

DIRECTORATE OF DISTANCE EDUCATION
NALSAR UNIVERSITY OF LAW, HYDERABAD

P.G.DIPLOMA IN PATENTS LAW
2019 – 2020

Take Home - Annual Exams (August, 2020)

PAPER I - Introduction to Intellectual Property & International Treaties & Conventions on IPR (Covering subjects 1.1 & 1.2)

TOTAL MARKS: 100

INSTRUCTIONS TO CANDIDATES

- a) Please mention your name, ID No. and Subject name on the Answer Sheet.*
- b) Only typewritten answers will be accepted.*
- c) Clearly indicate the question numbers while answering them.*
- d) Answer all the questions given below. Each question is for 25 Marks.*
- e) Every answer should be ideally within 1000 words only. The word limit is mentioned to give an approximate idea about the length of the answer.*
- f) Cut and paste of any material either from reading material or from internet will result in rejection of answer-sheet, which means a failure with zero marks. No plagiarism.*
- g) If the answers of two students are similar, it will be presumed that both the students consulted each other and two answer sheets will be cancelled.*

Answer the following questions:

1. Write a comparative note on the patent and copyright protection and also answer the following question. Assume that a friend of yours develops a new way of calculating targets in a cricket match truncated due to rain disruptions. He publishes a detailed note on the method in his famous sports blog. The method receives highly favourable response from various national and international cricketers. Somebody tells your friend that by publishing the details of his method in his blog, he may have missed out on the possibility of getting a patent on the method subsequently. Has such publication impacted the patentability of the method? In any case, your friend also wants to know how far and what kind of protection would be available to him under copyright law? Explain your answer in detail.
2. Compare the different theoretical approaches to intellectual property rights regime. In your opinion, apart from academic importance, do the theories have any other importance in Intellectual Property Law? Which theoretical position you prefer the most and why?
3. While explaining the basic features of TRIPS Agreement discuss the reasons for having an agreement like TRIPS when major IP treaties like Berne and Paris were already in existence. **(15 Marks)**

Also answer if the following is TRIPS compliant:

- a. Worried about its capacity to respond to pandemics like Covid, a country, signatory to TRIPS agreement, decides to allow patents on vaccines only if those vaccines are manufactured in that member country. **(5 Marks)**

- b. Having seen massive farmer protests against the need to pay royalties to multinational corporations holding IP rights to new plant varieties country X, a signatory to TRIPS agreement, decides to deny patent protection to the new plant varieties. **(5 Marks)**
4. What is the difference between the absolute and the relative grounds for refusal of registration of trademarks? **(10 Marks)**

Are the following registrable as trademarks? Give reasons.

- a. Shape of a pen designed in the form of a peacock feather. **(5 Marks)**
- b. Mark “Ganges” for mineral water. **(5 Marks)**
- c. Mark “NAMASTE” for Utensils when the Namaste symbol is already registered for Gas Lighters. **(5 Marks)**