

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Law of Patent
Semester-I (Batch: 2019-20)

LLM End Semester Examination: November 2019

Date: 15th November, 2019

Duration: 3 hours

Max. Marks: 50

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

- Q.1 'There is a wide variety of Intellectual Property Legislations which would affect the functioning of AI in India'. (09)
- Discuss in brief the legislations and the effect.
- Q.2 "The purpose of the Bolar exemption is not to subsidize new research at the expense of the Patentee, but rather to allow research when market forces present it'. (08)
- Trace the evolution of the Bolar exemption/clause. Also specify the Indian position.
- Q.3 Write short note on: (10)
- (a) Advantages of PCT
- (b) Schumpeterian theory
- Q.4 Explain the Hegelian theory and its application to the present day developments in technology. (08)

PART - B

- Q.5 The grant of patent gives exclusive monopolistic rights to the patent holder with regard to the invention patented however in case of compulsory licensing, a third party is authorized to make, use or sell a patented invention without patent owner's consent. Critically examine the justification of compulsory license in the light of applicable legal provisions. Do you think these provisions are against the spirit of the patent laws? (10)
- Q.6 Write short note on following (Any one): (05)
- (a) Provisions relating to patent assignment
- (b) Types of patent licensing
