

[A-39/A-46/A-46(A)]

SARDAR PATEL UNIVERSITY
BA /B.COM /BBA LL.B (Hon.) (V YEAR INTEGRATED COURSE)
SEVENTH SEMESTER EXAMINATION 2016
Monday, 28th November
2.00 PM to 4.00 PM
UL07CBLH11: Patent Drafting and Specification Writing (IPR) Hon. II

Q1. Attempt Any Two Questions [10]

A. "Y" made a new mechanism of Securing system for which he was sued by "X", "Y" Claimed the invalidity of the Patent for the want of novelty and denied infringement also Alleged that the system he used was used in prior to the date of Patent with a Mechanism at the Side whereas in "Y" was at the face similar to the plaintiff, there was difference was the Projecting of Bolts in securing System. Is "Y" liable for infringement? Decide.

B. "K" and "C" being the Owners of Patents relating to the manufacture of Chemical Substance and other Chemicals granted a License to "G" under this License G paid Royalties on the operation of certain retorts, later they erected other retorts & refused to pay royalty on these retorts. "K" and "C" brought action against "G", are "K" and "C" Liable to get Royalty for erected retorts? Decide.

C. "O" the owner of the Patent decides to transfer his patent to "Y" through the mode of assignment for which he framed the agreement and included all the terms and conditions related to it. But "O" went for the registration with Controller of such deed after 3 months of the execution of the agreement so will the assignment between "O" and "Y" be valid? Support our answer with relevant section. Decide.

D. 'D's Company filed for a Patent in USA and which was approved by the USA , Later an Another country filled a case on D on the bases of that the substance filed under Patent by D's Company was a traditional Knowledge in their Country. What will happen to the D's Patent in this situation if the traditional knowledge is proved? Decide.

Q2. Discuss the concept of Assignment, License and Transmission by the Operation of Law and the difference between them. Also explain various types of Licenses. [15]
 Or

Q2. Discuss the various actions available for Infringement of the Patent. [15]

Q3. Explain in detail the Concept of Surrender and Revocation of Patents. Also state the grounds on which revocation of Patent can take place. [15]
 Or

Q3. Explain the Following: A) Impact of TRIPS on Indian Pharmaceutical Products
 B) The relation between TRIPS and Patent Regime. [15]

Q4. Attempt any two questions.

[10]

- a. Discuss the Following: A) Turmeric Controversy B) Neem Controversy
- b. Write a short note on Patent & Patent Agent.
- c. Discuss the infringement and remedies available to the authorised user under the Geographical Indication of Goods Act, 1999.
- d. Explain the Concept of Exclusive Marketing Rights.

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