

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Law of Patent
LL.M. Semester-I (Batch: 2014-15)

LL.M. End Term Examination: November-2014



Date: 19th November, 2014

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 |
|---|-------|
| Q.1 Giving the benefits of PCT, draw out the procedure that needs to be followed for making and processing an application through PCT. | (09) |
| Q.2 Write short notes on any two of the following: (a) Analysis of Dhanpat Seth and others v/s Nil Kamal Plastic Crates Ltd. (b) Incentive Theory (c) Prospect Theory | (10) |
| Q.3 Mr. Azamsingh has a firm carrying on the business of manufacturing utensils. His firm manufactured shallow dishes. He had invented a new method of manufacture. He used the headstock, adapter and a tailstock to produce the shallow dishes. Earlier the process was to turn scrap and polish them on same sort of headstock without a tailstock. This invented device and method for manufacturing utensils, introduced improvement, convenience, speed, safety and better finish. The old method was risky to the workers as the utensils used to fly off from the head stock during manufacturing process. Azamsingh is interested in protecting this invention. Help him to understand the requirements for patent protection and the possibility of patenting. | (08) |
| Q.4 'Patent is the Quid-pro-quo for disclosure' Explain as to how the disclosure requirement is complied with, in the Indian Patent Act. Also enumerate the concept of disclosure. | (08) |

Part-B

Q.5 is **compulsory**. Answer **any three** from Q.6 to Q.9.

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|---|------|
| Q.5 Examine the patentability standards applied in the case of software patents in US using various tests developed by US courts. | (08) |
| Q.6 Explain the exceptions to patent rights with the help of decided cases. | (09) |
| Q.7 Explain the principle of exhaustion of rights. Critically examine the decision of the US Supreme Court in <i>Bowman V. Monsanto Co</i> on exhaustion of rights in the case of Genetic technologies. | (09) |

- Q.8 Explain the criteria for identifying “the person skilled in the art” using the tests developed by US & UK courts. (09)
- Q.9 Explain the patentability standards applied in the pharmaceutical inventions in India with the help of decided cases. (09)
