

**Assignment Booklet**

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

**July 2013**

**Tutor Marked Assignments (TMA)**

**for**

**MIP-101 to MIP 108**



**SCHOOL OF LAW  
INDIRA GANDHI NATIONAL OPEN UNIVERSITY  
MAIDAN GARHI, NEW DELHI – 110 068**

Dear Student,

This booklet contains the assignments for MIP-101 to MIP-108. Each course has one assignment. Complete your MIP 101 to MIP 104 assignments and send to your study centre before **September 31, 2013** and MIP 105 to MIP 108 assignments before **31<sup>st</sup> March 2014**. Please note that, you will not be allowed to appear for the Term End Examination for the course, the assignments of which are not submitted before the due date.

The assignments constitute the continuous component of the evaluation process and have 30% weightage in the final grading. You need to score 40% marks in assignment for each course in order to clear the continuous evaluation component.

### Instructions for Formatting Your Assignments

- 1) You should specify clearly on the first page of all your assignment responses the course code, course title, assignment code, your enrollment number, name and address in the given format:

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Enrolment no- .....  
Name- .....  
Address- .....  
.....  
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Course Code: .....

Course Title: .....

Assignment Code: .....

Regional Centre Code: .....

Study Centre Code: .....

Date: .....

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PLEASE FOLLOW THE ABOVE FORMAT STRICTLY TO FACILITATE EVALUATION AND TO AVOID DELAY.

- 2) The Assignment Response should be hand-written and use only A-4 or foolscap size writing paper (but not of very thin variety) for writing your answers.
- 3) Leave at least 4 cm margin on the left, top and bottom of your answer sheet for the evaluator's comments.
- 4) Your answers should be brief, precise and in your own words. **Please do not copy the answers from the study material.**
- 5) A serious action will be taken if any attempt to copy the Assignment Response from other student is done.
- 6) While solving the questions, clearly indicate the question number along with the part being solved. Recheck your work before submitting it.
- 7) This assignment will remain valid for **one year**. However, you are advised to submit it **within eight weeks** of receiving this booklet to accomplish its purpose as a teaching-tool.

We recommended that you retain a copy of your assignment response to avoid any unforeseen situation.

Our best wishes for your studies.

**Programme Coordinator**

## TUTOR MARKED ASSIGNMENT

### MIP-101: General Introductions to IP Rights

Course Code: MIP-101

Assignment Code: MIP-101/TMA/2013

Maximum Marks: 100

**Note:**

- Please answers in your **own words**;
  - **Answer any Ten (10) of the following questions:** (10×10 = 100)
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1. What are Property Rights? Explain the two attributes of Property.
2. What is the difference between Corporeal and Incorporeal property?
3. Explain Lockean concept of intellectual property rights.
4. What are the emerging areas of IP?
5. Explain the changes in the enforcement mechanisms at national and international level.
6. Discuss regional development of intellectual property rights.
7. What is the relationship between TRIPS Agreement and IPR Laws in India?
8. Economic justifications of intellectual property rights are the creation of market instrumentalism.  
Comment.
9. What is biopiracy? How does it affect the interests of developing countries?
10. Write about the theoretical foundations of intellectual property rights.
11. Discuss the historical evolution of IPR Laws under international law.
12. Discuss the influence of patent right in the development of economy.
13. Differentiate the economic contributions of copyright and trademark.
14. Traditional knowledge is an effective tool for economic progress. Elucidate.
15. Write about the changes in the definitions of IP.

# TUTOR MARKED ASSIGNMENT

## MIP-102: Patents

Course Code: MIP-102

Assignment Code: MIP-102/TMA/2013

Maximum Marks: 100

**Note: Answer any Ten (10) of the following questions:**

**(10×10 = 100)**

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1. Mention the procedure of PCT filing.
2. What are the benefits of using PCT system?
3. Explain pre-grant opposition?
4. What are the questions that determine the various infringement issues of any valid patent.  
Elaborate with cases?
5. What is a patent specification, what are the different parts of it?
6. Critically analyze the differences in description requirements in different jurisdictions.
7. What are the differences between a provisional and complete specification?
8. What are the main objectives of a Patent Search? How is it useful for development of a technology in a particular field?
9. What purpose does the International Patent Classification serve?
10. What do you mean by Patent Analytics?
11. What are the ways of filling an application to obtain a patent?
12. Write a note on PCT – National Phase Application.
13. Discuss the powers of the controller general.
14. a) Discuss the rights of a patent agent  
b) Mention the qualification as well as disqualification for registration as a patent agent?
15. Patent Rights is a negative right explains.

## TUTOR MARKED ASSIGNMENT

### MIP-103: Utilities Models, Designs, Layout Designs of Integrated Circuits

Course Code: MIP-103

Assignment Code: MIP-103/TMA/2013

Maximum Marks: 100

**Note: Answer any Ten (10) of the following questions:**

**(10×10 = 100)**

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1. Mention some of the salient features of the Indian design act
2. What are the important points to be noted for preparation of representation sheet?
3. What are the important steps to followed for registration of design?
4. Write short notes on a) Locarno classification b) Hague system.
5. Describe in your own words what is the meaning of Copyrights in design?
6. State what is meant by Infringement of design rights? What is the impact on the design right holder?
7. What are some of criteria adopted to ascertain the similarity of the design? Give examples.
8. What is a Integrated Circuit (IC)? Give examples of IC.
9. Enumerate the key provisions for scope of Protection of IC as Intellectual Property Rights as per TRIPS.
10. What is the definition of the Semiconductor Integrated Circuit as per the SICLD Act 2000?
11. What happens when a chip lay out design is copied? How is the right holder protected under the SICLD Act 2000?
12. Explain the three categories of Inventive step requirement followed for Utility model protection.
13. Describe briefly your learning from Case Study on Utility Model protection of Stubby Holder Glove.
14. Citing the International experiences enumerate the limitations of the Utility Model Protection.
15. What are the benefits perceived through Utility Model Protection? Please cite relevant examples.

## TUTOR MARKED ASSIGNMENT

### MIP-104: Trade Marks, Domain Names, Geographical Indications

Course Code: MIP-104

Assignment Code: MIP-104/TMA/2013

Maximum Marks: 100

**Note: Answer any Ten (10) of the following questions:**

**(10×10 = 100)**

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1. Describe the international system of protection of well-known trade-marks.
2. What are the factors that are instrumental in determining the well-known status of trade-marks.
3. What is meant by assignment? What are the differences between a trade mark license and an assignment?
4. What functions are performed by trade-marks?
5. How and in which circumstances a trade-mark can be removed from the register?
6. What are advantages that stem from trade-mark registration?
7. What are the salient features of INDRP?
8. What is the procedure of filing a complaint under INDRP?
9. Show by a flow diagram along with timelines, the opposition procedure during GI application prosecution?
10. Under what all circumstances the rectification to GI Register be made?
11. What are three major exceptions to additional protection offered to wines and spirits under TRIPS Agreement?
12. How could domain name disputes concerning in ccTLD be resolved through arbitration?
13. What do you understand by GI Infringement? What according to the GI Act constitutes an act of infringement?
14. What civil and criminal actions can be taken against the alleged infringer of registered GI?
15. Which all goods are prohibited from GI registration?

# TUTOR MARKED ASSIGNMENT

## MIP-105: Copyright and Related Rights

Course Code: MIP-105

Assignment Code: MIP-105TMA/2013

Maximum Marks: 100

**Note: Answer any Ten (10) of the following questions:**

**(10×10 = 100)**

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1. What are the kinds of special provisions regarding use of copyrighted material by educational institutions or for educational purposes?
2. What are the exceptions provided for making works available to persons with disabilities?
3. Describe the cases in which a compulsory license can be issued by the Copyright Board?
4. How the Benches of the Copyright Board are constituted and where the sittings of the Bench are held?
5. What is the meaning of 'import' in the Copyright Act?
6. What are the obligations of countries regarding border measures on copyright as per the TRIPS Agreement?
7. Can the customs officer act suo motto to suspend suspected infringing copyrighted works?
8. What are the rights provided in the Berne Convention?
9. What is the scope of the Rome Convention?
10. What are the new protection envisaged under WCT and WPPT?
11. What are the powers of the Copyright Board?
12. What are the exceptions provided for computer programmes in the matter of copyright?
13. What are the rights provided in the Copyright Act for sound recording producers?
14. What are the civil remedies provided in the Copyright Act for infringement of rights in a sound recording?
15. Write a paragraph on offences and penalties with reference to sound recordings.

## TUTOR MARKED ASSIGNMENT

### MIP-106: Plant varieties, Protection and Biodiversity and Traditional Knowledge

Course Code: MIP-106

Assignment Code: MIP-106 TMA/2013

Maximum Marks: 100

**Note: Answer any Ten (10) of the following questions:**

**(10×10 = 100)**

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1. How does the provision of Mutually Agreed Terms and Prior Informed Consent enshrined in CBD address the issues of access to genetic resources and sharing of benefits from their utilization?
  2. What are potential biosafety implications of genetically modified organisms and how does CBD addresses it?
  3. What are the important regulatory provisions of the Biological Diversity Act, 2002 with reference to access and utilization of biological resources?
  4. What are the provisions for providing exceptions to PBRs which member states can include in their national legislations that provide plant variety protection?
  5. What are the requirements for protection of new plant varieties under UPOV?
  6. Discuss the issue of ownership relating to biotechnology and genetic resources.
  7. Examine the legal framework regulating biotechnology in India
  8. Critically evaluate the implication of the TRIPS agreement on biotechnological inventions.
  9. Write an overview of international agreements relating to PGRS.
  10. Discuss the interface between PGRs and intellectual property rights.
  11. What are the common inventions related to biotechnology?
  12. What are the provisions in TRIPS related to patenting in biotechnology and microorganisms?
  13. What are the provisions for patent protection of inventions related to biotechnology and microorganisms?
  14. What is the rationale of providing Farmer's rights in the PPV&FR Act?
  15. How does the provisions of Biological Diversity Act, 2002 and PPV&FR Act complement for realizing the farmers rights?



## TUTOR MARKED ASSIGNMENT

### MIP-107: Trade Secrets, Competition law and protection of TCE

Course Code: MIP-107

Assignment Code: MIP-107 TMA /2013

Maximum Marks: 100

**Note: Answer any Ten (10) of the following questions:**

**(10×10 = 100)**

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1. How the unfair competition affect the interests of consumers and producers? Explain the significance of repression of unfair trade practices in Intellectual property.
  2. Give a brief account of law against unfair competition in India.
  3. Discuss the essentials of passing off action with the help of case law as laid down by courts in trade mark cases.
  4. Define a trade secret. Is there any difference between confidential information and a trade secret?
  5. Discuss the importance of ‘confidentiality agreements’ in the protection of trade secrets.
  6. Describe the relationship between unfair competition and undisclosed information as stated respectively in Article 10bis of the Paris Convention and Article 39 of the TRIPS Agreement.
  7. What are the essentials of a trade secret as defined in Article 39(2) and when a trade secret loses all protection
  8. Explain the approach of the Supreme Court on the restrictive clauses in the contracts of employment.
  9. Discuss the legislative framework on the protection of trade secrets in India and the main thrust of the judicial approach.
  10. Distinguish between competition law and competition policy. What are the components of competition policy? How intellectual property law interacts and affects the competition policy?
  11. Enumerate the objectives of the competition law. How it promotes innovation and competitiveness of an economy?
  12. What are the factors prescribed under the Act to be taken in to account while determining that a proposed combination is likely to have an appreciable adverse effect on competition in the relevant market?
  13. What are anticompetitive agreements under the Competition Act? How far the agreements related to intellectual property are covered under the provisions of the Competition Act?
  14. How cooperation amongst the intellectual property holders can lead to collusion and thus have anticompetitive outcomes? Illustrate with the help of case in standard setting organisations.
  15. Enumerate the TRIPS provisions which provide flexibilities to the developing countries.

# TUTOR MARKED ASSIGNMENT

## MIP-108: Management of IPRs

**Course Code: MIP-108**  
**Assignment Code: MIP-108 TMA /2013**  
**Maximum Marks: 100**

**Note: Answer any Ten (10) of the following questions:**

**(10×10 = 100)**

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1. Define Intellectual capital?
2. What are the various types of Intellectual capital owned by the organizations?
3. Explain the economic nature of IPR goods?
4. Explain the relationship of innovations with industry and society?
5. What is meant by initial & unorthodox sources of finding?
6. Explain innovation crossing 'valley of death' safely to land in 'The Darwinian Sea'.
7. Differentiate between Income based, cost based and market based methods for valuation of patents.
8. Write note of econometric methods of Patents valuation
9. What is Patent Value Predictor Model?
10. What are the key areas of IP audit?
11. How IP audit is beneficial to the IP owners, IP buyers and IP investors?
12. Explain the defensive patent strategies of a company?
13. Explain what is the offensive patent strategy?
14. What is a sole license and how it is different from exclusive license?
15. Explain the types of intellectual property licenses?