

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

Term-End Examination

June, 2013

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

Time : 2 hours

Maximum Marks : 50

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- 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.*
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PART-A

1. Attempt all questions briefly. 10x2=20
- (a) What is meant by 'Prior Art' ?
- (b) List the acts, which, if established as having been committed, would constitute infringement of a patent.
- (c) What are the components of the fees payable to the Receiving Office for an international application under the PCT ?
- (d) Give one example each of a country (or a region) which grants patents on the basis of :
- (i) First-to-invent principle ;
- (ii) First-to-file principle ;

- (e) List any four categories of IP recognized under the TRIPS Agreement.
- (f) What is 'industrial design' ?
- (g) What is UPOV convention ?
- (h) Mention the three broad categories under which biotechnological inventions may be placed.
- (i) What is meant by 'National Treatment' under the Paris Convention ?
- (j) What does 'Lay-out Design mean' ?

PART-B

2. Answer **any two** questions. Each question carries 5 marks. 2x5=10
- (a) Discuss 'Patentable Subject Matter' and the matters that can be excluded from patenting under the TRIPS Agreement.
 - (b) Discuss the advantages that the PCT system brings for the National Patent Office.
 - (c) What are the general obligations cast on a Member-State for the enforcement of IPR under the TRIPS agreement ? When are criminal proceedings required to be pursued for enforcement of IPR ?
 - (d) What is meant by a 'Plant Variety' ? What are the criteria to decide whether a plant material constitutes a plant variety ?

PART-C

3. Answer **any two** questions. Each question carries 10 marks. **2x10=20**
- (a) What is a Compulsory Licence (CL) ? Discuss the grounds on which a compulsory licence may be granted. Give arguments both for and against granting CL even when there has been no abuse of the patent rights by the owner ?
- (b) What is the principal objective of the Patent Cooperation Treaty (PCT) ? How is this objective sought to be achieved ? Discuss 'International Search' and 'International Preliminary Examination' under the PCT procedure.
- (c) Discuss the standards, as laid down under the TRIPS Agreement in respect of :
- (i) Patents
 - (ii) Layout Designs of Integrated Circuits
- (d) Discuss the scope of Breeder's Rights' granted under the 1978 Act of the UPOV convention. Has it been affected by the provisions in the 1991 Act ?
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