

LL.M. End Semester Examination: November-2016

Law of Patents

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Law of Patents
Semester-I (Batch: 2016-17)

LL.M. End Semester Examination: November-2016

Date: 17th November, 2016

Duration: 3 hours

Max. Marks: 70

Instructions:

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write any thing on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.

Part-A**Marks**

(Answer any two questions from Q.1 to Q.3. Q.4 is compulsory)

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|-----|---|----------|
| Q.1 | Mr Surya has invented 'Solar Panels' more effective, efficient and innovative as to the size and function. It is patentable. He has filed for the patent for the said invention in the Indian Patent Office. He is interested in having patent protection from USA, France and UK.
Advise him as to the process, procedure and benefits that he can achieve by the said process. | (10) |
| Q.2 | What is the 'Bolar Clause'? Give a comparative study of the Bolar Clause in USA, Europe and India. | (10) |
| Q.3 | Write short notes on any two of the following:
(a) European Patent Convention
(b) Gillette Defense
(c) Schumpeterian Theory | (2x5=10) |
| Q.4 | 'The question of infringement of a patent is a mixed question of law and fact. Direct Patent infringement may be found in either of the two ways: by literal infringement or under the equivalents doctrine'.
With the help of decided cases, explain the statement. | (15) |

Part-B

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| Q.5 | The good monopoly is one which serves to give the public through its incentive, something which it has not had before and would not be likely to get without the incentive at least not so soon. The bad monopoly is one which takes from the public that which it already has or could readily have without the added incentive of the patent right. – Justify the statement in the light of the historical development of patent law in India. | (10) |
| Q.6 | Once a patent is granted, it confers exclusive rights on the patentee to make, sell, and | (10) |

– Justify the statement in the light of the historical development of patent law in India.

- Q.6 Once a patent is granted, it confers exclusive rights on the patentee to make, sell, and distribute the invention however, under certain circumstances, the patent may be revoked. In what cases patent may be revoked? Discuss in detail. Explain the procedure for revocation of patent. (10)

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- Q.7 Critically discuss the significance of patent specification in the process of grant of patent. (10)
What are the various kinds of specification? How are they different?
- Q.8 Write short note on **any one** of the following: (1x5=05)
(a) Surrender of patents
(b) Assignment of Patents
