



Second Semester LL.M. Examination, January 2012
Paper 8 : LAW OF PATENTS IN INDIA
(IPR Branch)

Time : 3 Hours

Max. Marks : 80

Instructions : 1. Answer **all** questions.

2. Figures to the **right** indicate marks.

Q.No. 1. (a) 'An invention has to satisfy certain conditions in order to get a patent'. Examine this statement in the light of Diamond V/s Chakraborty.

Marks : 10

OR

"It would be entirely different exercise for the enterprise to consider how to strategically use the patent process in order to improve its competitive advantage". Analyse this statement in the light of present day context.

(b) Comment on forms of patents.

Marks : 6

OR

Write a note on need for protecting patents.

Q.No. 2. (a) Examine the salient features of Patents Act, 1970 in the light of the impact of TRIP's agreement on Indian patent system.

Marks : 10

OR

"The Patents Act, 1970 which embodies the present law of patents in India is modeled largely on the lines of Patents Act, 1949 of the United Kingdom and principles recognized in the patent systems of other industrially advanced countries". Substantiate this statement.

(b) Distinguish between industrial property and intellectual property.

Marks : 6

OR

Elucidate the basic requisites to get a patent.

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Q.No. 3. (a) Critically evaluate the grounds of opposition for grant of patent . Marks :

OR

Examine the particulars to be entered in the register of Patents and the procedure for registration of Assignments, under the Patents Act, 1970.

(b) Write a note on construction of claims in specification. Marks : 6

OR

State the procedure for amendment of specification.

Q.No. 4. (a) What is infringement of Patent ? Examine the remedies available for infringement of Patent. Marks : 10

OR

Enumerate the powers of Controller General of Patents. Mention the procedure and powers of Appellate Board.

(b) Write a note on grounds of revocation of a Patent. Marks : 6

OR

Explain the establishment and functions of Patent Office.

Q.No. 5. (a) "Law of patents" has its growth and development from contribution of International Conventions". Examine the validity of this statement. Marks : 10

OR

Patent Co-operation Treaty 1970 is considered to be the milestone development with regard to the growth of patent law. Justify this statement.

(b) Comment on provisions relating to patents under TRIP's agreement. Marks : 6

OR

Comment on the objectives of WIPO.