

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Law of Patent
Semester- I (Batch: 2022-23)

End Semester Examination: November 2022 (LL M)

Date: 30th Nov, 2022

Duration: 3 hours

Max. Marks: 50

Instructions:

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

Part A		Marks
(Answer any four from the following:)		
Q.1	‘The primary goal of the Patent Law is to promote scientific studies, economic development and innovative technology and the patent is awarded for an invention which is useful and unique in today’s era, however, the patent law has passed through various phases wherein the monopolies in different aspects were granted to the different categories of the persons, thus the origin of patent law is quite different than today’ – Do you agree with the statement? Elucidate in light of historical development of Patent Law in India.	(10)
Q.2	Ramsingh is working as a ‘Senior Research Scientist’ with Ranmark Pharmaceuticals Ltd., a company working for the research and development of new pharmaceutical drugs for various diseases at Delhi. He is currently working on the project to develop a new drug for the advanced stage of cancer. During his research, he came across the need of a powerful microscope which can provide clear view at the micro level as well as nano level and can help him to detect the specific viruses and bacteria responsible for spread of cancer into the human body. Due to non-availability of such microscope, detection and cure of cancer is difficult, therefore he, along with his friend Shamu started working in Shamu’s workshop on development of such strong microscope and after the hard work of almost two and half year, they successfully designed and developed ‘ <u>A unique microscope with the glass and sensors capable to provide 100x zoom effect</u> ’ which can help the researcher to see such microorganisms at nano level and to study their molecule structure to find possible medicines. Being a unique invention, they are willing to protect it through patent. Discuss who can get a patent on ‘ <u>A unique microscope with the glass and sensors capable of providing 100x zoom effect</u> ’? What procedure do they need to follow to obtain a patent in India?	(10)
Q.3	Revocation of Patent is a very important provision of the Patent Act, 1970 in respect of protection of wellbeing of the society more particularly in case of the situation wherein	(10)

the patent is required to be challenged on various grounds after it is being granted. Discuss in light of the applicable provisions and decided cases.

- Q.4 The Trade Related Aspects of Intellectual Property Rights (TRIPS) agreement is very crucial and significant for promotion of trade in knowledge and innovation which helps in resolution of disputes related to IPRs and also ensures the WTO member's freedom to pursue their domestic goals. Discuss the important provisions of TRIPS with regard to the Patents. Is there any other agreement or declaration post TRIPS which can help the member countries to take initiatives for protection of public health? (10)
- Q.5 Howsoever great the invention may be, the Patent holder has to keep a close watch on the market to check the unauthorized use of it and in case of any such use, it is advisable to take actions under the Patents Act, 1970. – Discuss the statement in the light of the provisions of Infringement of Patents and remedies for the same along with decided cases. (10)

Part: B

- Q.6 Write short notes on following: (5x2=10)
- a) General Principles for the grant of patents
 - b) Types of Patent assignment and its difference with licensing.
