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PRESIDENCY UNIVERSITY BENGALURU

SCHOOL OF LAW MID TERM EXAMINATION - MAY 2023

Semester : Semester VIII - 2022 -23 - BAL - 2019

Course Code : LAW408

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

Program : BA LLB Honors

Date : 18-MAY-2023

Time : 2.00 PM - 3.30 PM

Max Marks : 60

Weightage : 30%

Instructions:

- (i) Read all questions carefully and answer accordingly.
- (ii) Question paper consists of 3 parts.
- (iii) Scientific and non-programmable calculator are permitted.
- (iv) Do not write any information on the question paper other than Roll Number.

ANSWER ALL THE QUESTIONS

(6 X 10 = 60M)

1. Write a note on the Initiatives under the CBD for resolving the Acces to Benefit Sharing and IP issues.
(CO2) [Comprehension]
2. (a) 'X', was granted a patent in the United States for a drug for treating AIDS. The drug was a mixture of polymorphs A & B. It was in an unstable form and could not be administered as much. After long research, 'X' developed a drug, 'Erlotonib', for treating AIDS. The drug was a derivative of the United States patent and was in stable tablet form. 'X' applied for a Patent in India for 'Erlotonib' for its 'enhanced efficacy'. The Controller General of Patents granted the patent to 'X.' 'Y', who had the intention of making a generic drug of 'Erlotonib' advertised in medical magazines and started selling the drug. 'X' filed a suit for patent infringement against 'Y.' 'Y' contended that 'Erlotonib' is in prior knowledge being derivative of a US patent, and is another form of the same drug, thus not patentable under S.3 of the Patents Act, 1970. It has been wrongly patented in India. Decide.
(CO1) [Application]
3. An invention may satisfy the condition of novelty, inventiveness and usefulness but it may not qualify for a patent. Discuss.
(CO1) [Comprehension]
4. Write a detailed note on the role of Intellectual Property Rights in the protection of Bio Diversity.
(CO2) [Comprehension]
5. What is Anticipation? Discuss the provisions for research and other exemptions relevant to defense purposes under the Indian Patent Act, of 1970.
(CO1) [Comprehension]

6. 'X' invented the vapour form of the drug 'GLICINE'. The drug is available in the market in tablet form as a generic drug, used for the treatment of Diabetes. The vapour form of 'GLICINE' could be taken with the help of an inhaler and was easy to use. It had the same effect as that of the tablet 'GLICINE'. 'X' applied for a patent for "Vapour form Glicine". 'Y' opposed the application on the grounds that it is a non-patentable invention. Decide the above case along with the essential criteria to be fulfilled in order to get patent protection.

(CO1) [Application]