

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

Term-End Examination

December, 2016

MIR-034 : PATENTS

Time : 2 hours

Maximum Marks : 50

*Note : This paper is divided into 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. 10x2=20

1. India excludes which of the following in granting patents :
 - (a) Invention which claims anything obviously contrary to the well established natural law.
 - (b) An inventions contrary to law, public order or morality.
 - (c) Homeopathic formulation.
 - (d) All of the above
2. 'Priority date' of a patent is :
 - (a) The date on which specifications filed for securing the priority of the patent application.
 - (b) The date on which it is tested against the 'State of the art'.

- (c) The date on which it, or any application claiming priority from it (if it is subsequently published) becomes part of the art, when assessing the novelty of later application.

Choose the correct option from below :

- (i) Only (a)
- (ii) Both (a) and (b)
- (iii) Both (b) and (c)
- (iv) All of the above

3. The person who is entitled to file the convention application for patent in India is :

- (a) Any person who has made a basic application for patent for same invention in a convention country or the legal representative or assignee of that person.
- (b) Any person who has already filed an application under patent cooperation treaty or the legal representative or assignee of that person.
- (c) Both (a) and (b) above
- (d) None of them

4. What is meant by provisional specification ?

- (a) Only a gist of the complete specification.
- (b) Only a list of essential features of an invention.
- (c) A specification filed for securing the priority of the patent application.
- (d) All of the above.

5. The Case of *Raj Prakash Vs. Mangat Ram Choudhary* (AIR 1978 Del) deals with :
- (a) Pre-grant opposition of patent
 - (b) Revocation of patent
 - (c) Infringement of patent
 - (d) Post-Grant opposition of patent
6. The Intellectual Property Appellate Board, (IPAB) was set up in Chennai under :
- (a) Section 80 of the Trade Marks Act 1999.
 - (b) Section 83 of the Trade Marks Act 1999.
 - (c) Section 70 of the Patents Act 1970.
 - (d) Section 83 of the Patents Act 1970.
7. What are the basic principles of Paris Convention ?
- (a) Right to National treatment
 - (b) Right of priority
 - (c) Independence of patents
 - (d) All of the above
8. A patentee can file an application under Patent Cooperation Treaty, in case, he desires :
- (a) To protect his invention in several countries.
 - (b) The restoration of priority rights which may have been lost under certain conditions.
 - (c) None of the above.
 - (d) Both (a) and (b).
9. The tools for protecting Traditional Knowledge (TK) can be categorised as :
- (a) Positive protection of TK
 - (b) Defensive protection of TK
 - (c) Passive protection of TK
 - (d) Both (a) and (b)

10. Which of the following are grounds for pre-grant opposition of patents :
- (a) Wrongful obtainment of a patent
 - (b) Prior publication of an invention
 - (c) Insufficient description of the invention.
 - (d) Lack of inventive step
- (i) Only (a), (b) and (c)
 - (ii) Only (a), (b) and (d)
 - (iii) Only (b), (c) and (d)
 - (iv) All of the above

PART - B

Attempt **any three** questions from this part. Each question carries **10** marks. **3x10=30**

11. Discuss the powers of the Controller General of Patents, Designs and Trademarks (CGPDTM) under the Patent Act, 1970.
12. Enlist different types of patent applications. Explain the stages involved in grant of a patent under the patents Act, 1970.
13. Write a note on infringement of patents. Discuss relevant case laws on the subject.
14. What do you mean by the term 'Patent Specification'? Discuss in brief the kinds of patent specification.
15. Explain in brief the basic provisions of Paris Convention.
-