

**MASTER OF INTELLECTUAL PROPERTY
LAW (MIPL)**

Term-End Examination

December, 2014

00102

MIR-034 : PATENTS

Time : 2 hours

Maximum Marks : 50

Note : *This paper is divided in two parts, Part A and Part B. Both the parts are **compulsory**.*

PART A

*Attempt **all** the questions from this part. Each question carries 2 marks. 10×2=20*

1. Grounds for opposing a patent application are provided under _____ of the Patents Act, 1970.
- (a) Section 30
 - (b) Section 25
 - (c) Section 27
 - (d) Section 28

2. The Patents Act, 1970 does not define what constitutes an infringement of a Patent. Thus, if an action violates or infringes the rights granted to the patentee under _____ of the Patents Act, 1970, such an Act is deemed to be an act of infringement.
- (a) Section 47
 - (b) Section 48
 - (c) Section 49
 - (d) Section 50
3. Section 107 A of the Patents Act, 1970 deals with which one of the following ?
- (a) Rights of patentee
 - (b) Infringement of patents
 - (c) Parallel import
 - (d) Priority date
4. Which of the following statements is **not** true in relation to the aims and objectives of the PCT ?
- (a) The PCT system provides applicants more time to seek protection as compared to the other systems of International Patent Protection.
 - (b) The PCT system provides applicants with a level of certainty in relation to grant of patents.
 - (c) The applicant has the option of evaluating the chances of his invention being patented based on the international search report and the written opinion.
 - (d) The PCT system harmonises national patent legislation in relation to inventions on biological processes.

5. Which of the following steps should be ensured by the parties after signing the license agreement ?
- (a) Conducting trials at the laboratory
 - (b) Transfer of samples
 - (c) Training the licensee's personnel
 - (d) All the above
6. The TRIPs agreement allows for
- (a) compulsory licensing
 - (b) the Government use of patents
 - (c) the Right to assign
 - (d) All the above
7. PLT stands for
- (a) Patent Law Treaty
 - (b) Protection Law Treaty
 - (c) Patent Legal Treaty
 - (d) Property Legal Treaty
8. The instances of patenting "Neem" and "Turmeric" in the US highlight the importance of preventing _____ through patent laws.
- (a) geo-piracy
 - (b) bio-piracy
 - (c) bio-diversity
 - (d) bio-pharmacy

9. Which Section of the Patents Act, 1970 excludes from patentability “an invention which in effect, is traditional knowledge or which is an aggregation or duplication of known properties of traditionally known component or components” ?
- (a) Section 43(p)
 - (b) Section 3(p)
 - (c) Section 10(p)
 - (d) Section 5(p)
10. Which Section of the Patents Act, 1970 deals with the provision on reversal of burden of proof ?
- (a) Section 104 A
 - (b) Section 103 A
 - (c) Section 105 A
 - (d) Section 102 A

PART B

Attempt any **three** questions from this part. Each question carries 10 marks. 3×10=30

11. What is compulsory licensing ? Discuss the scope of compulsory licensing in the context of developing countries.
 12. “Modernisation of Patent offices in India would strengthen IP protection regime.” Discuss.
 13. What is pre-grant opposition ? Explain the grounds of pre-grant opposition.
 14. Discuss the issues involved in establishing IP protection mechanism in the area of genetic resources.
 15. Write a detailed note on Patent Advocacy.
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