

PARUL UNIVERSITY
FACULTY OF LAW

LL.M (Intellectual Property Law) Winter 2018– 19 Examination

Semester: 1

Date: 01/12/2018

Subject Code: 17201132

Time: 10:30am to 01:00pm

Subject Name: Law of Patent and Technology Transfer

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 Do as directed. (1 marks each. All Compulsory)**(15)**

1. Define invention.
2. What is meant by capable of industrial application?
3. Explain Technology Transfer.
4. What is not patentable?

[a] non obvious	[b] novel
[c] discovery	[d] industrially applicable
5. 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
6. 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
7. Patent Act 1970 is applicable to

[a] Whole of India	[b] Whole of India except J&K
[c] Whole of India except Kerela	[d] Whole of India except Nagaland
8. 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
9. 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
10. Working of Patent is required in India

[a] yes	[b] no
[c] in cases of compulsory license only	[d] in some cases
11. Utility model protection is available for

[a] 30 years	[b] 7-10 years
[c] 20 years	[d] 25 years
12. Pre-grant opposition can be filed by

[a] Any Person	[b] Person interested
[c] Both (a) and (b)	[d] None
13. Patent can be revoked in India

[a] Yes	[b] No
[c] Yes in some cases	[d] On courts order only
14. A “true and first inventor” includes a person who qualifies as the first importer of an invention into India. Is it

[a] True	[b] False
----------	-----------
15. A genetically modified plant is patentable. Is it

[a] True	[b] False
----------	-----------

Q.2 A) Write short notes on. (Each of three mark)**(15)**

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

Q.3 A)(i) Explain the Patentability criteria under Patent Act 1970. (08)

OR

A)(ii) Explain Compulsory License. Under what circumstances it can be granted?

B) (i) Explain the procedure of Patent application. (07)

OR

B) (ii) What is Transfer of Technology (TOT)? Explain the concept of TOT and I P commercialization.

Q.4 A) Discuss the Case of Natco v Bayer in the light of Doha Declaration (07)

B) Answer the following (short questions with option) **(Each of two mark)** (08)

1. (i) Explain inventive step in a Patent.

OR

(ii) Traditional Knowledge

2. (i) Explain Utility Patent

OR

(ii) Bolar Exemptions (exception to Patent Rights)

3. (i) Remedies for infringement of Patents

OR

(ii) Pith & Marrow test for infringement.

4. (i) Parallel Importing

OR

(ii) Explain the opposition of Patent under Patent Law in India.