

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

**Term-End Examination**

**June, 2015**

00100

**MIR-037 : IP LITIGATION**

*Time : 2 hours*

*Maximum Marks : 50*

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

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**PART A**

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

1. With effect from July \_\_\_\_\_, the Indian Patent Office has introduced the e-filing facility for on-line filing of patent applications.
  - (a) 2008
  - (b) 2009
  - (c) 2007
  - (d) 2006

2. Which of the following places in India does *not* have a Trademark Registry ?
- (a) Ahmedabad
  - (b) Chennai
  - (c) Kolkata
  - (d) Hyderabad
3. The validity of patents and trademarks is to be challenged before \_\_\_\_\_ .
- (a) Controller of Patents, Designs and Trademarks
  - (b) Intellectual Property Appellate Board
  - (c) Registrar of Copyrights
  - (d) High Court
4. In which one of the following cases the Supreme Court of India laid down that the jurisdiction of Registrar and High Court, though apparently concurrent in certain matters, is mutually exclusive ?
- (a) Associated Companies Ltd. vs P.N. Sharma
  - (b) Microsoft Corporation vs Dhiren Gopal and others.
  - (c) Whirlpool Corporation vs Registrar of Trademarks
  - (d) Ravi Kamal Bali vs Kala Tech.

5. Which of the following Agreements lays down the Minimum Common Standards for the protection of Intellectual Property Rights ?
- (a) TRIPS Agreement
  - (b) WIPO Agreement
  - (c) GATT Agreement
  - (d) Anti-Counterfeiting Trade Agreement
6. Which of the following is *not* a kind of measure outlined in Part III of the TRIPS Agreement to deal with infringement and enforcement of Intellectual Property Rights ?
- (a) Civil and Administrative Procedures and Remedies
  - (b) Criminal Procedures
  - (c) Border Measures
  - (d) Inland Counterfeit Measures
7. \_\_\_\_\_ involves constant monitoring, maintenance, and updating of the Intellectual Property portfolio of a client and comprises activities like responding to trademark examination report, keeping track of patent timelines, and so on.
- (a) Intellectual Property Record Management and Updating Information
  - (b) Intellectual Property Enforcement
  - (c) Intellectual Property Policing
  - (d) Intellectual Property Product Strategy Management

8. Which of the following headings in the specification is **not** preferred in an application under the Patent Co-operation Treaty ?
- (a) Technical field
  - (b) Cross references to related applications
  - (c) Background Art
  - (d) Brief description of drawings
9. In which of the following instances, the Alternative Dispute Resolution is **not** suited to be applied in Intellectual Property cases ?
- (a) When there is a need for control over the process and results of a dispute.
  - (b) When there is a need for flexibility over the results of a dispute.
  - (c) When there is a strategic need for publicity.
  - (d) When there is a need to forge new business relationships.
10. \_\_\_\_\_ is a type of Insurance policy covering certain economic damages and intangible losses including loss of data, business interruption and loss of revenue claims asserted by customers.
- (a) Electronic errors or Omission policy
  - (b) Comprehensive General Liability Policy
  - (c) Private IP Insurance Policy
  - (d) Directors and Officers Insurance Policy

## PART B

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

**3×10=30**

11. What are the provisional remedies available under the TRIPS agreement for infringement of IPRs ?
  12. Explain the term 'Claim Construction' with respect to patent litigation. Discuss the major case laws relating to claim construction as decided by the U.S. Courts.
  13. Is it difficult to prove infringement in IP litigation ? Discuss.
  14. Write a note on Client Interviewing and Counselling.
  15. Enumerate the anti-competitive practices in patent dispute settlements relating to pharmaceuticals.
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