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**PRESIDENCY UNIVERSITY
BENGALURU**

**SCHOOL OF LAW
END TERM EXAMINATION - JAN 2023**

Semester : Semester IX - 2018 - Batch

Course Code : LAW408

Course Name : Sem IX - LAW408 - Intellectual Property Law- II

Program : BA.,LLB (Hons.) / BBA.,LLB (Hons.) / B.Com.,LLB (Hons.)

Date : 5-JAN-2023

Time : 1.00PM - 4.00PM

Max Marks : 80

Weightage : 40%

Instructions:

- (i) Read all questions carefully and answer accordingly.
 - (ii) Question paper consists of 3 parts.
 - (iii) Scientific and non-programmable calculator are permitted.
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PART A

ANSWER ALL THE FOLLOWING QUESTIONS

5 X 2 = 10M

1. What is Secrecy Direction under Patent Law? Explain in brief the procedure related to Secrecy Directions relating to inventions relevant for defense purposes with sections.
(CO1) [Knowledge]
2. The provisions regarding compulsory licenses are given in the Indian Patents Act, 1970 and in the TRIPS (Trade-Related Aspects of Intellectual Property Rights) Agreement at the International level. Explain the concept and criteria of Compulsory Licensing under Indian Patent Act, 1970.
(CO2) [Knowledge]
3. For registration of Design there is no provision of advertisement of Design or for inviting opposition of such registration. Explain in brief the procedure of registering design under the Design Act, 2000.
(CO3) [Knowledge]
4. The Protection of Plant Varieties and Farmers' Rights Act (PPV&FR Act) seeks to address the rights of plant breeders and farmers on an equal footing. It affirms the necessity of recognizing and protecting the rights of farmers with respect to the contribution they make in conserving, improving and making Plant Genetic Resources (PGR) available for the development of new plant varieties. What are the rights provided to Farmers, Plant Breeders and Researchers under The Protection of Plant Varieties and Farmers Right Act, 2001?
(CO4) [Knowledge]
5. What are the rights given to Patentee through Indian Patent Act after the grant of Patent?
(CO1) [Knowledge]

PART A

ANSWER ALL THE FOLLOWING QUESTIONS

3 X 10 = 30M

6. Department of Industrial Policy & Promotion (DIPP), Ministry of Commerce, Government of India, has been appointed as the nodal department to coordinate, guide and oversee the implementation and future development of IPRs in India. For the implementation of IPR policies India has come up with National IPR Policy, 2016. Discuss the objective, need, advantages and salient features of National IPR Policy, 2016.

(CO4) [Comprehension]

7. Biological Diversity means the variability among living organisms from all sources and the ecological complexes of which they are part and includes diversity within species or between species and of ecosystems. Explain the objective of Bio Diversity Act, 2002. Discuss the composition, powers and functions of State Bio Diversity Board.

(CO2) [Comprehension]

8. A scientist designed a new instrument for lab tests of ethyl-alcohol and appoints an attorney to register the design. The attorney loses the design and a month later one of his relatives files for registration under his name. Under whose name would the design be registered. Can such a functional design be registered at all? Explain the criterias in detail to register a design with the decided case laws.

(CO3) [Comprehension]

PART C

ANSWER ALL THE FOLLOWING QUESTIONS

2 X 20 = 40M

9. A tennis racquet manufacturing company designs a racquet but before it is registered, a tennis magazine publishes an advertisement of similarly designed racquet although under a different brand name. Discuss who can claim copyright under Design Act, 2000 and what are the criterias under which protection on design is being granted?

(CO4) [Application]

10. Mr. Balakrishnan has invented a vaccine with the name "OMIVRON" for the prevention of various cold and cough infections. The inventor had applied for protection in India and the patent is been granted to him four years back. The Patentee invented vaccine "OMIVRON" is useful in preventing the people from the new variant of covid i.e "Omicron Sub - Variant BF.7" which started spreading around the globe and in India. The Patentee is sharing his invention on a very higher unreasonable price in India which is unaffordable also he is not sharing the patent with other under - developed countries. Discuss what steps can be taken by Indian Government for providing the vaccine available to everyone in India as well as with under developed countries with the suitable case laws.

(CO1) [Application]
