

Name:	
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, December 2018

Course: Trade Secrets and Technology Transfer

Course Code: LLBL 652

Semester: XI

Programme: B.TECH. (ET), LL.B. (Hons.) IPR

Time: 03 hrs.

Max. Marks: 100

Instructions:

SECTION A

S. No.		Marks	CO
Q 1	What type of information is considered as Trade Secrets ?	5	CO 1
Q 2	Differentiate between Vertical and Horizontal Technology Transfer?	5	CO 3

SECTION B

Q 3	Explain the concept of inevitable disclosure under trade secrets with relevant case laws and examples.	10	CO 1
Q 4	Explain the key steps to be adopted while preparing before as well as during Technology Negotiation process. At the end of a negotiation, do you think that (a) There must be a "winner" and a "loser"; (b) The loser should be allowed to think he/she is the winner; (c) Both sides should feel satisfied?	10	CO 3


SECTION-C

Q 5	Describe elaborately the sequential steps involved in the Technology commercialization process, with suitable examples.	10	CO 3
Q 6	Does competition law apply to the obtainment or grant and transfer or assignment of intellectual property rights? Which authorities are responsible for the application of competition law to intellectual property rights in India? What enforcement powers do they have? Discuss with the help of relevant case law.	10	CO 2

SECTION-D

Q 7	Mr. Akash is in the business of organizing travel trade shows. He was the first in India to promote travel trade show with direct interaction between the sellers and buyers in the travel industry. He has over the years and at least for the last 20-25 years organized many travel trade shows all over the country and the name of Mr. Akas has become synonymous with such travel trade shows. On the other hand, Mr. Kapil through an electronic mail evinced its intention to enter into a joint venture agreement with Mr. Akash and to enter into non –disclosure agreement. The confidential information which Mr. Akash was to disclose under the agreement was of a nature which would not be available in public domain and was exclusively available with him and related to the business, clients, customers, business practice and trade secrets of the petitioner and also including commercial, technical, scientific, operational, administrative, financial and marketing information. Mr. Kapil	15	CO 1
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	by an electronic mail, requested Mr. Akash to provide confidential financial and marketing information. After receiving the aforesaid electronic mail. After receiving the confidential information, Mr. Kapil started his own business. Thereof, Mr. Akash filed a suit against Mr. Kapil. Decide the above case. Explain the law relating to Trade Secrets in India. Discuss the relevant case laws.		
Q 8	Discuss the process of University- Industry Technology Transfer. Explain the importance and process under the BAYH DOLE Act ? How far Indian Universities provide incentives to companies to develop university Technologies into commercial products?	15	CO 5
Q 9	<p>Dr. Humphries, a freelance chemical consultant with an extensive knowledge of the mineral processing art, discovered a process for utilizing a previously known chemical reaction for the purpose of reducing sulfur dioxide emissions during the refining of copper sulfide minerals. He assigned his rights to the invention to a newly formed Ocker Limited, in exchange for a parcel of shares in the company. Ocker agreed, in a separate agreement, to repurchase the shares for Rs. 10,000 in two years time if Dr. Humphries wished to relinquish them at the time. Ocker filed patent applications covering the invention in the countries where Ocker considered the process most likely to be used. These countries also granted trade mark protection for CuprOz®. which was the name used when referring to the process. Mr. McKenzie, the Managing Director of Ocker, met Dr. Washington at a recent Conference of the Licensing Executives Society during a visit to the Zye State and mentioned to him the work done by Dr. Humphries. Dr. Washington expressed interest in the invention and mentioned that he was Licensing Director for Sam Inc. an American copper producer with about 20% of the Zye market. He asked Mr. McKenzie to let him have further details of the process. Following an exchange of facsimile messages, the parties ascertained that, it was in fact mutually more convenient to meet in Town and, in view of the time constraints, parties proposed the following agenda:</p> <ol style="list-style-type: none"> Review of the merits of the CuprOz, process. The possibility of the parties entering into a license agreement and the terms thereof, including: (a) Definition of what is to be licensed; (b) Whether exclusive/non-exclusive, with/without sub-license rights, territory to be covered; and (c) Continuous technical assistance by Ocker If mutually agreeable terms can be reached, the financial arrangements which will apply, including: (a) Form and timing of payments, e.g. • Down payment and royalty; • Fully paid-up license; and (b) Other relevant financial consideration. <p>On the basis of the above, draft the license agreement for McKenzie and Dr. Washington.</p>	20	CO 3

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SECTION A

S. No.		Marks	CO
Q 1	Explain the definition of Trade Secrets as given under the Defends Trade Secrets Act.	5	CO 1
Q 2	List out two obligations of a licensee in Technology Transfer.	5	CO 2

SECTION B

Q 3	Whether Competition law is applied to Intellectual Property Licensing? Discuss the issues relating to Standard Essential Patents with the help of relevant cases.	10	CO 2
Q 4	Does patent protection help or hinder technology transfer? Explain your answer in detail.	10	CO 3

SECTION-C

Q 5	Explain the concept of misappropriation by memory under trade secrets with relevant case laws and examples.	10	CO 1
Q 6	Explain the key steps to be adopted while preparing before as well as during Technology Negotiation process.	10	CO 3

SECTION-D

Q7	Springle Technologies is attempting to license a new technology they have created which enhances the experience of motion gaming, by providing vibrating feedback to the player. The gamer wears a hand shaped device and plays various games on motion gaming consoles (such as Microsoft Kinect) and the device vibrates each time when say, the player hit a ball with his racket on the screen or delivers a punch to the opponent on the screen, giving the human player a realistic experience. While Mick & Toytoy Company is looking for such kind of technology and started negotiation process with Springle Technolgies.	20	CO 3
Q 8	Explain the approach of Organization for economic co-operation and development (OECD) in the role performed by Technology Transfer Officers (TTO). Discuss the mechanism through which TTO is moving from a passive to an active role in innovation.	15	CO 5
Q 9	Mr. Prakhar is in the business of organizing travel trade shows. He was the first in India to promote travel trade show with direct interaction between the sellers and buyers in the travel industry. He has over the years and at least for the last 20-25 years organized many travel trade shows all over the country and the name of Mr. Akas has	15	CO 1

<p>become synonymous with such travel trade shows. On the other hand, Mr. Kamal through an electronic mail evinced its intention to enter into a joint venture agreement with Mr. Prakhar and to enter into non –disclosure agreement. The confidential information which Mr. Prakhar was to disclose under the agreement was of a nature which would not be available in public domain and was exclusively available with him and related to the business, clients, customers, business practice and trade secrets of the petitioner and also including commercial, technical, scientific, operational, administrative, financial and marketing information. Mr. Kamal by an electronic mail, requested Mr. Prakhar to provide confidential financial and marketing information. After receiving the aforesaid electronic mail. After receiving the confidential information, Mr. Kamal started his own business. Thereof, Mr. Prakhar filed a suit against Mr. Kamal. Decide the above case. Explain the law relating to Trade Secrets in India. Discuss the relevant case laws.</p>		
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