

PARUL UNIVERSITY
FACULTY OF LAW
LL.M Winter 2017 – 18 Examination

Semester: I
Subject Code: 17201132
Subject Name: Law of Patent and Technology Transfer

Date: 20/12/2017
Time: 10.30 am to 1.00 pm
Total Marks: 60

Instructions:

1. All questions are compulsory.
2. Figures to the right indicate full marks.
3. Make suitable assumptions wherever necessary.
4. Start new question on new page.

Q.1 (MCQ, True or False, Definitions, Explain terms) (15)
(1 marks each. All Compulsory)

- 1 Pre-grant opposition can be filed by
 [a] Any Person [b] Person interested [c] Both (a) and (b) [d] None
- 2 Utility model protection is available for
 [a] 30 years [b] 7-10 years [c] 20 years [d] 25 years
- 3 Exclusive right over patent is limited for a period up to _____
 [a] 20 years [b] 99 years [c] 10 years [d] life time of the patentee
- 4 What is not patentable?
 [a] non obvious [b] novel [c] discovery [d] industrially applicable
- 5 Opposition of patent can be done _____
 [a] pre grants [b] post grant [c] a or b [d] a and b
- 6 If you file provisional specification, the complete specification is required to be filed within _____
 [a] 10 months [b] 20 months [c] 12 months [d] 6 months
- 7 Is working of Patent required in India?
 [a] Yes [b] No [c] in cases of compulsory license only [d] in some cases
- 8 Does Patent can be revoked in India?
 [a] Yes [b] No [c] Yes in some cases [d] On courts order only
- 9 What is not a right of a patentee?
 [a] Right to assign [b] Right to sell [c] Right to restrict trade [d] Right to import the product into India
- 10 Patent application can be filed in India by _____
 [a] True and First Inventor [b] Assignee of the inventor [c] Legal representative of the inventor [d] All of above
11. Define invention
12. Explain Technology Transfer.
13. A “true and first inventor” includes a person who qualifies as the first importer of an invention into India. (State true or false)
14. Define industrial application.
15. Is a genetically modified plant patentable?

Q.2 Write short notes on. (Each of three marks)

(15)

1. Historical Evolution of Patent law.
2. Government Use of invention
3. Infringement of Patents
4. Rights and Obligations of Patentee
5. Powers of Controller

Q.3 A) What is Transfer of Technology (TOT)? Explain the concept of TOT and I P commercialization.

(08)

OR

A) Discuss the Case of Natco v Bayer in the light of Doha Declaration

B) Explain Compulsory License. Under what circumstances it can be granted?

(07)

OR

B) Explain the Patentability criteria under Patent Act 1970.

Q.4 A) Explain the procedure of Patent application.

(07)

B) Answer the following (any 4) (Each of two marks)

(08)

1. Explain the opposition of Patent under Patent Law in India.
2. What you mean by Traditional Knowledge?
3. Explain Utility Patent.
4. What is Parallel Importing?
5. What are the remedies for infringement of Patents?
6. Explain inventive step in a Patent.