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Enrolment No:			
UNIVERSITY OF PETROLEUM AND ENERGY STUDIES End Semester Examination, December 2022			
Course: Patent Law and Practice Program: BA; LL.B, B.COM, LL.B, BBA; LL.B.		Semester: VII Time: 03 hrs.	
Course Code: CLIR4004		Max. Marks: 100	
Instructions: All questions are compulsory.			
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q 1.	Patent as a monopoly right. Comment.	2	CO1
Q2.	Pre-grant and Post Grant opposition to patents.	2	CO1
Q3.	When can an application for a patent be open to the public?	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 importance of prior art search before filing of patent application and drafting of specification.	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.	The TRIPS agreement contains general provisions and basic principles concerning intellectual property, as well as a catalogue of standards concerning the availability, scope and use of intellectual property rights, which have to be adopted by member states. Examine the statement with particular reference to patents.	10	CO3
Q 11.	Suma is a home maker in rural Karnataka. She has a patent for a fish feed formulation. She has been selling the patented product through e-commerce platforms and has got very encouraging feedback from market. Suma has now realized that the addition of 10 % by weight of coconut oil into the formulation extends disintegration time for fish feed pellets in water. Suma knows that addition of coconut oil into the fish feed formulations to extent disintegration is well known in the art. Nevertheless, she approaches you seeking means to protect this improved/modified formulation. How would you advise her.	10	CO3
SECTION-D (2Qx25M=50 Marks)			
Q 12.	<p>The term "software patent" does not have a definition as yet and all that can be done to define it will be based on individual surmise. This is one of the problems with the issue of software patenting, namely that the term lacks a universally sanctioned definition. Computer programs are basically divided into "application programs" and "operating system programs"? According to Richard Stallman, the co-developer of the GNU-Linux operating system and proponent of Free Software, "(s)oftware patents are patents which cover software ideas, ideas which you would use m developing software."</p> <p>(a) Elaborate upon the arguments of both sides in the longstanding debate of whether software should be granted copyright protection or patent protection. (15 Marks)</p> <p>(b) This debate has assumed enormous significance in the Indian context, following the 2005 Amendment to the Patent Act, 1970 (which does not prohibit software patent expressly) and its possible effects on the economic interests of Indian software firms. Comment. (10 Marks)</p>	25	CO4

<p>Q 13.</p>	<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>	<p>25</p>	<p>CO4</p>
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