



0261

**Second Semester LL.M. (IPR) Examination, June/July 2014
(Specialisation Paper – II) : LAW OF PATENTS IN INDIA**

Duration : 3 Hours

Max. Marks : 80

- Instructions:** 1. Answer **all** Questions.
2. Figures to the **right** indicate marks.

Q. No. I. (a) Elucidate the major justifications and challenges to the incentives to invent under patent law. Marks : 10

OR

“Patent protection is necessary to preserve adequate economic incentives for invention and innovation”. Comment.

(b) Write short notes on : Marks : 6
i) Prospective theory of patent protection.

OR

ii) Distinction between invention and patent.

Q. No. II. (a) 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 ? Marks : 10

OR

Evaluate the Indian position with regard to Novelty. Compare it with the first to file system followed in USA.

(b) Write short notes on : Marks : 6
i) Known Efficacy

OR

ii) Industrial application.

Q. No. III. (a) Critically evaluate the conditions for patentability in the Indian Patent Act 1970. Marks : 10

OR

What inventions are considered not patentable as per Sections 3 and 4 of Indian Patent Act ?

P.T.O.



- (b) Write short notes on
i) Patent specification

Marks : 6

OR

- ii) Pre grant and Post Grant opposition to patents.

- Q. No. IV.(a) Explain the purpose of Patent Office. Enumerate the various statutory powers conferred on the Controller of Patents in India.

Marks : 10

OR

Define compulsory Licence. What is the basic utility of compulsory licence ? Explain the practical limitations in invoking compulsory licences.

- (b) Write short notes on :
i) Define Assignment of patents rights.

Marks : 6

OR

- ii) Limitations of the patentees rights.

- Q. No. V. (a) Explain the international application and international search procedures under the Patent Co-operation Treaty.

Marks : 10

OR

The Patent Law Treaty 2000 introduced harmonization of a number of procedures in the patent application process and this harmonization takes into account the procedures of the PCT – Analyse.

- (b) Write short notes on :
i) International Depositary Authority.

Marks : 6

OR

- ii) Relationship between Patent Co-operation Treaty and Patent Law Treaty.
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