

Total number of printed pages-4

19 (IV) PDSW (H)

2018

**PATENT DRAFTING AND
SPECIFICATION WRITING**

Paper : 4.6 H₅ (IPL Group)

Full Marks : 80

Time : Three hours

***The figures in the margin indicate
full marks for the questions.***

1. Fill in the blanks with appropriate answer :
10×1=10
 - (a) Ideas and concepts for inventions are _____ patentable.
(industrially/not/partially)
 - (b) If the owner of a patent discovers that someone is infringing their rights, it is upto the patent _____ to take appropriate action.
(government concerned/court/owner)
 - (c) The main object to encourage patent system is to _____.
(discovery/invention/creation)
 - (d) A film _____ be granted patent.
(may/can't/can)

Contd.

- (e) The Patents are granted in respect of chemicals, medicines and drugs are _____.
(Process Patent/Product Patent)
- (f) One of the salient features of the Patents Act, 1970 is prevention of abuse of patent rights by making _____ conditions in license agreements/contract as void.
(valid/distinctive/restrictive)
- (g) The contents of a patent specification, also called as the _____, are the 'written description' of an invention.
(invention/disclosure/discovery)
- (h) 'Patented article' and 'Patented process' mean respectively _____ in respect of which a patent is in force.
(an invention or finished goods/an article or process)
- (i) 'True and first inventor' does not include either the first importer of an invention into India, or a person to whom an invention is first communicated _____ India.
(from outside/from within/from India)
- (j) The object of the patent law is to pass invention into _____ after the expiry of the fixed period of the monopoly.
(private domain/public domain/inventor domain)

2. Write short answers : 2×5=10
- (a) Nature of Patent Rights
(b) Opposition in grant of Patent
(c) Assignment of Patent
(d) Distinction between a patented invention and know how
(e) Provisional Specification.
3. Define the term Patent and analyse the purpose and policy behind the Patent Law. 12

Or

When should an application for a patent be filed ? Can a published or disclosed invention be patented ? What is the term of a patent in the Indian system ?

4. What do you mean by 'Patent Specification' under the Indian Patent Act, 1970 ? Discuss the differences between Provisional Specification and Complete Specification. 12

Or

"After the grant of patent but before the expiry of a period of one year from the date of publication of grant of a patent, any person interested may give notice of opposition" — Comment on the above statement and state the grounds of opposition to grant a patent.

5. Briefly discuss the contents of Patent drafting. What are the pre-requisites and important factors considered most in Patent drafting ? 12

Or

Discuss briefly the procedure applicable to obtain patent. What constitutes a patentable inventions ?

6. What are the criteria for naming inventors in an application for patent ? Are there any differences in the filing of patent applications in respect of microbiological inventions and other inventions ? 12

Or

Discuss in details the principles of construction of specification. Explain critically when an amendment of specification is necessary.

7. What is the meaning of "Priority Date" and "State of the Art" ? What are the essential requirements in Drafting of Patent Specification ? 12

Or

What is disclaimer and references ? What are the discretion of the Controller in deciding in opposition ?

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19 (IV) PDSW 4-6 (H)

2017

**PATENT DRAFTING AND
SPECIFICATION WRITING**

Paper : 4-6H₅ (IPL Group)

Full Marks : 100 [80+20]

Time : Three hours

***The figures in the margin indicate
full marks for the questions.***

1. Fill in the blanks with appropriate answer :
1×10=10

- a) The object of the Patent Law is to pass invention into _____ after the expiry of the fixed period of the monopoly.
[private domain / public domain / inventor domain]

Contd.

- b) One of the salient features of the Patents Act, 1970 is prevention of abuse of patent rights by making _____ conditions in license agreements/contract as void. [valid / distinctive / restrictive]
- c) Patent provides exclusive rights to an _____. [industrialist/ inventor/ artist]
- d) The Patents are granted in respect of chemicals, medicines and drugs are _____. [Process Patent / Product Patent]
- e) Any violation of the rights of patentee will constitute_____. [infringement of patent / theft of patent / unauthorized access of patent]
- f) The discretion to allow/ refuse an amendment of specification is with _____. [High Court / Controller / Supreme Court of India]

- g) 'True and first inventor' does not include either the first importer of an invention into India, or a person to whom an invention is first communicated _____ India. [from outside / from within / from India]
- h) Provisional specification is _____, [provisional documents / casual document / significant document]
- i) The contents of a patent specification, also called as the _____, are the 'written description' of an invention. [invention / disclosure /discovery]
- j) Inventions must be kept _____ to be patentable. [secret / informed / confidential]

2. Write short answers : 2×5=10

- a) Importance of Patent Rights
- b) Assignment of Patent

- c) Industrial Property
- d) Provisional Specification
- e) Patent and its importance.

3. Define the term 'Patent'. When should an application for a patent be filed? Can a published or disclosed invention be patented? What is the term of a patent in the Indian system? 2+2+8=12

Or

What are the 'important factors' considered most in Patent drafting? Discuss the difference between Provisional Specification and Complete Specification. 4+8=12

4. What do you understand by the concept of "patent drafting"? Discuss its importance. 8+4=12

Or

What are the criteria for naming inventors in an application for patent? Are there any differences in the filing of patent applications in respect of microbiological inventions and other inventions? 4+8=12

5. What do you mean by 'Patent Specification' under the Indian Patent Act, 1970? Discuss the differences between Provisional Specification and Complete Specification. 6+6=12

Or

(a) Discuss in details the principles of Construction of specification. 6+6=12

(b) Explain critically when an amendment of Specification is necessary.

6. (a) Discuss the grounds of opposition in details as per section 25 of the Patent Act, 1970.

(b) Explain the proceeding in opposition.

6+6=12

Or

(a) What is disclaimer and references ?

(b) What are the discretion of the Controller in deciding in opposition ?

6+6=12

7. What is the meaning of Priority date and State of the art ? What are the essential requirements in Drafting of Patent Specification ?

4+8=12

Or

Discuss in brief the principle of law laid down in :

Hoffmann-La Roche Ltd v. Cipla Limited,
2008 (37) PTC 71 (Del) 12

Or

Discuss in brief the principle of law laid down in :

Excerpts from Canadian General Electric Co. Ltd. v. Fada Radio Ltd., AIR 1930 PC 1.
12

Total number of printed pages-5

19 (3-IV) PDSW 4·6-H₅

2016

**PATENT DRAFTING AND
SPECIFICATION WRITING**

Paper : 4·6 [H-5]

Full Marks : 80

Time : Three hours

***The figures in the margin indicate
full marks for the questions.***

1. Fill in the blanks with appropriate answer :
10×1=10
 - a) The Intellectual Patent rights of an inventor are _____ and governed by issuing a patent to the inventor on his invention so that he alone will have the rights over his invention.
[protected/preserved]
 - b) The Patents are granted in respect of chemicals, medicines and drugs are _____ [Process Patent/Product Patent]

Contd.

- c) Inventions for grant of Patent must not be _____ [industrial application/ frivolous/useful]
- d) The Patent Rights are reserved exclusively to the _____ or the person to whom the patent has been issued as per the law. [inventor/one who discover]
- e) Priority date is the date on which the _____ is filed. [complete specification/ provisional specification / claim]
- f) The person filing the opposition must have _____ interest in the subject matter of the invention. [imaginary/ mala-fide / bona-fide]
- g) The discretion to allow / refuse an amendment of specification is with _____ [High Court / Controller / Supreme Court of India]
- h) A convention application is required to be filled within _____ from the date of application for protection of monopoly. [fifteen months / three months/twelve months]
- i) To limit the scope of the invention claimed is _____ [Disclaimer/ general reference/specific reference]

j) Trips Agreement is under the _____ [World Trade Organization (WTO) / World Intellectual Property Organization (WIPO)].

2. Write short answer : 5×2=10

- (a) Theories of Protection
- (b) What is priority date?
- (c) What is opposition in grant of Patent?
- (d) Define assignment of Patent.
- (e) What constitutes Patent Infringement?

3. What do you mean by Patent drafting ? Explain the contents of Patent drafting.

12

Or

Write a note on the 'important factors' considered most in Patent drafting.

4. What are the ways by which an inventor is benefited by the Patent Right Creation? Discuss the advantages of patent to an inventor. Briefly discuss the theories of protection of patent.

12

Or

What is the procedure for opposition to grant of patent ? State the grounds of opposition. Briefly discuss the discretion of the Controller in deciding an opposition to grant patent.

5. What are the relevant provisions of TRIP relating to patent system ? Briefly state the laws of patent as applicable to European Union (EU) or United Kingdom (UK.).

12

Or

'The Register of patent is open to public inspection. The register is prima facie evidence of that entry in the register'. Elucidate and discuss the procedure for rectification of register.

6. Discuss in brief the facts and the principle of law laid down in :

Excerpts from Canadian General Electric Co. Ltd. v. Fada Radio Ltd., AIR 1930 PC 1

12

Or

What is specification ? Discuss in details the construction of specification and the principles of construction of specification.

7. Discuss the various modes of infringing patent. Briefly state the penalties for infringement of patent provided in the Patent Act. 1970 as amended 12

Or

Distinguish between Compulsory Licenses and Licenses of Right. Describe the procedure for revocation and surrender of patents.

Total number of printed pages-4

19 (3-IV) PDSW (IPL-H1)

2015

**PATENT DRAFTING AND
SPECIFICATION WRITING**

Paper : 4·6_{H5} [IPL Group]

Full Marks : 80

Time : Three hours

***The figures in the margin indicate
full marks for the questions.***

PART-A (Compulsory) : 10 marks (10×1)

1. Fill in the blanks with appropriate answer :
10×1=10
 - a) If the owner of a patent discovers that someone is infringing their rights, it is upto the patent _____ to take appropriate action. [owner / government concerned / court]
 - b) The main object to encourage patent system is to _____ [create / discover / invent]
 - c) Patent provides exclusive rights to an _____ [industrialist/ inventor/ artist]

Contd.

- d) Inventions must be kept _____ to be patentable [secret / informed / confidential]
- e) Patent conferring _____ for the commercial exploitation of an invention. [legal rights/ monopoly rights/ fundamental rights]
- f) Provisional specification is _____ [provisional document / casual document / significant document]
- g) The discretion to allow/ refuse an amendment of specification is with _____ [High Court / Controller / Supreme Court of India]
- h) Any violation of the rights of patentee will constitute _____ [infringement of patent/theft of patent / unauthorized access of patent]
- i) The contents of a patent specification, also called as the _____, are the 'written description' of an invention. [invention / disclosure / discovery]
- j) 'Patented article' and 'Patented process' mean respectively _____ in respect of which a patent is in force. [an invention or finished goods / an article or process]

PART-B (Compulsory) : 10 marks (5×2)

2. Write short answer on : 5×2=10
- Provisional Specification
 - Patent & its importance
 - Assignment of Patent
 - Nature of Patent Rights
 - Industrial property

**PART-C : Answer any five questions
60 marks (12×5)**

- What do you mean by 'Patent Specification' under the Indian Patent Act, 1970 ? Discuss the differences between Provisional Specification and Complete Specification.
- What do you understand by the concept of "patent drafting" ? Discuss in details the prerequisites for patent drafting. What are the 'important factors' considered most in Patent drafting ?
- Discuss the criteria for naming inventors in an application for patent. Are there any differences in the filing of patent applications in respect of microbiological inventions and other inventions ?

6. What is the meaning of Priority date and state of the art ? What are the essential requirements in Drafting of Patent Specification ?
7. Discuss the grounds for opposition to Grant of Patent. Briefly state the procedure for opposition to Grant of Patent.
8. (a) What is disclaimer and references ?
(b) What are the discretion of the Controller in deciding an opposition ?

Or

Discuss in brief the facts and the principle of law laid down in :

Excerpts from Canadian General Electric Co. Ltd. v. Fada Radio Ltd., AIR 1930 PC 1