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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 (5x2)**

2. Write short answer on : 5x2=10
- Provisional Specification
  - Patent & its importance
  - Assignment of Patent
  - Nature of Patent Rights
  - Industrial property

**PART-C : Answer any five questions  
60 marks (12x5)**

- 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*