

Assignment Booklet -1

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

January/July, 2017

Tutor Marked Assignments (TMA)

For

MIP-101 to MIP 104



**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-104

Each course has one assignment, which you need to complete and send to your study centre before **March 31, 2017, for January session and September 30, 2017 for the July session**. 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% weight age 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:

Enrolment no:

Name:

Address:

...

Course Code:.....

Course Title:

Assignment Code.....

Regional Centre Code:.....

Study Centre Code:.....

Date:.....

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

Our best wishes for your studies.

**Programme Coordinator
PGDIPR**

TUTOR MARKED ASSIGNMENT

MIP-101: General Introduction to Intellectual Property Rights

Course Code: MIP-101

Assignment Code: MIP-101/TMA/2017

Maximum Marks: 100

Note:

- This assignment is based on **Block 1 to 4** of the course.
 - All questions are compulsory.
 - Please answers in your **own words**; do not copy from the course material.
 - The question paper is divided into two parts: Part A and Part B. **Answer any four questions from Part A and any four questions from Part B.**
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Part A

15x4=60

1. Explain elaborately the Concept of Property. Discuss the different Theories of Property.
2. Discuss in detail the important objectives and other key aspects of Convention of Biological Diversity.
3. Analyse in detail the categories of inventions that are not patentable.
4. Write a note on International Conventions on Copyright.
5. Discuss the Provisions of Paris Convention for the Protection of Industrial Property.
6. Explain the Application of TRIPS Agreement and IPR laws in India.

Part B

10x4=40

7. What are rights? Explain the characteristics of a legal right.
8. Distinguish between Corporeal property and Incorporeal Property.
9. What are the requirements for the protection of new plant varieties under UPOV? Explain.
10. Write a note on the Rome Convention.
11. What is the role of traditional knowledge in Transforming IP system? Explain.
12. What is the importance of Intellectual Property in the international Trade Business?

TUTOR MARKED ASSIGNMENT

MIP-102: Patent

Course Code: MIP-102
Assignment Code: MIP-102/TMA/2017
Maximum Marks: 100

Note:

- This assignment is based on **Block 1 to 4** of the course.
 - All questions are compulsory.
 - Please answers in your **own words**; do not copy from the course material.
 - The question paper is divided into two parts: Part A and Part B. **Answer any four questions from Part A and any four questions from Part B.**
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Part A

15x4=60

1. Define Patents. What are the basic elements of Patentability in an invention? What can be patented? Discuss.
2. When a Patent can be revoked? Discuss the different types of revocation. Also explain the grounds for revocation of Patent?
3. What is infringement of Patent? Discuss the different type of infringement.
4. Write a note on Administration of Patent in India.
5. Discuss the history of Patent Laws in India.
6. What is compulsory licensing? Distinguish between voluntary and compulsory license. .

PART B

10x4=40

7. Define 'Claim'. Distinguish between Provisional and Complete Specifications. Discuss the different type of Patent Searches.
8. Write a note on Patent Cooperation Treaty (PCT).
9. Explain Post-Grant Opposition.
 10. What are the main objectives of patent search? How is it useful for development of a technology in a particular field?
11. Define the doctrine of pith and marrow.
12. Mention the structure of IPAB.

TUTOR MARKED ASSIGNMENT

MIP-103: Industrial Designs and Layout designs of Integrated Circuits and Utility Models

Course Code: MIP-103

Assignment Code: MIP-103/TMA/2017

Maximum Marks: 100

Note:

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Part A

15x4=60

1. Define Industrial Design with examples. Write a note on fundamental concepts of legal system for the Protection of Industrial designs.
2. Explain reasons for protection of Industrial Design. How can Industrial Designs be protected.
3. Discuss the limitation of protections of IC through patent and copyrights. Give reasons.
4. Write a note on assignment and transmission of Integrated Circuits (ICs).
5. Write brief note on fundamental concepts of legal system for the Protection of Industrial designs.
6. Write short notes on 1) Transfer of ownership of design rights and 2) Cancellation of design rights.

Part B

10x4=40

7. Enumerate the key provisions for scope of Protection of IC as Intellectual Property Rights as per TRIPS
8. Give reasons to illustrate the point- "Integrated Circuit can be protected as an Intellectual Property".
9. Illustrate the key steps to be followed for registration of layout design as per the SICLD Act, 2000.
10. What do you understand by Utility model of protection? Enumerate the advantages of utility model of protection.
11. What are the benefits perceived through Utility Model Protection? Please cite relevant examples.
12. Enumerate the significance of Utility Model Protection and explain the benefits acquired by utility model protection.

TUTOR MARKED ASSIGNMENT

MIP-104: Trademarks, Domain Names

Course Code: MIP-104
Assignment Code: MIP-104/TMA/2017
Maximum Marks: 100

Note:

- This assignment is based on **Block 1 to 4** of the course.
- All questions are compulsory.
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Part A

15x4=60

1. Write a concept note on trademarks and their importance in modern day business.
2. Describe the procedure for registration of trade marks. Discuss the absolute grounds for refusal of trade mark registration?
3. What are the advantages that stem from trademark registration? Under what circumstances a trademark can be removed from the register?.
4. What is meant by Infringement of Trademarks? Explain. Discuss the Remedies available.
5. What are well-known trademarks? Describe the international system of protection of well-known trademarks.
6. Define Geographical Indications. Show by a flow diagram along with timelines the opposition procedure during GI Application prosecution.

Part B

10x4=40

7. What do you understand by licensing? What are the legal formalities that are required to be complied with for effecting a trade mark license?
8. What is Madrid system of international registration of Marks. Enumerate the benefits of international registration of Marks.
9. Who are domain name registrars? What functions do they perform?
10. What is meant by UDRP? What is the procedure for filing a complaint under UDRP?
11. How were Geographical indications protected in India prior to the enactment of the Geographical indications of Goods (Registration and protection) Act, 1999.
12. What is the procedure for registration of geographical indication?

**POST GRADUATE DIPLOMA IN
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January/July, 2017

Tutor Marked Assignments (TMA)

for

MIP-105 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-105 to MIP-108. Each course has one assignment, which you need to complete and send to your study centre before **September 30, 2017 for January session and March 31, 2018 for July session**. 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.

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Course Code:.....
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**Programme Coordinator
PGDIPR**

TUTOR MARKED ASSIGNMENT

MIP- 105: Copyright

Course Code: MIP-105
Assignment Code: MIP-105/TMA/2017
Maximum Marks: 100

Note:

- This assignment is based on **Block 1 to 4** of the course.
 - All questions are compulsory.
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Part A

15x4=60

1. Define Copyright. Explain the different kinds of works covered by copyright.
2. What is the approach of the courts to the provision for registration in the Indian Copyright Act?
3. Reflect on the economic impact of copyrights on India's national economy. Examine what would happen if copyright is a permanent right.
4. What are the requirements for a valid copyright assignment? What are the differences between assignment and license?
5. What are Criminal offences with regard to copyrights? Discuss the jurisdiction of Court in case of offences related to copyrights?
6. What are the civil remedies available for author's special rights? Define punitive damages and why courts are awarding the same?

Part B

10x4 = 40

7. What is the definition of phonogram in the Rome convention? Discuss the rights provided to producers of phonograms in the Rome Convention?
8. Which provisions of the Customs Act and the Copyright Act enable customs authorities to take border measures in regards to infringement of copyright? Which Rules deal with border measures in regard to infringement of copyright in India?
9. Write a paragraph on Offences and penalties with reference to sound recordings?
10. What are the rights of a broadcasting organization under the copyright Act, 1957?
11. Define Performer's Right under the Copyright Act. Discuss in detail the Performer's Right.
12. Write a note on the Brussels convention relating to the distribution of programme carrying signals transmitted by satellite (1974)

TUTOR MARKED ASSIGNMENT

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

Course Code: MIP-106
Assignment Code: MIP-106/TMA/2017
Maximum Marks: 100

Note:

- This assignment is based on **Block 1 to 4** of the course.
 - All questions are compulsory.
 - Please answers in your **own words**; do not copy from the course material.
 - The question paper is divided into two parts: Part A and Part B. **Answer any four questions from Part A and any four questions from Part B.**
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Part A

15x4=60

1. How have development in biotechnology contributed to development of plant varieties? What is the justification for proving PBRs to plant breeders?
2. What are potential bio safety implications of genetically modified organisms and how does CBD addresses it?.
3. Discuss elaborately the requirements for protection of new plant varieties.
4. What are the requirements for DUS testing?
5. What is the scope PBRs and period of protection under the UPOV?.
6. Write a note on Plant Genetic Resources and Intellectual Property Rights.

Part B

10x4=40

7. Enumerate the significance of traditional knowledge. Why should traditional knowledge be protected?
8. What exemptions are provided in the PPVFR Act which if performed will not be considered as infringement?
9. Write a note on Life Patents in India and Europe.
10. How does the provisions of Biological Diversity Act, 2002 and PPVFR Act complement for realizing the farmers rights?
11. Write note on (a) Nagoya protocol. (b) Food and Agriculture Organisation (FAO)
12. Describe the major features of the ILO Convention and the draft UN Declaration on the Rights of Indigenous Peoples relating to TK.

TUTOR MARKED ASSIGNMENT

MIP-107: Trade Secrets, Competition Law and Protection of TCE

Course Code: MIP-107

Assignment Code: MIP-107/TMA/2017

Maximum Marks: 100

Note:

- This assignment is based on **Block 1 to 3** of the course.
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Part A

15x4=60

1. Define a trade secret. Is there any difference between confidential information and a trade secret? Discuss.
2. 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.
3. How the trade secrets are generally protected in the major jurisdictions of the world? Explain the approach of the Supreme Court on the restrictive clauses in the contracts of employment.
4. Distinguish between competition law and competition policy. What are the components of competition policy? How intellectual Property law interacts and affects the competition policy?
5. What do you understand by dominant position of an enterprise? State the provisions of the Competition Act which frown upon abuse of such dominant position..
6. Define Traditional Cultural Expressions. Briefly enumerate as to what can qualify as the subject matter for the protection as traditional cultural expressions. Give examples..

Part B

10x4=40

7. Briefly describe various provisions in TRIPS related to the treatment of anti-competitive practices. How far these provisions provide flexibility for addressing the concerns of the developing nations?
8. Discuss the essentials of passing off action with the help of case law as laid down by courts in trademark cases.
9. Briefly give the nature of work done by UNESCO in the field of protection of and promotion of cultural heritage and cultural diversity.
10. What is the rationale behind the protection of Traditional Cultural Expressions?.
11. Discuss the link between the protection of TCEs and the issues related to human rights and role of various indigenous and traditional communities..
12. What do you understand by intellectual property induced dominance? Explain with an example of abuse of such dominance.

TUTOR MARKED ASSIGNMENT

MIP-108: Contemporary Intellectual Property Issues

Course Code: MIP-108
Assignment Code: MIP-108/TMA/2017
Maximum Marks: 100

Note:

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Part A

15x4=60

1. Define intellectual capital? Explain the various stages in intellectual capital management?.
2. Explain various types of royalties. What are the commonly used Royalty formulas?
3. Explain the importance and reasons for evaluating IP.
4. Why valuation of patent is necessary? What are the most popular methods of Patent Evaluation?
5. Differentiate between Income based, cost based and market based methods for valuation of patents..
6. What is an IP audit? When IP audit is necessary? What are the key areas of IP audit?

Part B

10x4=40

7. What is a sole license and how it is different from exclusive license? Explain the types of intellectual property licenses?.
8. Discuss the conception of idea. What are the stages involved in mind to Patent?
9. What is cross licensing? Explain with example its benefits and drawbacks.
10. What are the key areas of IP Audit?
11. What is Patent Mapping? Discuss the purpose of patent mapping.
12. Define Open Source. Examples of Open Source soft ware products.