministries of the GOI is specified is:-

- (a). Intellectual Property Right (Imported Goods) Enforcement Rules,2007
- (b). The Government of India (Allocation of Business) Rules,1962
- (c). Transportation of Goods (Through Foreign Territory), Regulation 1995
- (d). None of the above

Q. No.2 The Ministry in GOI who administers Copyright Act, 1957 is

- (a). Ministry of Human Resource Development
- (b). Ministry of Commerce & Industry
- (c). Ministry of Agriculture
- (d). Ministry of Communication & Information Technology

Q. No.3 The Ministry in GOI who administers Trademark Act, 1999 is

- (a). Ministry of Human Resource Development
- (b). Ministry of Commerce & Industry
- (c). Ministry of Communication & Information Technology
- (d). Ministry of Agriculture

Q. No.4 The Ministry in GOI who administers Design Act, 2000 is

- (a). Ministry of Human Resource Development
- (b). Ministry of Communication & Information Technology
- (c). Ministry of Commerce & Industry
- (d). Ministry of Agriculture

Q. No.5 The Ministry in GOI who administers Patent Act, 1970 is

- (a). Ministry of Human Resource Development
- (b). Ministry of Agriculture
- (c). Ministry of Communication & Information Technology
- (d). Ministry of Commerce & Industry

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- Q. No.6 The Ministry in GOI who administers Geographical Indication of goods Act, 1999 is
- (a). Ministry of Human Resource Development
 - (b). Ministry of Commerce & Industry
 - (c). Ministry of Communication & Information Technology
 - (d). Ministry of Agriculture
- Q. No.7 The Ministry in GOI who administers Protection of Plant Varieties Farmers Rights Act, 2001 is
- (a). Ministry of Human Resource Development
 - (b). Ministry of Commerce & Industry
 - (c). Ministry of Agriculture
 - (d). Ministry of Communication & Information Technology
- Q. No.8 The Ministry in GOI who administers Semi Conductor Integrated Circuits Layout Design Act, 2000 is
- (a). Ministry of Human Resource Development
 - (b). Ministry of Commerce & Industry
 - (c). Ministry of Communication & Information Technology
 - (d). Ministry of Agriculture
- Q. No.9 India is a signatory of W.T.O. treaty on Trade Related Aspects of IPRs (TRIPS) which came into force w.e.f._____ and Articles_____ of TRIPS Agreement relate to border measures.
- (a). 01.07.1995, 21-30
 - (b). 01.01.1995, 51-60
 - (c). 01.12.1995, 31-40
 - (d). 01.04.1995, 41-50
- Q. No.10 Relevant clauses under Customs Act, which prohibit import or export of goods infringing IPRs, are
- (a). Section 11(2)(n) & (u)
 - (b). Section 11(2)(a) & (u)
 - (c). Section 11(2)(c) & (u)
 - (d). Section 11(2)(n) & (v)

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- Q. No.11 As per Customs Act, 1962, the prohibition of on import of infringing goods is applicable in respect of
- (a). Copyright, Geographical Indication & design
 - (b). Patent, Trademark & Design.
 - (c). Patents, Trademarks, Design, Copyright and Geographical Indications.
 - (d). Patent, Copyright & Trademark.
- Q. No.12 As per Customs Act, 1962, the prohibition of on export of infringing goods is applicable in respect of
- (a). Copyright, Geographical Indication & design
 - (b). Trademark.
 - (c). Patents, Trademarks, Design, Copyright and Geographical Indications.
 - (d). Patent, Copyright & Trademark.
- Q. No.13 Indicate notification Number, issued under Customs Act , which prohibits export of infringing goods.
- (a). 49/2007-Customs (NT), dated 08.05.2007
 - (b). 50/2007-Customs (NT), dated 08.05.2007
 - (c). 51/2010-Customs (NT), dated 30.06.2010
 - (d). None of the above.
- Q. No.14 Indicate notification number, issued under Customs Act, which prohibits import of infringing goods.
- (a). 50/2009-Customs (NT), dated 12.05.2009
 - (b). 50/2007-Customs (NT), dated 08.05.2007
 - (c). 51/2010-Customs (NT), dated 30.06.2010
 - (d). 40/2012-Customs (NT), dated 02.05.2012
- Q. No.15 Term "Parallel Import" relates to:-
- (a). Permitting import of counterfeit goods which are acquired legally abroad and imported into country.
 - (b). Permitting import of counterfeit goods which are acquired illegally abroad and imported into country.
 - (c). Permitting import of original / genuine goods which are acquired legally abroad and imported into country.
 - (d). Permitting import of original / genuine goods which are acquired illegally abroad and imported into country.

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Q. No.16 When goods are imported by the persons (other than intellectual property right holder) without permission / authorization of right holder, it will be termed as:-

- (a). Improper import
- (b). Import without permission
- (c). Parallel import
- (d). None of the above.

Q. No.17 The administrative Ministry in GOI which controls “Parallel Imports” in respect of Patents, Trademark & Design is

- (a). Ministry of Finance
- (b). Ministry of Commerce & Industry (DIP&P)
- (c). Ministry of Agriculture
- (d). Ministry of Communication & Information Technology

Q. No.18 Parallel Imports are not allowed for the goods infringing

- (a). Patent Act,1970
- (b). Trademark Act,1999
- (c). Design Act,2000
- (d). Copyright Act,1957

Q. No.19 Parallel Imports are not allowed for the goods infringing

- (a). Patent Act,1970
- (b). Trademark Act,1999
- (c). Copyright Act,1957
- (d). Geographical Indication of Goods (Registration and Protection) Act,1999

Q. No.20 Please complete the sentence:-

Importation of patented products by any person from a person who is duly authorized under the law to produce and sell or distribution the product

- (a). Shall be considered as an infringing of patent rights
- (b). Shall not be considered as an infringing of patent rights
- (c). Shall be allowed without any checks by the Customs authorities
- (d). None of the above

Q.No.21: Please complete the sentence:-

When goods bearing registered trademarks are lawfully acquired for further sale or dealing in such goods by purchaser

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- (a). Is not considered an infringement by reason only of the goods having been put on market with the consent of the proprietor.
- (b). Is not considered an infringement whether the proprietor has given his consent or not for putting the goods on market.
- (c). Is always allowed by Customs authorities without any Inspection
- (d). None of the above.

Q. No.22: Which of the following are offending goods as per IPR Rules, 2007 read with notification No. 51/2010- Customs (NT), dated 30.6.2010?

- (a). Mobile phones of bearing no mark of 'Samsung' but having the copy of the design of 'Samsung Galaxy Note II' model
- (b). Cheap Mobile phone bearing brand name of 'Samsung'
- (c). An Mobile accessories bearing an image of Apple as per the logo of Apple I-Phone
- (d). All the above.

Q. No.23 IPR provisions do not apply to -

- (a). minimal quantities
- (b). personal baggage containing small non-commercial consignments.
- (c). Geographical Indications
- (d). Both (a) and (b)

Q. No.24 Protection to which of the following intellectual property right is available in case of export of infringing goods?

- (a). Copyright
- (b). Industrial Design
- (c). Trademark
- (d). patent
- (e). All the above

ANSWERS OF MULTI CHOICE QUESTIONS (MCQs)

Q.No.	Answer
1.	b
2.	a
3.	b
4.	c
5.	d
6.	b
7.	c
8.	c
9.	b
10.	a
11.	c
12.	b
13.	b
14.	c
15.	c
16.	c
17.	b
18.	c
19.	d
20.	c
21.	a
22.	d
23.	d
24.	c