

Time: Three Hours

Marks: 100

Instructions:

1. Attempt any four 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) *“Patentability standards in India operate as filters that balance private rights with public interest, ensuring that only genuine technical advancements receive legal protection.”*
In light of the above statements, analyse the patentability requirements for grant of patent in India. While answering the question, suggest whether the standards are in compliance with TRIPs Agreement.

(Marks: 25)

Q. 2) Agro-Farm Industries Ltd. obtains a patent over a novel herbicide formulation “WeedClean” effective against resistant weed species. The patent was granted in the year 2010 and is set to expire in the year 2027. For the purposes of obtaining regulatory approval under the Insecticides Act, 1968, Agro-Farm submitted full toxicology, field-trial data, and environmental-impact studies, which required significant investment.

In 2024, a generic agro-chemical company Green Farm Ltd. begins conducting field trials and residue analysis studies on a herbicide that is chemically equivalent to ‘WeedClean’. Green farm Ltd. submits its application for registration to the Central Insecticides Board and Registration Committee (CIBRC) in 2025, i.e., before the expiry of the patent held by Agro Farm, based upon their own tests and experiments and developed data as well as the comparative referencing done with Agro-Farm’s earlier submitted regulatory documents.

Agro-Farm files a suit alleging infringement of their patent over ‘WeedClean’ as Green Farm was making, using and testing the invention for regulatory approvals sought to achieve their commercial object. Additionally, Agro-Farm pleads that CIBRC cannot disclose or rely on the data submitted by Agr-Farm as they enjoy data exclusivity rights over such submitted data.

In light of the relevant provisions of the TRIPs Agreement and the Patent Act, 1970, decide. Cite relevant case laws in support of your answer.

(Marks: 25)

Q.3) Mr. Arun is a young engineer who has devised an invention which is a novel enzyme-based biodegradable plastic that decomposes rapidly without leaving toxic residues. He is preparing to launch the product and intends to apply for the grant of patent to the Indian Patent Office. Guide him on the process of filing of patent while addressing the following concerns:

- a). Types of applications under the Patent Act, 1970.
- b). documents required for the purpose of filing and difference between the provisional and complete specifications.
- c). Pre-Grant Opposition Proceedings.
- d). persons entitled to make an application.
- e). determining appropriate patent office for filing.

(Marks: 5 X 5 = 25)

Q.4) a). Discuss the various opportunities under the Patent Act, 1970 that allow for challenging patent validity after the grant of patent. Highlight the differences between such alternate opportunities and suggest if all options can be resorted to at the same time.

b). Discuss the concept of anticipation search under Patent Act, 1970 and the relevant safeguards against the same under section 29-34.

(Marks: 12.5 + 12.5 = 25)

Q.5) TechHeat Solutions holds a patent for a portable heating pad that uses a “*carbon-fiber heating mesh*” to distribute heat evenly across the surface. During prosecution, the Patent Office objected that the claim was too broad and lacked inventive step. To overcome the objection, the applicant amended the claim by narrowing “*heating mesh*” to “*carbon-fiber heating mesh*” and argued that the unique heat-conductivity properties of carbon fiber were essential to the invention.

Two years after the patent is granted, WarmCo Industries launches a competing heating pad that uses a graphene-based heating mesh. The graphene mesh distributes heat in substantially the same way and achieves the same functionality and performance as the carbon-fiber mesh.

TechHeat sues for infringement, arguing that the graphene mesh is an equivalent. WarmCo argues that the patentee is barred from invoking the Doctrine of Equivalents because the narrowing amendment during prosecution, limiting the claim strictly to carbon-fiber mesh.

With the help of relevant doctrines and principles evolved through judicial decisions, decide.

(Marks: 25)

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

- a). Surrender and Revocation of Patents
- b). Concept of Unity of Invention
- c). Determination of Priority Date
- d). Patentability of Computer Programmes
- e). Relevance of Patent Claims in a specification

(Marks: 12.5+12.5=25)

