

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

Term-End Examination

December, 2013

**MIP-002 : INDUSTRIAL PROPERTY : PATENTS,
DESIGNS, PLANT VARIETIES**

Time : 2 hours

Maximum Marks : 50

- Note :*
- (i) All questions are compulsory in Part A.*
 - (ii) Answer any two questions in Part B.*
 - (iii) Answer any two questions in Part C.*

PART-A

1. Attempt all questions. Each question carries **two** marks. **10x2=20**
- (a) Disclosure of invention before filing the application for patent makes the invention ineligible for protection. In what way can disclosure take place ?
 - (b) What civil remedies are available in the case of infringement of a patent. Be brief.
 - (c) Briefly mention the purpose of the PCT.
 - (d) How does the European patent office interpret the term 'inventive step'?
 - (e) What is the principle of National Treatment under TRIPs Agreement ?
 - (f) Can an industrial design , which is solely dictated by the function to be performed by the article to which it is applied , be protected ?

- (g) What is the minimum duration of protection of the Breeder's Right under the 1991 UPOV convention ?
- (h) What is a 'seri generis' system ?
- (i) What is the minimum documentation prescribed under the PCT, which an International Searching Authority is required to maintain and follow in its search ?
- (j) What is an International Depository Authority under the Berdapest Treaty ?

PART - B

2. Answer **any two** questions. Each question carries **five marks**. **2x5=10**
- (a) How is 'deliberate' infringement different from 'accidental' infringement ? Discuss the main exceptions, found in most laws to infringement of the exclusive right to make a patented product.
 - (b) What are the contents of a patent application under the U.S. Patent system ?
 - (c) What is the Washington Treaty, 1989, concerned with ? What acts under it are considered unlawful , if performed without the authorization of the holder of the rights ?
 - (d) Describe the three main features of TRIPs Agreement.

PART - C

3. Answer any two questions. Each question carries ten marks. 2x10=20
- (a) Discuss these provisions regarding patents in the Paris Convention.
 - (b) Explain through a chart the various stages and the activities under each stage of the International Phase of the PCT.
 - (c) Write a note on rights of proprietor of a registered industrial design.
 - (d) Write an essay on the Patenting of Micro - organisms with particular reference to the Berdapest Treaty.
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