

**DIRECTORATE OF DISTANCE EDUCATION
NALSAR UNIVERSITY OF LAW, HYDERABAD**

P.G.DIPLOMA IN PATENTS LAW (Batch 2018 – 2019)

**Take Home – Annual Examination (June, 2021)
(Old Syllabus)**

**PAPER III - Patenting In India & International Treaties and Conventions
on IPR (Covering Modules 2 & 4)**

TOTAL MARKS: 100

INSTRUCTIONS TO CANDIDATES

- a) Read the instructions for Take Home Examination carefully and adhere to the same.
- b) *Please mention your name, ID No., subject name and total number of pages on the Answer Sheet.*
- c) *Clearly indicate the question numbers while answering them.*
- d) *Answer all the four questions and each question carries 25 marks.*
- e) *Each answer should be written within 1500 words only.*
- f) *All the candidates are required to submit only word / Pdf files containing the typed answers.*
- g) *All papers will be uploaded on Turn-it-in for plagiarism check. Any paper with more than 15% similarity will be considered to be plagiarized attracting necessary action by the University.*
- h) *Since this is a take home exam, we expect your answers to be analytical rather than straight answers.*
- i) **Copying from any source including from other students is strictly prohibited. Plagiarism is considered as a serious academic mis-conduct and the University will take action as it deems fit.**

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1. Your friend is a patent holder over an invention X. The patent was granted a little more than one year back. Indian Railways is the main client for the patented product. A competitor starts manufacturing a similar device Y. Your friend believes that Y infringes X. The competitor believes that a relevant prior art was neither brought before the patent office nor was it noticed by the patent office when the patent was granted and that the prior art makes the invention obvious to a person skilled in the art. Fully convinced that the patent is wrongly granted, the competitor made significant investments in terms of setting up a factory, hiring skilled and unskilled labour to manufacture the product. Your friend wants to understand what kind of remedies (interim as well as final) would be available to him in case he institutes an infringement suit against the competitor. What do you suggest?
 2. Discuss the essential features of TRIPS framework and what kind of challenges it has faced or continues to face while claiming legitimacy as an international framework for intellectual property?
 3. The substantive patent law is designed to ensure that private interest over the invention is not granted at the cost of public interest. Do you agree? Do you think the procedural aspects of the law are also designed to achieve the same objective? Explain.
 4. Write a detailed note on the PCT and its importance.