

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: **Patent Law**
Semester-I (Batch: 2015-16)

LL.M. End Semester Examination: Oct-Nov. 2015

Date: 9th November, 2015

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.

- | | Marks |
|---|--------------|
| Q.1 Enlist the advantages of Patent Cooperation Treaty (PCT). Highlight the important provisions of the same. Mention the provisions of the Indian Patent Act which are for PCT compliance. | (13) |
| Q.2 Write short notes on any two of the following:
(a) Compulsory licensing
(b) The Schumpeterian Theory and Prospect Theory
(c) Doctrine of Exhaustion | (13) |
| Q.3 With the help of a decided case discuss the debate with respect to Section 3(d) of the Indian Patent Act. | (12) |
| Q.4 Bharat Metal Industries (BHI), is a registered company carrying on the business of manufacturing utensils at Gandhinagar. They, at the firm, had invented a device and method for manufacturing utensils, introducing improvement, convenience, speed and safety and a better finish, in the old prevalent method which was fraught with risk to the workers, as the utensils used to fly off from the headstock during the manufacture. BHI got the invention patented. Later BHI learns that Mr. Bashveshwaranath was carrying on the business of manufacturing utensils in a manner similar to the invention. BHI intends to file a suit of infringement against Mr. Bashveshwaranath.

Based on the facts presented above, answer the following questions:
(a) Advise BHI as to what is infringement and the remedies available to BHI.
(b) Advise Mr. Bashveshwaranath as to the counter action he could take in his defense.
(c) Decide upon the success of the infringement actions | (12) |
| Q.5 Explain 'Experimental Use Exemption'. Trace the development in the International Community. Explain similar provisions under the Indian Patent Act. | (10) |
| Q.6 Mr. Shafiullah had a manufacturing unit. He is also a proprietor of patent for 'food grade laminated paper, method and apparatus for manufacture of the laminated paper.' He also had the design registered under the Design Act. He was thus manufacturing and selling | (10) |

food-grade laminated paper resembling a banana leaf.

Mr. Rajadeep was manufacturing artificial banana leaves by using identical colour scheme, get up and layout.

Mr. Shafiullah had instituted a suit against Mr. Rajadeep.

Answer the following questions based on the above mentioned facts.

- (a) Advice Mr. Rajadeep as to concept of opposing the grant of patent, types of opposition and grounds for the same.
- (b) Mr. Rajadeep intends to seek the revocation of the patent. Can he do so, on what grounds?
