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NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination, August – December, 2025
Semester: UG – VII Sem (I.P.R. Hons.)
Subject: Patent Law and Practice

Time: Three Hours **Marks: 100**

Instructions:

1. **Attempt any five out of six questions.**
2. **All questions carry equal marks.**
3. **Use of any reference material such as Bare Acts is not permitted.**

Q.1) Explain the patentability requirements laid down under the WTO Agreement on Trade Related Aspects of Intellectual Property, 1995 and the manner of their implementation in India, with particular emphasis on the inventive step and non-obviousness criteria. Cite relevant provisions and case laws.

(Marks: 20)

Q. 2) TechGrow Corporation has invented a foldable bicycle frame with a locking mechanism that makes the bicycle easy for transportation, saves space and assists travel convenience. The inventor aims to file a patent application in India to secure their patent rights in the country. They also intend to display/exhibit their invention at an industrial exhibition organised by Indian Institute of Technology, Jodhpur. They seek your advice on the following issues:

a). What are the essential documents required to be submitted to the Patent Office?

b). What shall be the required contents to be drafted as a part of technical specification?

c). Whether an exhibition of the invention can be made without losing the scope of patent grant?

d). What shall be the stages in the filing process until grant of patent?

Advice TechGrow Corporation based on the requirements and procedure laid down under the Patent Act, 1970 and the Patent Rules, 2003.

(Marks: 4 X 5 = 20)

Q.3) HealthPro AG is a multinational pharmaceutical company having obtained a patent in India over a life-saving anti-cancer drug for the treatment of ocular cancer. The drug is sold in the country at a price of Rs. 3,40,000 for a months combined treatment. The average dosage of the drug continues for about 12-15 months for each patient diagnosed with the cancer. The patentee does not have any local production or manufacturing of the drug in India. Only a limited number of drug quantity has been imported in India in the last three years, since the grant of patent.

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HealCure Generics Pvt. Ltd. approaches the Patentee Company to negotiate upon a license agreement, allowing HealCure to manufacture the drug's lower priced equivalent and making the drug available at Rs. 10,000 for a month's treatment cost. However, no response is received by them.

Failing to arrive at a mutual agreement, HealCure Generics Pvt. Ltd. applies to the Controller of Patents seeking the grant of Compulsory License for the said invention.

Examine the given situation in light of the provisions of the Patent Act, 1970 dealing with compulsory license as well as the relevant judicial decisions and suggest whether a compulsory license can be granted in the given case.

(Marks: 20)

Q.4) Explain the doctrine of equivalents and application of Prosecution History Estoppel under patent law. Examine how these doctrines operate to balance the scope of patent protection with legal certainty for competitors in the market. While answering the question, emphasise upon the rationale, key tests and the manner in which courts apply these rules for the purposes of constructing patent claims. Illustrate your answer with relevant case laws.

(Marks: 20)

Q.5) Ranbaxy, an Indian Pharmaceutical Company, imports a patented anti-diabetic drug 'GlucoStat' in India. The said drug is protected as a patented invention in India for which MedTherapeutics Ltd. holds an existing patent.

The 'GlucoStat' tablets imported by Ranbaxy are manufactured and sold in China by XuanPharma Ltd., a Company which holds a non-exclusive licence issued to them by MedTherapeutics in respect of the medicine 'GlucoStat' for manufacturing and sale in the Chinese market.

The said tablets are imported in India by Ranbaxy and sold at a price 60% lower than the price of the same tablets at which the medicine is sold by MedTherapeutics in India.

MedTherapeutics files a patent infringement suit against Ranbaxy alleging infringement of its patent rights by way of importing the patented drug in India, which is an exclusive right of the patentee company.

In view of Section 107A of the Patent Act, 1970, examine and explain whether the acts of Ranbaxy amount to infringement.

(Marks: 20)

Q.6) Write short notes on ***any two*** of the following:

a. Biopiracy and Traditional Knowledge
b. Rights and Obligations of Patentee
c. Anticipation
d. Difference between Pre-Grant Opposition, Post Grant Opposition and Revocation

(Marks: 10+10=20)

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