

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

Term-End Examination

June, 2016

00079

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.

10×2=20

1. What kind of jurisdiction do Patents have ?
 - (a) Universal
 - (b) Territorial
 - (c) Provincial
 - (d) All of the above
2. A pharmaceutical substance is
 - (a) a technical advance over existing knowledge.
 - (b) a substance which is used for therapeutic use and where application of the substance involves a chemical interaction, or a physico-chemical interaction.
 - (c) preventive, diagnosing, curing or alleviating a disease, ailment, defect or injury in persons.
 - (d) Both (a) and (c)

3. When can prior art be claimed ?
- (a) When the earlier claim lies wholly within the area of the later claim
 - (b) When the areas of the earlier and the later claims overlap
 - (c) When the earlier claim is broader than and includes the area covered by the later claim
 - (d) All of the above
4. Who is entitled to file an application to obtain a Patent ?
- (a) True and first inventor
 - (b) Assignee of the true and first inventor
 - (c) A legal representative
 - (d) All of the above
5. What is meant by provisional specification ?
- (a) A detailed and substantial description with examples and illustrations based on experimental results
 - (b) A specification filled for securing the priority of the patent application
 - (c) A list of essential features of an invention
 - (d) All of the above
6. What is meant by 'Single inventive concept' ?
- (a) Disclosure of an invention in a patent specification
 - (b) The process for the preparation of the product and its industrial application
 - (c) An invention pertaining to different categories that are allowable for patent protection subject to the respective provisions of patent law
 - (d) An invention relating to a novel carrier of drugs

7. The IPAB was set up at _____ under Section 83 of the Trade Marks Act of 1999.
- (a) Mumbai
 - (b) Delhi
 - (c) Chennai
 - (d) Kolkata
8. What are the principal features of the Paris Convention, 1883 ?
- (a) Right of Priority
 - (b) National Treatment
 - (c) Protection against unfair competition
 - (d) All of the above
9. Patent protection in a number of countries can be sought by filing a single international patent application under
- (a) The Patent Cooperation Treaty
 - (b) The African Intellectual Property Organisation
 - (c) The Havana Protocol System
 - (d) The Patent Law Treaty
10. The creation of Traditional Knowledge Registries is an example of
- (a) Defensive protection of traditional knowledge
 - (b) Positive protection of traditional knowledge
 - (c) Arbitrary protection of traditional knowledge
 - (d) Ultimate protection of traditional knowledge

PART B

*Attempt any **three** questions from this part. Each question carries 10 marks.*

3×10=30

11. Compare the history of Patents in India with the history of Patents in UK.
 12. Under the Patents law, when is the doctrine of colourable variation applicable?
 13. Discuss the various grounds of revocation which can be pleaded as defences against any suit for infringement of patent by the defendant.
 14. Biotechnology Patents have diluted patenting norms. Discuss.
 15. What do you understand by the concept of National Treatment with reference to the Paris Convention?
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