

Name:

Enrolment No:



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, December 2019

Course: Law of Patents
Program: : B.Tech.(E.T.)LL.B(Hons.)IPR
Course Code: LLBL523

Semester: IX
Time: 03 hrs.
Max. Marks: 100

Instructions:

S. No.	Answer the following questions by choosing the right option.	Marks	CO
Q 1	Which of the following can be patented? a. Frivolous invention b. Scientific principle c. Admixture having enhanced efficacy d. Mathematical method	2	CO2
Q2	Where is the word 'Inventive step' defined in the Indian Patent Act? a. Sec 2(g) b. Sec 2(ja) c. Sec 2(h) d. not defined	2	CO2
Q3	Which section of the Indian Patents Act deals with subject matter which are not patentable? a. Section 2 b. Section 3 c. Section 4 d. Section 5	2	CO2
Q4	Who is not entitled to file for patent? a. True and first inventor b. Assignee of the true and first inventor c. Relative of the inventor d. Legal representative of the deceased who was entitled to make application	2	CO1
Q5	Can multiple inventions be filed for patent in a single application? a. True b. False	2	CO3
SECTION B			
Q6	Explain the public order and morality requirement to be fulfilled by an invention to be patent eligible.	3	CO2
Q7	Briefly lay down the evolution of patents in the world.	4	CO1
Q8	Explain the Natural theory and utilitarian theory for justifying IPR.	4	CO1

Q9	IPR works on a two pronged approach i.e. reward-incentive basis. Justify the same.	5	CO2
Q10	List the International developments that took place with respect to patents, specifically focusing on Paris convention and PCT.	4	CO2
SECTION-C			
Q11	Explain the concept of 'Prior Publication' with regard to patents along with relevant statutory provisions & case laws.	6	CO1
Q12	Explain the relevance of 'Graham trilogy' cases with reference to the concept of Obviousness.	5	CO2
Q13	What are the defenses available with the infringer of the patent? Explain with relevant case laws.	6	CO2
Q14	Explain the concept of 'POSA' with reference to assessing novelty of a patent.	3	CO1
SECTION-D			
Q15	<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. Nodi 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>Q1. Does the above communication by Mr. Tyagi to Mr. Firangi amount to disclosure?</p> <p>Q2. What offence, if any has been committed by Mr. Firangi?</p> <p>Q3. Can Mr. Firangi take the defense of 'Prior experimental use'? Explain with relevant case laws.</p> <p>Q4. Is the novelty of the invention actually compromised? Explain the same with the concept of novelty and anticipation.</p> <p>Q5. Is this invention eligible to get patent under the Indian Patent Act? Explain the same with reference to relevant provisions and case laws.</p>	(50)	
		5	CO3
		10	CO2
		10	CO1
		15	CO3
		10	CO2