

Assignment Booklet -1

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

Jan/July-2018

Tutor Marked Assignments (TMA)

For

MIP-101 to MIP 104



**SCHOOL OF LAW
INDIRA GANDHI NATIONAL OPEN UNIVERSITY
MAI DAN 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, 2018** for the students enrolled in the **January, 2018** session and **31st October, 2018** for the students enrolled in **July, 2018** 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 your 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/2018
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.
- **Answer any Ten questions**

10X10= 100

1. Explain Property Rights. How is Intellectual Property different from Corporeal or Real Property?
2. Analyse the Utilitarian Theory of Intellectual Property Rights advocated by Jeremy Bentham along with the limitations of the said theory.
3. What are the requirements for the protection of new plant varieties under UPOV? Explain.
4. What is the importance of intellectual Property in the International Trade Business?
5. Write a note on the Singapore Treaty on the Law of Trade Marks, 2006.
6. Trace out the evolution of copyright and related rights.
7. Explain the Application of TRIPS Agreement and IPR laws in India.
8. Discuss the different modes of acquisition of intellectual property.
9. The modern globalised economy paved way for the emergence of new IPRs. Do you agree? Critically comment.
10. Discuss the salient features of Protection of Plant Variety and Farmers Rights Act.
11. Write a note on well-known trade mark.
12. Analyse the key aspects of Convention on Biological Diversity (CBD).

TUTOR MARKED ASSIGNMENT

MIP-102: Patents

Course Code: MIP-102
Assignment Code: MIP-102/TMA/2018
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.
- **Answer any Ten questions**

10X10= 100

1. What is a patent? What are the essential requirements to obtain a patent in India.
2. Critically analyse the important limitations or conditions imposed on Patentee with respect to the enjoyment of exclusive right to use or deal with the Patent.
3. Discuss the Powers of the Controller General under the Indian Patent Act, 1970.
4. Discuss in detail various grounds available for revocation of Patents.
5. Discuss the remedies available for infringement of the Patents.
6. What are the main objectives of patent search? How is it useful for development of a technology in a particular field?
7. What is Pre-grant opposition? Explain the procedure of-filing a pre-grant opposition.
8. What is the objective of IPAB (Intellectual Property Appellate Board)? Explain its salient features.
9. Who can be a Patent Agent? Discuss their rights, qualification and disqualification for registering as a patent agent.
10. Define 'inventive step' under the Indian Patent Act with the help of suitable illustrations
11. Write a note on Budapest Treaty.
12. Explain provisional and complete specifications.

TUTOR MARKED ASSIGNMENT

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

Course Code: MIP-103

Assignment Code: MIP-103/TMA/2018

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.
- **Answer any Ten questions**

10X10= 100

1. Write briefly on the evolution of Industrial Design
2. What is the criteria for the registration of Industrial Design? Discuss
3. Distinguish between Industrial Design and a Patent with suitable examples.
4. Write a note on the salient features of Designs Act, 2000. Discuss the essential requirements for the registration of 'design' under the Designs Act, 2000.
5. Explain the salient features of Semiconductor Integrated Circuits and Layout Design Act, 2000.
6. What is Utility Model? Discuss the benefits of the rights acquired under the Utility Model Protection.
7. Write a note on infringement of designs. Discuss case laws on infringement of designs.
8. Write a note on right to prevent unauthorized copying or imitation. Also discuss the rights to prevent unauthorized commercial transaction.
9. Illustrate some of the key inventions in IC. Explain your understanding on what is protected as an Intellectual Property?
10. Explain Reasons for protection of Industrial Design. How can Industrial Designs be protected?
11. Discuss the limitation of protections of IC through patents and copyrights. Give reasons.
12. What is the definition of the Semiconductor Integrated Circuit as per the SICLD Act, 2000? Enumerate the criteria for protection of chip layout design.

TUTOR MARKED ASSIGNMENT

MIP-104: Trademarks, Domain Names and Geographical Indications

Course Code: MIP-104

Assignment Code: MIP-104/TMA/2018

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.
- **Answer any Ten questions**

10X10= 100

1. Define trademarks and explain the essential elements of the definition. What are the various kinds of trademarks?
2. How can a trademark be removed from the Register? Explain.
3. Discuss the fundamental principle for the Registration of a Trademark.
4. What are the factors that are instrumental in determining the well-known status of trademarks?
5. What are the types of Disputes that could be brought within INDRP? Also discuss the remedies available under the INDRP proceedings.
6. Explain the concept of 'Passing off' with the help of Case Laws.
7. Discuss the power of the Appellate Board to cancel or vary registration and to rectify the register of geographical indication.
8. What is Trademark Infringement? What does not constitute a Trademark Infringement? What are the different types of remedies available for Trademark Infringement?
9. Discuss the criteria for Protection of Geographical Indication Goods. Give some illustration of GI applications.
10. Explain the term "homonymous geographical indication" Also distinguish between geographical indication and trademarks.
11. Describe the Madrid system of registration of marks.
12. What is domain name? Discuss the relationship between domain name and trademarks.

Assignment Booklet -2

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

Jan/July-2018

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, 2018** for the students enrolled in the **January, 2018** session and **30th April, 2019** for the students enrolled in **July, 2018** 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

- 2) 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.

- 8) 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.
- 9) Leave at least 4 cm margin on the left, top and bottom of your answer sheet for the evaluator's comments.
- 10) Your answers should be brief, precise and in your own words. **Please do not copy the answers from the study material.**
- 11) A serious action will be taken if any attempt to copy the Assignment Response from other student is done.
- 12) While solving the questions, clearly indicate the question number along with the part being solved. Recheck your work before submitting it.
- 13) 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-105: Copyright and Related Rights

Course Code: MIP-105

Assignment Code: MIP-105/TMA/2018

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.
- **Answer any Ten questions**

10X10= 100

1. Discuss the provisions under the Universal Copyright Convention for securing copyright protection
2. Explain the term 'Rental Rights'. Discuss the categories of works covered under Rental Rights.
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. Explain the powers and functions of the Registrar of copyrights.
5. Examine the concept of originality in copyright. Refer to case laws.
6. What is a copyright society? Explain the functions of a copyrights.
7. Analyse the provisions under the Copyright Act for Importation.
8. Discuss the composition, power and functions of the copyright Board.
9. Write a note or copyright registration in India.
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?
11. What is copyright infringement? Explain colorable imitation with example.
12. Write a note on Anton Piller Order.

TUTOR MARKED ASSIGNMENT

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

Course Code: MIP-106

Assignment Code: MIP-106/TMA/2018

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.
- **Answer any Ten questions**

10X10= 100

1. How has development in biotechnology contributed to development of plant varieties? Why is the patent regime not considered suitable for protecting plant varieties? Explain.
2. What are potential biosafety implications of genetically modified organisms and how does CBD (Convention on Bio-diversity) address it?
3. Explain the Characteristics in DUS testing (Examination of distinctiveness, uniformity and stability) in relation to plant varieties.
4. Write a note on the international regime on access and benefit sharing.
5. Discuss the duties of the standing committee of the PPVFR in the promotion and protection of new plant varieties.
6. Why is there a need for Sui generis framework for the protection of Traditional Knowledge in India?
7. Examine the legal framework regulating biotechnology in India.
8. Discuss the Major issues related to Intellectual Property Right and Biotechnology.
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. Write a note on the legal framework in India with respect to Plant Genetic Resources (PGRs).

11. Write a note on Cartagena Protocol.

12. Discuss the Composition, powers and functions of National Biodiversity Authority.

TUTOR MARKED ASSIGNMENT

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

Course Code: MIP-107

Assignment Code: MIP-107/TMA/2018

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.
- **Answer any Ten questions**

10X10= 100

1. Discuss the various modes of protection of trade secrets.
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. Write a note on documentation of Traditional Cultural Expressions (TCEs).
4. Analyse linkages between the protection of traditional cultural expressions and human rights issues.
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. Analyse the provisions of TRIPS Agreement relating to the trade secrets.
7. What do you understand by intellectual property induced dominance? Explain with an example of abuse of such dominance.
8. When are the third parties liable for using a trade secret? Discuss
9. Discuss section 4 of the Competition Act, 2002 on abuse of dominance.
10. What is Creative Heritage project? What is the aim behind the launch of the Creative Heritage project?
11. Write a note on WIPO Intergovernmental Committee?
12. Discuss the essentials of passing off action with the help of case law.

TUTOR MARKED ASSIGNMENT

MIP-108: Management of IPRs.

Course Code: MIP-108
Assignment Code: MIP-108/TMA/2018
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.
- **Answer any Ten questions**

10X10= 100

1. Discuss the differences between utilitarianism and Non-utilitarianism theories of IPRs.
2. Explain the economic nature of IPR goods. Differentiate between invention and innovation.
3. Explain the situations where valuation of IP is important for an organisation.
4. When should an Intellectual Property Audit be conducted? Discuss.
5. Define open source. Distinguish between freeware and free software.
6. What is Patent Mapping? Discuss the purpose and objectives of patent mapping.
7. What is a sole license and how it is different from exclusive license? Explain the types of intellectual property licenses?
8. Differentiate between income based, cost based and market based method for valuation of patents.
9. Explain the different stages involved before the invention reaches from mind to patent.
10. Write briefly various types of royalty payments.
11. Discuss the determinants of IP Strategy.
12. Distinguish between Open and Closed Standards.