

JAYPEE UNIVERSITY OF INFORMATION TECHNOLOGY, WAKNAGHAT

TEST -2 EXAMINATIONS- 2023

Ph.D.\M.Tech-I Semester (BT/BI)

COURSE CODE (CREDITS):18M11BT114 (3)

MAX. MARKS: 25

COURSE NAME: PATENTING IN BIOTECH

COURSE INSTRUCTORS: DR. Gopal Singh Bisht

MAX. TIME: 1 Hour 30 Minutes

*Note: (a) All questions are compulsory.*

*(b) Marks are indicated against each question in square brackets.*

*(c) The candidate is allowed to make Suitable numeric assumptions wherever required for solving problems*

Q1. Answer the following questions briefly.

- a) You are a startup, filed a patent application 6 months ago which has not yet been published. You recently came to know that a competitor has started selling a product which is based on the invention disclosed in your patent application. What option do you have now? [1.5]
- b) Suraj filed a patent application on 24.03.2019 upon which a patent was granted. The fact of grant of patent was published in the Official Journal on 03.01.2022. Suraj develops a further improvement of the said invention. Upon conducting a patent and non-patent literature search, Suraj finds out that the 'improvement' is novel as compared to his own patent. However, the 'improvement' was disclosed in someone else's patent application which was published on 23.01.2022. Is Suraj in a position to file the application for patent of addition on 04.01.2023? Comment on it. [1.5]
- c) A patent application was filed by a Company A on 01.01.2021 and was published in the Patent Office Journal on 01.07.2022. The first statement of objections was issued by the Patent Office on 03.08.2022 and the applicant filed a response complying with all the objections on 05.10.2022. On 10.10.2022, the applicant noticed that a competitor, company B, is selling a product which utilizes the applicant's invention that was disclosed in the patent application. Explore all the possibilities for inventor regarding damages [2]
- d) What are the differences between copyright protection and industrial design protection for designs? [1]

Q2a) An inventor/applicant has filed an application for patent in India and immediately thereafter he wants to publish international application. How he can proceed further. [1]

b) What is the patent cooperation treaty (PCT)? What is the procedure of PCT? Who has the right to file an international patent application under the PCT? How long does the PCT process take? Can an applicant opt for Indian patent office as ISA/ IPEA for international search of PCT application? [5]

Q3. Explain/Answer the followings. [3]

- a) Trade secret vs. Patent
- b) Abandonment of mark
- c) ICANN

Q4. What would be the reasons for inventor to file a request for early publication? What are the advantages of waiting till 18 months for publication? Discuss it according to consideration in patent act 1970. [2]

Q5. What are the grounds to make an application of grant of compulsory license of patent according to patent act 1970? What are the factors that the controller is required to take into account while considering and application under appropriate section? [2]

Q6.a) Discuss the circumstances where it is mandatory to obtain prior permission from patent office to file application for patent outside India or abroad? [2]

b) Is it necessary to engage a registered patent agent for filing an application for patent? Does the patent office help to select a patent attorney or agent to make patent search or to prepare and persecute application? [2]

c) Why protect a geographical indication? What does a protected geographical indication enable you to do? What does it not enable you to do? [2]