



Name:
Enrolment No:

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
Online End Semester Examination December, 2021

Course: Law of Patents
Programme: B.Sc. LL.B. (Hons.) (Intellectual Property Rights)
Course Code: CLBS4002
Time: 03 hrs.
Instructions: Attempt all questions

Semester: VII

Max. Marks: 100

SECTION A
(Type the answers in test box)

Objective Type Questions/Definitions/fill in the blanks

5Qx2M=10 Marks

S. No.	Choose the correct option.	Marks	CO
Q 1	As per the Indian Patent Act, a complete specification must be filed within a. 12 months of filing a provisional application b. 15 months of filing a provisional application c. 18 months of filing a provisional application 10 months of filing a provisional application d. None of the above	2	CO1
Q2	Which of the following is the oldest convention for patent protection? a. Rome Convention b. TRIPs c. Paris Convention d. Berne Convention	2	CO2
Q3	When can an opposition to grant of patent be filed? a. Any time after publication of application but before grant of patent b. Any time after grant of patent c. Within one year after publication of grant of patent d. Both a & c	2	CO2
Q4	What is the tenure of Patents under the Indian Patent Act? a. 5 years b. 10 years c. 15 years d. 20 years	2	CO1
Q5	Where is the word 'Novelty' defined in the Indian Patent Act? a. Sec 2(c) b. Sec 2(e) c. Sec 2(f) d. not defined	2	CO1

SECTION B
(Scan and upload)

(Conceptual based question)

4Qx5M=20 Marks

Q3	What are the three eligibility criteria for patentability under Indian Patent Act,1970?	5	CO1
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Q4	Explain briefly the concept of POSA.	5	CO2
Q5	Explain briefly Locke's labour theory with regard to patent	5	CO2
Q6	What is the difference between revocation and surrender of patent?	5	CO3
SECTION-C (Scan and upload)			
(Descriptive/Analytical Questions)		2Qx10M=20 Marks	
Q7	What are the procedural differences between pre grant objection and post grant objection to patent? Explain with relevant provisions,	10	CO4
Q8.	What is traditional knowledge? Can traditional knowledge be patented? Explain with reference to Neem & Haldi patent controversy.	10	CO2
SECTION-D (Scan and upload)			
(Descriptive/Analytical Questions)		2Qx25M=50 Marks	
Q9.	<p>The 'Lannister' tribe, settled in the lush green forests of southern India, are reputed for their ability to solve complex puzzles. Several research groups visited this area to study this interesting tribe. One such group from the 'Khaleesi Institute of Technology' led by Professor Daenerys Targaryon, suspected that the mental skills of these indigenous tribals was due to their consumption of the leaves of a plant called "Mary Jane". Sensing the potential of these leaves for a blockbuster brain power enhancing drug, they took samples to the U.S. to do further research. After forming a company, 'Khal Drogo Inc' to exploit this new discovery, Prof. Targaryon's team identifies the active ingredient ("Drogon") and makes a drug based on it called "Brain-worm". Khal Drogo Inc. files patents for the drug and its process of manufacture in the US, EU, Japan, India and other leading markets. After a lengthy examination process, Khal Drogo Inc. obtains a patent in India in May 2008. Brain worm is a huge hit in the market and makes over a million dollars in the very first month of its sale. As expected, the patentee deliberately ignores the Lannister tribe, who get nothing from the commercial exploitation of their traditional knowledge. Ranchoddas Chanchad Inc., an Indian Company desires to introduce a similar product in the India. It therefore plans to challenge the Indian Patent held by Khal Drogo Inc. Ranchoddas Chanchad Inc. approaches you for advice in March 2009.</p> <p>In light of the above stated facts answer the following questions-</p>		

	<p>A. Can Khal Drogo's patent be challenged? If so on what grounds? Explain with relevant provisions and case laws.</p> <p>B. What defense can be claimed by Ranchoddas Chanchad Inc in the above mentioned scenario?</p> <p>C. Ranchoddas Chanchad Inc. creates "Virus", an ester derivative of "Drogon" that has better bioavailability in the body than Drogon. Can Ranchoddas Chanchad Inc. patent 'Virus'?</p>	<p>5</p> <p>10</p> <p>10</p>	CO4
Q10.	<p>One Mr. Langda Tyagi was a well renowned Indian scientist. He was working on a secret project for many years which pertained to an environmentally friendly nuclear bomb. On having successfully made the invention he filed an application for patent on 1.1.2000. He decided to celebrate the success by inviting his best friend over Mr. Kesu Firangi. During the course of celebration he discussed with Mr. Firangi the details of his invention and how the Prime Minister of the Country, Mr. Dody wants to license the same to inculcate it in the defense forces weaponry. Soon after, Mr. Tyagi finds out that Mr. Firangi has started his research on the same invention. He confronts him to which Mr. Firangi says that he is only experimenting on the invention. When the Prime Minister comes to know of this he informs Mr. Tyagi that he is no more interested in the invention as the novelty and secrecy of the same has been compromised. In light of the above stated facts answer the following questions-</p> <p>A. Does the above communication by Mr. Tyagi to Mr. Firangi amount to publication?</p> <p>B. Can Mr. Firangi take the defense of 'Prior experimental use'? Explain with relevant case laws.</p> <p>C. Is this invention eligible to get patent under the Indian Patent Act? Explain the same with reference to relevant provisions and case laws.</p>	<p>5</p> <p>10</p> <p>10</p>	CO4