

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

Term-End Examination

June, 2016

**MIP-002 : INDUSTRIAL PROPERTY : PATENTS,
DESIGNS, PLANT VARIETIES**

Time : 2 hours

Maximum Marks : 50

*Note : All questions are compulsory. However, initial choices
are given in each Part.*

PART - A

1. Attempt any five questions from this part. Each question carries two marks : **5x2=10**
- (a) Enumerate the conditions of Patentability (criteria eligible for Patent Protection).
 - (b) Explain the elements to be proved by the patent owner towards establishment of infringement.
 - (c) Should the inventor have the right to be mentioned in the patent for invention ?
 - (d) When two people have filed an application for Patent on the same day, who will get the Patent ?
 - (e) What are the matters to be considered for the establishment of 'Balance of interest' in the case of legal protection of industrial designs ?

- (f) How UPOV and WIPO are related ?
- (g) What elements are considered necessary for an invention to be called a 'diagnostic method', by the European Patent Office Technical Board of Appeal, in the context of IPRs in Bio-technology ?

PART - B

2. Attempt **any four** questions from this part. Each question carries five marks : **4x5=20**
- (a) Explain the three basic requirements to be complied with while drafting a patent application.
 - (b) Explain the coverage of 'Natural Treatment Rule' under the Paris Convention.
 - (c) Discuss the advantages available for the patent office under Patent Cooperation Treaty (PCT).
 - (d) 'The nature of novelty or originality that is required as a condition for Protection of Industrial design differs amongst the laws of various countries'. Elaborate.
 - (e) Explain the scope of Breeder's Rights under Article 5 of the 1978 Act of the UPOV Convention.
 - (f) Discuss the requirements of the TRIPS Agreement in relation to Layout Designs (Topo graphics) of integrated circuits.

PART - C

3. Attempt **any four** questions from this part. Each question carries **five marks** : **4x5=20**

- (a) Explain with illustrations the non-voluntary licenses granted in the public interest to private parties.
 - (b) Discuss the actions to be initiated by the Patent office towards the grant of Patent and its publication.
 - (c) Discuss the examination and grant of Patents under the Japanese Patent System.
 - (d) Discuss the exclusive rights available to the proprietor of Industrial Designs to prevent the unauthorised exploitation of the designs in industrial articles.
 - (e) Explain the system established in a Patent application towards Patenting Micro Organisms.
 - (f) Explain the remedies available against Infringement of Patent.
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