

Assignment Booklet -1

**POST GRADUATE DIPLOMA IN
INTELLECTUAL PROPERTY
RIGHTS
(PGDIPR)**

Jan/July-2015

Tutor Marked Assignments (TMA)

For

MIP-101 to MIP 104



**SCHOOL OF LAW
INDIRA GANDHI NATIONAL OPEN UNIVERSITY
MAIDAN GARHI, NEW DELHI – 110 068**

Dear Student,

This booklet contains the assignments for MIP-101 to MIP-104.

Each course has one assignment, which you need to complete and send to your study centre before **April 30, 2015** for the students enrolled in the **January, 2015** session and **31st October, 2015** for the students enrolled in **July, 2015** session. Please note that, you will not be allowed to appear for the Term End Examination for the course, the assignments of which are not submitted before the due date.

The assignments constitute the continuous component of the evaluation process and have 30% weight age in the final grading. You need to score 40% marks in assignment for each course in order to clear the continuous evaluation component.

Instructions for Formatting Your Assignments

- 1) You should specify clearly on the first page of all your assignment responses the course code, course title, assignment code, your enrollment number, name and address in the given format:

Enrolment no:
Name:
Address:
.....

Course Code:.....
Course Title:
Assignment Code.....
Regional Centre Code:.....
Study Centre Code:.....

Date:.....

PLEASE FOLLOW THE ABOVE FORMAT STRICTLY TO FACILITATE EVALUATION AND TO AVOID DELAY.

- 2) The Assignment Response should be hand-written and use only A-4 or foolscap size writing paper (but not of very thin variety) for writing your answers.
- 3) Leave at least 4 cm margin on the left, top and bottom of your answer sheet for the evaluator's comments.
- 4) Your answers should be brief, precise and in you own words. **Please do not copy the answers from the study material.**
- 5) A serious action will be taken if any attempt to copy the Assignment Response from other student is done.
- 6) While solving the questions, clearly indicate the question number along with the part being solved. Recheck your work before submitting it.
- 7) This assignment will remain valid for **one year**. However, you are advised to submit it **within eight weeks** of receiving this booklet to accomplish its purpose as a teaching-tool.

We recommended that you retain a copy of your assignment response to avoid any unforeseen situation.

Our best wishes for your studies.

**Programme Coordinator
PGDIPR**

TUTOR MARKED ASSIGNMENT

MIP-101: General Introduction to Intellectual Property Rights

Course Code: MIP-101
Assignment Code: MIP-101/TMA/2015
Maximum Marks: 100

Note:

- This assignment is based on **Block 1 to 4** of the course.
- All questions are compulsory.
- Please answers in your **own words**; do not copy from the course material.
- The question paper is divided into two parts: Part A and Part B. **Answer any six questions from Part A and any two questions from Part B.**

Part A

6x10= 60

1. Explain Property Rights. How is Intellectual Property different from Corporeal or Real Property?
2. Explain the characteristics of a legal right. Distinguish between perfect and imperfect rights.
3. What is the relationship between TRIPS Agreement and IPR Laws in India? Elaborate.
4. Explain Lockean concept of intellectual property rights. Distinguish between personality theory and utilitarian theory.
5. Discuss the influence of patent right in the development of economy. Also, differentiate the economic contributions of copyright and trademark.
6. Can Copyright and related rights be defined? Write a note on the evolution of Copyright.
7. How do you establish the criterion of novelty in patents? What is inventiveness?
8. What are the criteria for the protection of trademark? What elements should be taken into account in trade secret protection?
9. What are GIs? Define the scope of Farmer's Rights.
10. What is biopiracy? How does it affect the interests of developing countries?

Part B

20x2=40

Write notes on any two of the following:-

1. (i) Function of WIPO (ii) Patent Law Treaty 2000
2. (i) Purpose and objective of Patent Co-operation Treaty.
(ii) Trademark Law Treaty, 1994
3. (i) Plant Variety Protection and Developing Countries.
(ii) Convention on Biological Diversity (CBD)
4. (i) Nice Agreement Concerning International Classification of Goods and Services.
(ii) Vienna Agreement- Establishing on International Classification of the Figurative Elements of Marks.

TUTOR MARKED ASSIGNMENT

MIP-102: Patents

Course Code: MIP-102
Assignment Code: MIP-101/TMA/2015
Maximum Marks: 100

Note:

- This assignment is based on **Block 1 to 4** of the course.
- All questions are compulsory.
- Please answers in your **own words**; do not copy from the course material.
- The question paper is divided into two parts: Part A and Part B. **Answer any six questions from Part A and any two questions from Part B.**

Part A

6x10= 60

1. What is meant by Patents? Discuss the procedures for filing a patent in India?
2. Explain the patent co-operation treaty?
3. Mention the different ways of revoking a patent.
4. Discuss the rights of a patent agent? Mention the qualification as well as disqualification for registration as a patent agent?
5. What do you mean by patent analytics?
6. What are the differences between a provisional and complete specification
7. What are the different types of infringement? Explain.
8. Explain pre-grant opposition?
9. Explain post-grant opposition.
10. Describe the salient features of IPAB.

Part B

20x2=40

Write notes on any two of the following:-

1. (i) Benefits of using PCT system.
(ii) Dynamic Relationship between IPR Activity, Technology Transfer and Communications.
2. (i) Method of Technology Transfer.
(ii) Government Control on Technology Transfer.
3. (i) Sourcing Biological Material and Associate Knowledge from India.
(ii) Patents Act and Protection of Bio-recourses.
4. (i) Need for protecting inventions abroad.
(ii) Effect of International patent filing under PCT.

TUTOR MARKED ASSIGNMENT

MIP-103: Industrial Designs and Layout Designs of Integrated Circuits And Utility Models

Course Code: MIP-103
Assignment Code: MIP-101/TMA/2015
Maximum Marks: 100

Note:

- This assignment is based on **Block 1 to 4** of the course.
- All questions are compulsory.
- Please answers in your **own words**; do not copy from the course material.
- The question paper is divided into two parts: Part A and Part B. **Answer any six questions from Part A and any two questions from Part B.**

Part A

6x10= 60

1. Define Industrial Design with examples. What is Criteria for registration of Industrial Design?
2. Mention some of the salient features of the Indian Design Act.
3. What is licensing of design rights. Give examples.
4. What is Infringement of design rights give examples.
5. What are some of criteria adopted to ascertain the similarity of the design?
6. What are Piracy of Industrial designs? What are its consequences?
7. Give reasons to illustrate the limitations of protection of Integrated Circuits (IC) through Patent and Copyrights.
8. What is a integrated Circuits(IC)? Give examples of IC.
9. Illustrate some of the key inventions in IC. Explain your understanding on what is protected as an Intellectual Property?
10. What is the definition of the Semiconductor Integrated Circuit as per the SICLD Act, 2000? Enumerate the criteria for protection of chip lay our design.

Part B

20x2=40

Write notes on any two of the following:-

1. (a) Duration of Protection of Industrial Design.
(b) Difference between Copyright Protection and Design protection.
2. (a) Transfer of ownership of design rights.
(b) Difference between Copyright protection and Design Protection.
3. (a) Classification of Integrated Circuits (IC).
(b) Fabrication of Integrated Circuits(IC).
4. (a) International Convention on Utility Model Protection.
(2) Nature of Rights conferred by Utility Model Protection.

TUTOR MARKED ASSIGNMENT

MIP-104: Trademarks, Domain Names and Geographical Indications

Course Code: MIP-104

Assignment Code: MIP-101/TMA/2015

Maximum Marks: 100

Note:

- This assignment is based on **Block 1 to 4** of the course.
- All questions are compulsory.
- Please answers in your **own words**; do not copy from the course material.
- The question paper is divided into two parts: Part A and Part B. **Answer any six questions from Part A and any two questions from Part B.**

Part A

6x10= 60

1. Define trademarks and explain the essential elements of the definition. What are the various kinds of trademarks?
2. Describe the procedure for registration of trademarks.
3. What are the absolute grounds for refusal of trademark registration?
4. What are the factors that are instrumental in determining the well-known status of trademarks?
5. What are the criminal offences under the Geographical Indication of Goods (Registration and Protection) Act, 1999?
6. Define 1. Collective Mark 2. Certification mark. How is a collective mark different from a Trademark?
7. What is Trademark Infringement? What does not constitute a Trademark Infringement? What are the different types of remedies available for Trademark Infringement?
8. What are the various types of domain names? What function do domain names play in modern commerce?
9. What are the salient features of INDRP? What is the procedure of filing complain under INDRP?
10. As per the TRIPS Agreement, what are the requirements for a Geographical Indication? What are the differences between a Geographical Indication and a Trade mark?

Part B

20x2=40

Write notes on any two of the following:-

1. (a) Recognition of GI's as form of IPR and its global protection.
(b) Homonymous Geographical Indication
2. (a) .Concept of Passing off. (b) Remedies for Infringement of GI.
3. (a) Character Merchandising. (b) Personality Merchandising.
4. (a) Paris Convention for the protection of Industrial Property.
(b) Trade related aspects of Intellectual property Rights (TRIPS).

Assignment Booklet -2

**POST GRADUATE DIPLOMA IN
INTELLECTUAL PROPERTY
RIGHTS
(PGDIPR)**

Jan/July-2015

Tutor Marked Assignments (TMA)

For

MIP-105 to MIP 108



**SCHOOL OF LAW
INDIRA GANDHI NATIONAL OPEN UNIVERSITY
MAIDAN GARHI, NEW DELHI – 110 068**

Dear Student,

This booklet contains the assignments for MIP-105 to MIP-108.

Each course has one assignment, which you need to complete and send to your study centre before **October 31, 2015** for the students enrolled in the **January, 2015** session and **30th April, 2016** for the students enrolled in **July, 2015** session. Please note that, you will not be allowed to appear for the Term End Examination for the course, the assignments of which are not submitted before the due date.

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Course Title:
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Our best wishes for your studies.

**Programme Coordinator
PGDIPR**

TUTOR MARKED ASSIGNMENT

MIP-105: Copyright and Related Rights

Course Code: MIP-105

Assignment Code: MIP-101/TMA/2015

Maximum Marks: 100

Note:

- This assignment is based on **Block 1 to 4** of the course.
- All questions are compulsory.
- Please answers in your **own words**; do not copy from the course material.
- The question paper is divided into two parts: Part A and Part B. **Answer any six questions from Part A and any two questions from Part B.**

Part A

6x10= 60

1. What is copyright? Write a paragraph on the evolution of copyright.
2. Discuss author's special rights in India. Elaborate on the right of reproduction in a literary work.
3. What are the special provisions regarding reproduction of a sound recording? What are the exceptions provided for computer programmes in the matter of copyright?
4. What are the advantages of copyright registration? Describe the procedure for registration of copyright in India.
5. What are the requirements for a valid copyright assignment? What are the differences between assignment and licence?
6. What are the powers of the Copyright Board? Describe the cases in which a compulsory licence can be issued by the Copyright Board?
7. What is interlocutory injunction in copyright cases and what are the grounds for issuing the same?
8. What are the offences are with reference the special rights of the author? What are the penalties for an offence related to infringement of the reproduction of a literary work?
9. What are the rights provided in the Copyright Act for sound recording producers? What all acts can be an infringement in case of a sound recording?
10. What are the rights available to a performer in his performance in India? What are the civil remedies available to a performer I case of infringement of his performer's right?

Part B

20x2=40

Write short notes on any two of the following:-

1. (a) Originality in Copyright.
(b) Author Special Right
2. (a) Mandatories of Copyright Registration.
(b) Evidentiary value of Copyright Registration.
3. (a) Anton Piller Order.
(b) Questing of Infringing Copies.
4. (a) Right of Broad Casting Organization. (b) Rome Convention on Copyrights.

TUTOR MARKED ASSIGNMENT

MIP-106: Plant Varieties protection, Biotechnology And traditional Knowledge

Course Code: MIP-106

Assignment Code: MIP-101/TMA/2015

Maximum Marks: 100

Note:

- This assignment is based on **Block 1 to 4** of the course.
- All questions are compulsory.
- Please answers in your **own words**; do not copy from the course material.
- The question paper is divided into two parts: Part A and Part B. **Answer any six questions from Part A and any two questions from Part B.**

Part A

6x10= 60

1. How have development in biotechnology contributed to development of plant varieties? Why is the patent regime not considered suitable for protecting plant varieties?
2. What are potential biosafety implications of genetically modified organisms and how does CBD address it?
3. What are the provisions for providing exceptions to PBR's which member states can include in their national legislations that provide plant variety protection?
4. What is DUS testing? Explain in detail.
5. What is the scope of breeder's rights provided under the PPVFR Act and UPOV Convention?
6. What is the rationale of providing Farmer's rights in the PPVFR Act? What are the rights provided to farmers under the PPVFR Act?
7. Examine the legal framework regulating biotechnology in India.
8. What are the common inventions related to biotechnology? What are the provisions in TRIPS related to patenting in biotechnology and microorganisms?
9. What is 'traditional knowledge' and its significance for developing countries in particular. What are the principal objectives of protecting TK and how they can be attained?
10. What are the principal tools of protection for TK? Describe the shortcomings of existing IPR regime in the protection of TK?

Part B

20x2=40

Write short notes on any two of the following:-

1. (a) Plant Breeding and Variety Development.
(b) Commercial Plant Breeding.
2. (a) Strategies of Enforcing PBRs. (b) Rationale for Farmer Rights.
3. (a) Patenting of Life forms. (b) PGRs and Intellectual property Rights.
4. (a) Protection of Livelihood of TK holder. (b) India's effort for the Protection of TK.

TUTOR MARKED ASSIGNMENT

MIP-107: Trade Secrets, Competition Law and Protection of TCE

Course Code: MIP-107

Assignment Code: MIP-101/TMA/2015

Maximum Marks: 100

Note:

- This assignment is based on **Block 1 to 4** of the course.
- All questions are compulsory.
- Please answers in your **own words**; do not copy from the course material.
- The question paper is divided into two parts: Part A and Part B. **Answer any six questions from Part A and any two questions from Part B.**

Part A

6x10= 60

1. Define a trade secret. Is there any difference between confidential information and a trade secret?
2. Describe the relationship between unfair competition and undisclosed information as stated respectively in Article 10bis of the Paris Convention and Article 39 of the TRIPS Agreement.
3. Discuss the legislative framework on the protection of trade secrets in India and the main thrust of the judicial approach.
4. Discuss the essentials of passing off action with the help of case law as laid down by courts in trademark cases.
5. Distinguish between competition law and competition policy. What are the components of competition policy? How intellectual property law interacts and affects the competition policy?
6. What do you understand by dominant position of an enterprise? State the provisions of the Competition Act which frown upon abuse of such dominant position.
7. What do you understand by intellectual property induced dominance? Explain with an example of abuse of such dominance.
8. How cooperation amongst the intellectual property holders can lead to collusion and thus have anti-competitive outcomes? Illustrate with the help of case in standard setting organizations.
9. Define Traditional Cultural Expressions. Briefly enumerate as to what can qualify as the subject matter for the protection as traditional cultural expressions. Give examples.
10. What is Creative Heritage project? What is the aim behind the launch of the Creative Heritage project?

Part B

20x2=40

Write short notes on any two of the following:-

1. (a) Meaning and characteristics of TCE.
(b) Reasons for the protection of TCE.
2. (a) Documentation of TCEs. (b) Indian stand in IGC on Protection of TCEs.

3. (a) Objectives and Benefits of the Competition Policy and Law.
4. (a) Significance of Trade Secret.
(b) Protection of Trade Secrets in India.

TUTOR MARKED ASSIGNMENT

MIP-108: Management of IPRs.

Course Code: MIP-108

Assignment Code: MIP-101/TMA/2015

Maximum Marks: 100

Note:

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- All questions are compulsory.
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- The question paper is divided into two parts: Part A and Part B. **Answer any six questions from Part A and any two questions from Part B.**

Part A

6x10= 60

1. Define Intellectual capital? Explain what is meant by hidden assets of an organization?
2. Explain the economic nature of IPR goods. Differentiate between invention and innovation.
3. Define the term conception of idea. Give stages involved in mind to Patent.
4. Differentiate between Income based, cost based and market based methods for valuation of patents.
5. What is an IP audit? When IP audit is necessary?
6. Explain the nature of IP rights. Trace the evolution of IP rights?
7. What is a sole license and how it is different from exclusive license? Explain the types of intellectual property licenses?
8. What is cross licensing? Explain with example its benefits and drawbacks.
9. Explain various types of royalties. What are the commonly used Royalty formulas?
10. Differentiate between patent search and patent landscaping/

Part B

20x2=40

Write short notes on any two of the following:-

1. (a) Cross licensing and its benefits.
(b) Patent pools.
2. (a) Running Royalty.
(b) Royalty staking.
3. (a) Types of Intellectual Property Licenses.
(b) Non-voluntary or compulsory licensing.
4. (a) Types of Valuation Methods.
(b) Intellectual Property Audit.