


Name:			
Enrolment No:			
UNIVERSITY OF PETROLEUM AND ENERGY STUDIES End Semester Examination, December 2022			
Course: Law of Patents Program: BA; LL.B, B.COM, LL.B, BBA; LL.B, BSc. LL.B		Semester: VII Time: 03 hrs.	
Course Code: CLIR5010		Max. Marks: 100	
Instructions: All questions are compulsory.			
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q 1.	Relationship between Patent Co-operation Treaty and Patent Law Treaty.	2	CO1
Q2.	Pre-grant and Post Grant opposition to patents.	2	CO1
Q3.	Define the Assignment of patent rights.	2	CO1
Q4.	The distinction between invention and discovery.	2	CO1
Q5.	Distinguish between ownership of an invention or a patent and ownership of goods.	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q 6.	Explain the purpose of the Patent Office. Enumerate the various statutory powers conferred on the Controller of Patents in India.	5	CO2
Q 7.	‘The object of patent law is to encourage scientific research, new technology, and industrial progress.’ Analyze this statement in light of present-day competition.	5	CO2
Q 8.	What is Surrender and Revocation of Patents? Under what circumstances there can be Surrender and Revocation of the Patent?	5	CO2
Q 9.	What amounts to infringement of a Patent? Which acts do not constitute infringement?	5	CO2
SECTION-C (2Qx10M=20 Marks)			
Q 10.	Critically evaluate the changes introduced in Indian Patent Act 1970 by The Patent (Amendment) Act 1999, 2002, and 2005. Do you think that these three major amendments were done as a part of the exercise to conform under the TRIPS Agreement of the WTO?	10	CO3
Q 11.	A patent was granted to X on a communication system. After getting the patent X serves a notice of infringement upon Y on the ground that he	10	CO3

	was infringing the patent granted to X. Y approaches you for suitable advice. Please explain to Y the remedies under the Patents Act.		
SECTION-D (2Qx25M=50 Marks)			
Q 12.	<p>Raja and Radha did their PhD together at the Indian Institute of Science Bangalore in the field of Biotechnology. After completing their doctoral programme they planned to set up their own lab with a loan from a bank. They started working on a novel dermal application that will heal severe burn wounds and will grow the skin back in a short time and no such dermal application was known in the prior art.</p> <p>In the course of their working together, they also came to the view based on their compatibility in professional interests and other issues they will get married. They jointly filed for a patent and also received the patent in December 2009. Raja orally promised her that if they license the patent, Radha can take 75% of the profit as he cared for her and it is a pre-marriage gift to her in a private meeting with her. They have an offer for a license for this patent from a company for a hefty amount.</p> <p>In the course of the next few months, they developed differences in their relationship and eventually decided not to marry. After some time, they bitterly quarreled and decided to part ways.</p> <p>Radha approaches you and complains that Raja is retracting his earlier promise to give her the 75% as promised and says that he will give only 50% of the amount.</p> <p>Further, she states that Raja also wants it to be licensed to another friend of his who is offering a lesser license fee which is not acceptable to her. She approaches you for a consultation on the above issues.</p> <p>You are required to give advice based on the relevant sections of the Patents Act and any remedy you can get by approaching the Controller.</p>	25	CO4
Q 13.	<p>CropFix is a pesticide manufacturing company based in South Africa. CropFix developed a pesticide composition comprising ingredients A and B to mitigate earworm infestation in tomato plants. CropFix identified that when A and B are used in a ratio of 25-30% and 75-70% respectively. The pesticide composition not only mitigated worms but also improved the flowering rate. The patent application was filed with a single claim-</p> <p>"1. A pesticide composition comprising A and B:"</p> <p>The patent office has cited a prior publication in the first statement of objections (FER) which discloses a pesticide composition comprising 5-55 wt % A and 95-45 wt% B for mitigating earworm infestation in tomato fields.</p> <p>(a) How will you respond to this FER'? (15 Marks)</p> <p>(b) If the complete specification did not have any examples evidencing an increase in flowering rate. How can CropFix provide further evidence? (10 Marks)</p>	25	CO4