

Roll No.
SAP ID



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, December 2020

Course: Law of Patents (Hons-3)

Course Code: LLBL523

Programme: B. Tech Energy Technology with LL.B (Hons.) in Intellectual Property Rights

Semester: IX

Time: 03 hrs.

Max. Marks: 100

SECTION A

1. Each Question will carry 5 Marks

2. Instruction: Complete the statement / Select the correct answer(s)

S. No.		CO
1.	The Patent Act of 1970 was signed on _____ and enforced on _____.	CO1
2.	_____ is the International Recognition of the Deposit Of Microorganisms for the Purposes of Patent Procedure.	CO1
3.	The Patent Act of 1970 has been amended in the following year _____, _____, _____.	CO1
4.	Section _____ of the Indian Patent Act 1970 provides for the threat of Infringement Proceedings.	CO1
5.	_____ is the act of filing numerous patents on the same product. It prevent generics from entering the market due to the risk of infringement and the high cost of patent litigation.	CO2
6.	An application for patent shall be filed with the Patent Office having appropriate jurisdiction. The territorial jurisdiction of patent office in respect of a patent application is decided based on any of the following: a. Place of residence, domicile or business of the applicant (first mentioned applicant in case of joint applicants) or, b. Place from where an invention actually originated or, c. Address for service in India given by the applicant, when the Applicant has no place of business or domicile in India (Foreign applicants). i) all are true ii) only a is true iii) Only a and b are true	CO2

SECTION B

1. Each question will carry 10 marks

2. Instruction: Write short / brief notes

7.	Explain the remedies available against patent infringement in India.	CO2
8.	Explain the procedure for filling the Patent application till the grant of patent.	CO3
9.	Discuss whether a software can be patented as per Indian Patent Law?	CO3
10.	State the Limitations to Patentee Rights.	CO3
11.	Whether a gene can be patented as per Indian Patent Law? Discuss	CO4

Section C

1. Each Question carries 20 Marks. Choose any one.

2. Instruction: Write long answer.

12.	<p>A company, Larva Ltd has a patent in India for a process to manufacture a wonder drug that cures malaria. There is a severe epidemic of malaria in some regions in India. Larva is however unable to supply the required volume of the wonder drug in India during this crisis. A company, Proboscis Ltd approaches Larva Ltd for a licence to manufacture the wonder drug to supply during the crisis period. However the negotiations for a license fail. What options does Proboscis now have, if it still wishes to make the drug and supply it in India? Also, discuss the various provisions related to abuse of patent and public interest.</p> <p>Or</p> <p>Your client, Mr Karimeen has a patent over a complex electro-mechanical device for fishing in lakes. His device is able to sense the movement of fishes and then adjust the angle of the bait to effectively attract the fishes. After 2 few years, Mr Nettoli, a renowned fisherman from Mangalore makes an improvement on Mr. Karimeen's device and commercialized it.</p> <p>Mr. Karimeen wants to file a patent infringement case against the Mr. Nettoli. Make your client understand what will amount to patent infringement and what the various tests of infringement are.</p>	CO4
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