

01252

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

Term-End Examination

June, 2012

**MIP-005 : PROTECTION OF INDUSTRIAL
PROPERTY AT THE NATIONAL LEVEL**

Time : 2 hours

Maximum Marks : 50

Note : All questions are *compulsory*.

1. Attempt *any five* parts : **5x2 = 10**
- (a) Why did the development of a sound intellectual property rights regime in India have to wait till India became free ?
 - (b) What is meant by the statement that a co-owner of a patent has equal undivided share in the patent ?
 - (c) If the proprietor of a design discloses it in good faith to another person before the designer is registered, and this other person publishes the design contrary to good faith, is such publication sufficient to invalidate the registration subsequently ?
 - (d) A company applies for registration of the word 'Collegiate' as a trademark. Is it likely to get the registration ? Give reason for your answer.

- (e) A layout - design has been commercially exploited for twenty months before an application for its registration is filed in India. Can the application succeed ? Give reasons.
- (f) What are the two foremost issues that arise in the enforcement of IPR abroad, in view of the territorial nature of IP ?
- (g) What are the Researcher's Rights under the Protection of Plant varieties and Farmers' Rights Act in India ?
- (h) Name any two multilateral treaties besides the TRIPS Agreement, of which India is a Member.

2. Attempt *any two* parts :

2x5 = 10

- (a) What is
 - (i) a collective mark
 - (ii) a certification mark ?Describe the procedure for registration of a certification mark.
- (b) What is the purpose of granting patent in India ?
Under what circumstances can compulsory licence be granted to a third party under the Indian Patents Act ?
- (c) What are the grounds for pre - grant opposition to a patent application in India ?
What additional grounds, if any, are available for post - grant opposition to a patent ?

3. Attempt *any two* parts.

2x5 = 10

- (a) Explain what is meant by
 - (i) falsifying a GI
 - (ii) falsely applying a GI to goods ?What penalty can be imposed for applying a false GI to goods ?
- (b) Discuss traditional knowledge and the IPR.
- (c) How does the Protection of Plant Varieties and Farmers' Rights Act define the term 'Variety' ? Discuss the criteria for protection of a plant variety.

4. Attempt *any two* parts :

2x10 = 20

- (a) What is well - known trademark ? Discuss the procedure for registration of a trademark in India.
 - (b) Discuss the law relating to rectification of Register of Trademark.
 - (c) Discuss the procedure for obtaining patent in India.
-