

POST GRADUATE DIPLOMA IN
INTELLECTUAL PROPERTY RIGHTS (PGDIPR)

Term-End Examination

June, 2016

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 questions briefly : 5x2=10
- (a) The Designs Act of 2000
 - (b) Who can apply for obtaining a patent in India ?
 - (c) What does the Designs Act protect - shape or function or both of an article ?
 - (d) What is the duration of validity for the registration of a trademark ?
 - (e) Define 'Geographical Indication'.
 - (f) What is meant by Genetic Use Restriction Technology (GURT) ?
 - (g) What are the two kinds of issues raised due to the territorial nature of IPR in enforcement of the IPR abroad ?

2. Answer any two questions : 2x5=10
- (a) What is meant by 'specification' in a patent document ? Distinguish between 'provisional' specification and 'complete' specification.
 - (b) Define trademark. How is a 'well - known trademark' different from an ordinary trademark ?
 - (c) Discuss transfer of rights in a trademark, whether registered or unregistered.
3. Answer any two questions : 2x5=10
- (a) Distinguish between 'bioprospecting' and 'biopiracy'. How can biological resources of a country be legally accessed by another country ?
 - (b) Write notes on :
 - (i) Access and Benefit sharing in the context of the protection of biodiversity and
 - (ii) Reciprocity and Prohibition of Registration in the case of protection of GI (geographical indication).
 - (c) Which layout designs can't be registered in India ? When is a registered layout design infringed ?
4. Answer any two questions : 2x10=20
- (a) (i) What is the shift of intent in moving from the MRTP Act, 1969 to the Competition Act, 2002 ? Discuss Anti-Competitive Agreement.
 - (ii) Discuss when is an enterprise said to have a dominant position in the market and what constitutes abuse of dominant position ?

- (b) Discuss the IPR issues in the protection of traditional knowledge.
 - (c) Discuss the following statement :
Though the seeds of a patent system were clearly discernible in the Seventeenth Century, the real advance came in the following two centuries.
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