

Name:

Enrolment No:



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, December 2018

Course: Law of Patents

Programme: B. Tech.(ET), LL.B. (Hons.) IPR

Time: 03 hrs.

Instructions:

Semester: IX

CC: LLBL 523

Max. Marks: 100

SECTION A

S. No.		Marks	CO
1.	Fill in the blanks: 1. The priority date may be no more than _____ months before the filing date. 2. According to Section 3(d) of the Patent Act, 1970, the mere discovery of a new form of a known substance which does not result in the enhancement of the known _____ of that substance or the mere discovery of any new property or new _____ for a known substance is not patentable. 3. A Patent Application is published after a minimum of _____ months from the date of filing. 4. The patent may be withdrawn at any time before the _____ of the Patent Application.	5	CO1
2.	List the 5 types of patent applications.	5	CO1

SECTION B

3.	Discuss the Pre-grant opposition procedure and the grounds of pre-grant opposition.	10	CO1
4.	Briefly discuss the procedure of filing patent application under the PCT.	10	CO1

SECTION-C

5.	What is compulsory licensing and what are the conditions of its enforcement?	10	CO1, CO2
6.	What are computer related inventions? What are the conditions of their patentability in India?	10	CO1, CO4

SECTION-D

	Please read the following, and answer the questions that follow: A multinational pharmaceutical company called Lovartis filed an application for patent of one of its drugs called beta crystalline form of limatinib mesylate. The application came for examination in the patent office soon after India amended its		
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	<p>Patent Act in 2005. The patent office rejected the grant of patent on the ground that the drug could not be patented as a result of section 3(d) of the Patent Act. The IPAB upheld the decision and the matter has now come for consideration in front of the Supreme Court.</p> <p>The parent drug Limatinib had been patented in USA. Lovartis claimed that the beta crystalline form of limatinib mesylate had better bioavailabilty as compared to the parent drug.</p>		
7.	Taking all facts and the case of Novartis v. Union of India, (2013) 6 SCC 1 in account, discuss whether the drug in question should be granted a patent.	30	CO3, CO4
8.	Discuss the impact of the patenting system on the economy, and more specifically, on the pharmaceutical sector of India.	20	CO3, CO4

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Course: Information Technology Law	Semester: XI
Programme: B. Tech.(ET), LL.B. (Hons.) IPR	Max. Marks: 100
Time: 03 hrs.	
Instructions:	

SECTION A

S. No.		Marks	CO
1.	List any 2 of the 3 categories of persons who may file a patent application.	2	CO1
2.	What are the 4 locations from which patent office functions?	2	CO1
3.	What are the 3 criteria on the basis of which the territorial jurisdiction of the patent applicant is decided?	6	CO1

SECTION B

4.	Discuss the Post-grant opposition procedure and the grounds of post-grant opposition.	10	CO1
5.	What is the procedure and what are the issues addressed during the First Examination Report?	10	CO1

SECTION-C

6.	What are the recognized exceptions and limitation on the Patent right?	10	CO2
7.	Under certain conditions, the interest of the public in accessing the patented technology may be considered higher than the interest of the patentee in retaining monopoly. In such conditions, the patentee may be forced to give license to an interested third party. What is such a license called and what are the conditions mentioned here?	10	CO1, CO2

SECTION-D

	<p>Please read the following, and answer the questions that follow:</p> <p>A multinational pharmaceutical company called Lovartis filed an application for patent of one of its drugs called beta crystalline form of limatinib mesylate. The application came for examination in the patent office soon after India amended its Patent Act in 2005. The patent office rejected the grant of patent on the ground that the drug could not be patented as a result of section 3(d) of the Patent Act. The IPAB upheld the decision and the matter has now come for consideration in front of the Supreme Court.</p>		
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	The parent drug Limatinib had been patented in USA. Lovartis claimed that the beta crystalline form of limatinib mesylate had better bioavailabilty as compared to the parent drug.		
8.	Which case does this matter pertain to? Discuss the important findings of the Court in this case.	30	CO3, CO4
9.	Patent system is not a law that can operate in vacuum, purely based on doctrinal considerations. It is deeply and often directly linked to the market, economy, and ultimately, public interest. Discuss this link as discussed in the relevant case under question 8.	20	CO3, CO4