



UNIVERSITY OF NORTH BENGAL
B.A./BBA/B.Com. LL.B. (5 yr.) General 9th Semester Examination, 2020

PUBLIC INTERNATIONAL LAW

Time Allotted: 2 Hours

Full Marks: 50

The figures in the margin indicate full marks.

The students should attempt question no. 7 (compulsory) and any *three* from the rest

1. Write brief note on the followings: 5×2=10
 - (a) Describe the nature of Public International Law.
 - (b) Custom is a source of Public International Law. Explain it. 10
2. Analysis the phrase 'judicial decisions as a secondary source of Public International Law. 10
3. What are the Basic Principles regarding state jurisdiction? 10
4. Describe the Jurisdiction of State. 10
5. What is the role of Municipal Law in International Law? Explain it and vice-versa also. 10
6. What are the essential requirements of a state for recognition? 10
7. Write short notes on any **four** of the following: 5×4 = 20
 - (a) Treaties as a source of Public International Law
 - (b) Non-state Actors
 - (c) De-facto Recognition
 - (d) Legal Personality under Public International Law
 - (e) Constructive Theory of Recognition
 - (f) De-jure Recognition.

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INTELLECTUAL PROPERTY LAW

Time Allotted: 2 Hours

Full Marks: 50

*The figures in the margin indicate full marks.
All questions carry equal marks.*

Answer Question No. 7 and any three questions from the rest

1. Discuss the following principles in the light of Paris Convention for the Protection of Industrial Property, 1883: 5×2=10
 - (a) Principle of National Treatment
 - (b) Principle of Reciprocity.
2. "In India, the WTO's TRIPs agreement became binding from 2005 onwards as the country has got a ten-year transition period (1995-2005) to make the domestic legislation compatible with TRIPs"— In the light of the above statement, discuss the impact of TRIPs Agreement on the domestic laws on Intellectual Property Rights in India. 10
3. (a) The defendant, Mr. Chang had a domain name 'Zozoo India!' which was identical and phonetically similar to the plaintiff, Mr. Wang's trademark 'Zozoo!'. Mr Wang is using this website for over 10 years and have gained popularity across the world among the teenagers. The court held that internet users would be confused and deceived into believing that both the domain names have the same source. The defendant took a defense that they have put a disclaimer on its website. Discuss the liability of the defendants in the light of similar leading judgments and decide whether a disclaimer is sufficient to clear consumer confusion or not. 6
(b) Explain the concept of Honest Concurrent Use of a Trademark. 4
4. "The distinction between idea and expression is one of the most fundamental yet exclusive concepts in intellectual property law"— In the light of the statement discuss about the concept, exceptions on the principle of Idea-Expression Dichotomy in India with leading case laws. 10
5. (a) Discuss about the various defenses available to Patent Infringement cases under the Indian Patent Act, 1970. 8
(b) What do you understand by Inventive Step? 2

6. (a) What are the power and functions of Cyber Appellate Tribunal in India?
(b) Distinguish between Electronic Signature and Digital Signature.

5×4 = 20

7. Write short notes on any **four** of the following:

- (a) Doctrine of Deceptive Similarity
- (b) Complete and Provisional Specification in a Patent Application
- (c) Non-conventional Trademark
- (d) Berne Convention (1886)
- (e) Anton Piller Order
- (f) Cyber Bullying.

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INSURANCE LAW

Time Allotted: 2 Hours

Full Marks: 50

*The figures in the margin indicate full marks.
All questions carry equal marks.*

Answer Question No. 7 and any *three* questions from the rest

1. (a) Whether insurance is a public document or not? Elucidate. 5
 (b) "The history during the first half of this century in the insurance sector has been of struggle"—Analyse the historical development of insurance business in India. 5
2. (a) "Institute Cargo clause B covers the shipment against events such as earthquake, volcanic eruption and damage due to rainwater, seawater, river water, etc" with reference to the statement briefly mention the coverage that is provided by the marine insurance policies. 5
 (b) "The development and growth of the insurance industry in India"—mention distinctively those stages with regard to formation of insurance business industry in India. 5
3. (a) What is Risk? State the scope of risk in different kinds of insurance. 5
 (b) "Contract of insurance is a contract of utmost good faith" Elucidate. 5
4. (a) Decide the following case— 5
 City Insurance Company has issued a life policy to Shankar. Later the company increased the premium of the policy and asked Shankar to pay the premium. Can the company do so?
 (b) Kareem insured his house against "such loss or damage as should or might be occasional by fire". There was an explosion of gun powder on ignition in a factory situated 500 feet away from the insured house which caused damage to windows and window frames. But house was not set on fire. Whether insurer is liable for such damage caused to the insured? 5
5. (a) "Warranty has been defined as a stipulation collateral to the main purpose of the contracts the breach of which gives rise only to a claim for damages but not avoid the contract altogether"—briefly analyse the origin and the role of warranty in an insurance contract. 5
 (b) Write short note on 5
 (i) Amounts recoverable under life policy
 (ii) "No fault liability" under Motor Vehicles Act.

6. (a) "Insurance has two main branches of policies as LIC and GIC"—in the light of the statement analyse the role of Central Government to form a government company in accordance with the provisions of General Insurance Business Nationalization Act, 1972.

(b) Mention in brief various social security schemes introduced by Government of India for the purpose of rural insurance policy in India.

7. Write short notes on any *four* of the following:

5×4=20

- (a) Suicide felo de se
- (b) Agricultural insurance
- (c) Primary functions of insurance
- (d) Public liability insurance policy
- (e) Burglary insurance
- (f) Powers of IRDA.

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