

00420

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

Term-End Examination

December, 2011

**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 : 2x5 = 10
- (a) Why is it considered necessary to grant intellectual property rights ?
 - (b) What is meant by 'inventive step' in an invention ?
 - (c) If a design, capable of registration in India under The Designs Act, has not been registered, will it have any protection in India ?
 - (d) What is a well - known trademark ?
 - (e) Biodiversity occurs at three levels ? What are these three levels ?
 - (f) What is a restrictive trade practice ?

- (g) Who can be registered as an authorised user of a registered geographical indication in the case of :
- (i) agricultural goods,
 - (ii) handicrafts ?
- (h) Why is monopoly viewed with disfavour in developing countries ?

2. Attempt *any two* parts : 5x2 = 10

- (a) What new features were introduced in The Trademarks Act, 1999 ?
- (b) (i) What are not regarded as inventions, as a matter of public policy, within the meaning of the Indian Patent Act. and are therefore not patentable ?
- (ii) Are computer programmes patentable in India ?
- (c) How is provisional specification different from complete specification ? What does complete specification contain ?

3. Attempt *any two* parts : 5x2 = 10

- (a) What is meant by the term Monopolistic Trade Practice under the MRTP Act ?
- (b) Explain the meaning of the term Bioprospecting and Biopiracy. Name any two multilateral treaties agreements apart from the TRIPS agreement that deal with biodiversity and IPR.

- (c) Discuss the provisions concerning infringement of a registered Layout Design under the semiconductor, Integrated Circuits and Layout - Designs Act, 2000.

4. Attempt *any two* parts : 10x2 = 20

- (a) What do you understand by geographical indication of goods as defined in the Geographical Indication of Goods (Registration and Protection) Act of 1999 ? Cover the agricultural and natural goods as well as the manufactured goods in your answer. Discuss the procedure for registration of a GI in India.
- (b) Discuss relative grounds for refusal to register a trademark with special focus on deceptive similarity. How is a mark, which has been in concurrent use in the same territory on the similar goods, is affected by the registration of the same mark by another person ?
- (c) What are the objectives of the Biological Diversity Act, 2002 ? How does the Biological Diversity Act define the following terms :
- (i) Benefit Claimers,
 - (ii) Sustainable Development