|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Roll No. |  |  |  |  |  |  |  |  |  |  |  |  |



**PRESIDENCY UNIVERSITY**

**Bengaluru**

|  |
| --- |
| **End - Term Examinations – JANUARY 2025** |
| **Date:** 15 – 01- 2025 **Time:** 09:30 am – 12:30 pm |

|  |  |  |
| --- | --- | --- |
| **School:** SOL | **Program:** BA LL.B/BBA LL.B/B. Com LL.B (Hons.) | |
| **Course Code :** LAW4086 | **Course Name :** Patent Rights Creation and Registration | |
| **Semester**: VII | **Max Marks**: 100 | **Weightage**: 50% |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **CO - Levels** | **CO1** | **CO2** | **CO3** | **CO4** |
| **Marks** | **14** | **18** | **29** | **39** |

**Instructions:**

1. *Read all questions carefully and answer accordingly.*
2. *Do not write anything on the question paper other than roll number.*

**Part A**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Answer ALL the Questions. Each question carries 2marks. 10Q x 2M=20M** | | | | |
| **1** | Define a patent under Indian Patent Law. | **2 Marks** | **L2** | **CO1** |
| **2** | Explain the term "novelty" with respect to patents. | **2 Marks** | **L2** | **CO1** |
| **3** | What is the meaning of "prior art"? | **2 Marks** | **L3** | **CO2** |
| **4** | Distinguish between "invention" and "innovation" under the Indian Patent Act. | **2 Marks** | **L3** | **CO2** |
| **5** | What are the essential criteria for patentability? | **2 Marks** | **L3** | **CO3** |
| **6** | Explain the concept of "inventive step." | **2 Marks** | **L3** | **CO3** |
| **7** | Describe any two grounds for patent revocation in India. | **2 Marks** | **L2** | **CO4** |
| **8** | What is the difference between a process patent and a product patent? | **2 Marks** | **L2** | **CO4** |
| **9** | What is the importance of Section 3(d) in the Indian Patent Act? | **2 Marks** | **L3** | **CO2** |
| **10** | Discuss the role of "patent claims" in a patent specification. | **2 Marks** | **L3** | **CO2** |

**Part B**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Answer the Questions Total 80 Marks** | | | | | |
| **11.** | **a.** | Explain the procedure for filing a patent application in India. | **10 Marks** | **L3** | **CO1** |
| **Or** | | | | | |
| **12.** | **a.** | Discuss the importance of the "Industrial Application" criterion in patentability. | **10 Marks** | **L3** | **CO1** |
|  |  |  |  |  |  |
| **13.** | **a.** | Critically examine the concept of "compulsory licensing" under Indian Patent Law. | **10 Marks** | **L2** | **CO2** |
| **Or** | | | | | |
| **14.** | **a.** | Explain various remedies available for patent infringement in India? | **10 Marks** | **L2** | **CO2** |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **15.** | **a.** | Elaborate on the different types of patent applications recognized under the Indian Patent Act. | **10 Marks** | **L3** | **CO3** |
| **Or** | | | | | |
| **16.** | **a.** | Analyze the significance of the "Paris Convention" in the international patent system and its relevance to Indian law. | **10 Marks** | **L3** | **CO3** |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **17.** | **a.** | A company files a patent application for a novel pharmaceutical process, but a competitor opposes the application, claiming prior art exists that invalidates the invention's novelty. This opposition highlights the two-stage mechanism under Indian patent law—pre-grant opposition, where objections can be raised before the patent is granted, and post-grant opposition, where challenges arise after the patent has been issued. These mechanisms aim to ensure that only valid and deserving patents are granted while providing avenues for public and industry input. Explain the process of patent opposition under Indian law, distinguishing between pre-grant and post-grant opposition mechanisms. | **8 Marks** | **L3** | **CO4** |
| **b.** | How do these processes ensure the quality of granted patents and protect public interest? | **7 Marks** |
| **Or** | | | | | |
| **18.** | **a.** | An Indian startup has developed a new software application that uses artificial intelligence (AI) to enhance the efficiency of medical diagnostics. The company has applied for a patent on the AI-based algorithm, but concerns have been raised about whether such an algorithm qualifies for patent protection under Indian Patent Law, considering it is a software-related invention.  Discuss the patentability of software-related inventions under Indian Patent Law, particularly focusing on whether a software-based invention like the AI algorithm described in the situation can be patented. Refer to the provisions of the Patents Act, 1970, and relevant judicial decisions in your answer. | **8 Marks** | **L3** | **CO4** |
| **b.** | Examine the challenges and limitations of patenting AI-related inventions in India. In your analysis, consider how Indian Patent Law addresses the issue of "abstract ideas" and whether AI algorithms can be considered patentable subject matter. | **7 Marks** |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **19.** | **a.** | In the landmark case of Novartis AG v. Union of India (2013), the Supreme Court was tasked with deciding whether a modified form of an existing drug qualified for patent protection under Section 3(d) of the Indian Patent Act. Novartis argued that the drug's enhanced efficacy justified patentability, while the opposition claimed it was an attempt at "evergreening" to extend monopoly rights. The judgment set a critical precedent in balancing innovation incentives with public health needs. Explain the judicial interpretation of "evergreening" in the context of patent law, using the Novartis AG v. Union of India (2013) case as a reference. How did the court's decision impact the pharmaceutical industry and access to medicines in India? | **15 Marks** | **L4** | **CO3** |
| **Or** | | | | | |
| **20.** | **a.** | The TRIPS Agreement introduced global standards for intellectual property rights, requiring member countries, including India, to align their laws with these standards. India, initially known for its flexible patent regime, had to make significant amendments to its Patent Act, including the introduction of product patents in pharmaceuticals. This transition has had a profound impact on domestic industries, public health policies, and innovation ecosystems. Critically analyze how the TRIPS Agreement has influenced the evolution of Indian Patent Law. | **8 Marks** | **L4** | **CO3** |
| **b.** | What challenges and opportunities has this alignment presented for India's pharmaceutical sector, innovation, and access to essential medicines? | **7 Marks** |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **21.** | **a.** | A global tech company has filed a patent application for a blockchain-based system designed to enhance data security. However, a rival company opposes the application, arguing that the invention is not novel because similar technology was demonstrated at an international conference before the filing date. The case raises questions about the role of prior art and the novelty requirement under Indian Patent Law. Evaluate the rival company’s claim that the blockchain-based system lacks novelty under Indian Patent Law. | **10 Marks** | **L4** | **CO4** |
| **b.** | How does the concept of prior art impact the patentability of the invention, and what factors will be considered to determine the validity of the claim? | **10 Marks** |
| **Or** | | | | | |
| **22.** | **a.** | During a severe public health crisis in India, a patented drug becomes critical for treatment, but its high cost and limited availability restrict access for the population. To address this, the government issues a compulsory license to a domestic manufacturer to produce the drug at an affordable price. The decision sparks a debate on balancing patent rights with public health needs under the Indian Patent Act. Analyze the legal framework governing compulsory licensing under the Indian Patent Act in the context of a public health crisis. | **10 Marks** | **L4** | **CO4** |
| **b.** | What are the implications of issuing a compulsory license on innovation, access to medicine, and the rights of the patent holder? | **10 Marks** |

**\*\*\*\*\* BEST WISHES \*\*\*\*\***