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Continuous Internal Examination 1–September 2025

Sub:	Research Methodology & Intellectual Property Rights							Code:	BRMK557
Date:	30/ 09 / 2025	Duration:	90 mins	Max Marks:	50	Sem:	V	Branch:	All

Answer any 5 full questions

		Marks	CO	RBT
1	What is enforcement of patent rights? Classify and explain the patent infringement. According to the Patents Act 1970 section 2(1)(j) which criterion (conditions of patenting) has to be fulfilled by a patent for its grant? Or Explain about Novelty, non-obviousness and usefulness (industrial application)of patentability criterion.	10	CO3	L1, L2
2	List the inventions eligible for patenting. Also list the non-patentable matters.	10	CO3	L1
3	What is History of IP in India?	10	CO3	L1
4	Which are the Copyright infringement acts? What is “The fair use of Doctrine”? Give few examples of it.	10	CO4	L2
5	What is Trademark and its designations? Explain Classification system for trademarks and its role in categorizing different types of Marks.	10	CO4	L1
6	Briefly explain the process of Trademark Registration in India.	10	CO4	L1
7	Discuss any two Intellectual property right cases from these 1) Neem Case,2)Curcuma (Turmeric Powder) Case,3) Basmati Rice Case	10	CO4	L1

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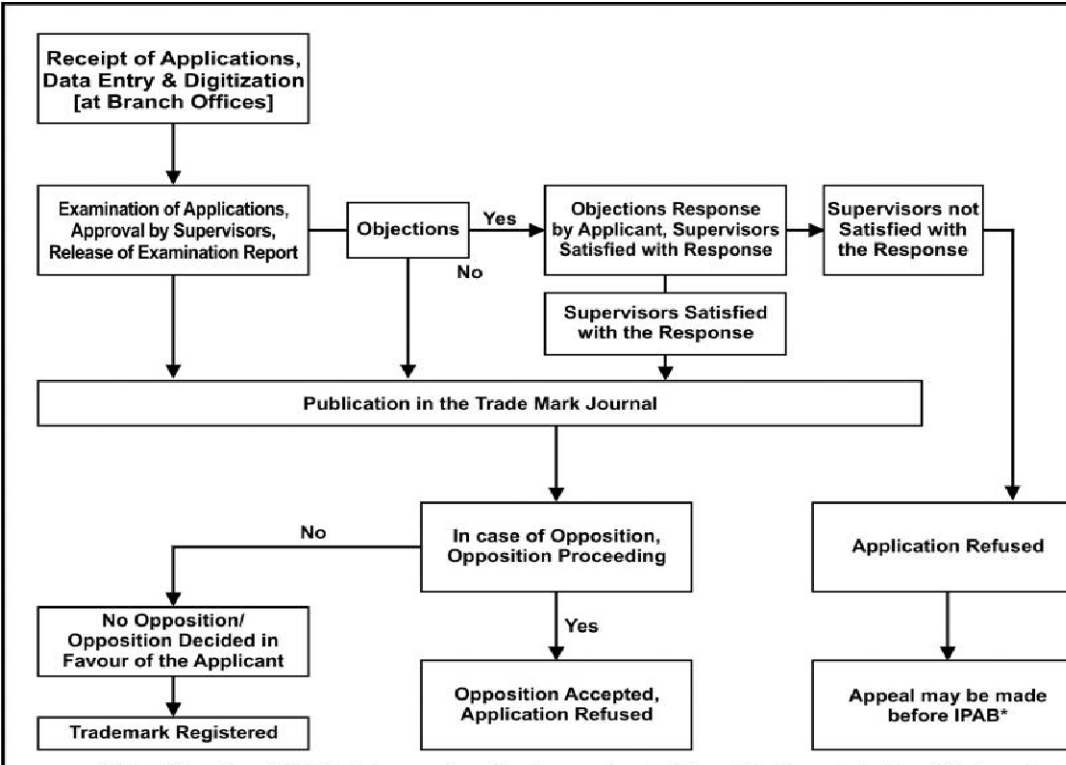
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1	Enforcement is the process of ensuring compliance with laws, regulations, rules, standards and social norms. Patent rights are usually enforced by the judicial courts. Direct Infringement - when a product is substantially close to any patented product or in a case where the marketing or commercial use of the invention is carried out without the permission of the owner of the invention. Indirect Infringement - When some amount of deceit or accidental infringement happens without any intention of infringement. There is a set criterion, as provided in Section 2(1)(j) of the Patents Act, 1970, which must be fulfilled for a product or a process to qualify for the grant of a patent. The patentability criterion encompasses: 1. Novelty - <i>Not part of 'State of the Art'</i>. The innovation claimed in the patent application is new and not known to anybody in the world. In other words, the innovation is a) not in the knowledge of the public, b) not published anywhere through any means of publication and c) not be claimed in any other specification by any other applicant. 2. Inventive step - <i>Not obvious to the person (s) skilled in the art</i>. The innovation is a) a technical advancement over the existing knowledge b) possesses economic significance and, c) not obvious to a person skilled in the concerned subject. 3. Capable of industrial application - <i>For the benefit of society</i>. The invention is capable of being made or used in any industry.	2 2 2 4	CO3	L1, L2
2	The majority of patents are granted to inventions displaying an improvement over the existing invention. For example, many patents can be awarded to a single molecule e.g. penicillins (an antibiotic that kills microbes) and its derivatives. The derivatives are made by making subtle changes in the structure of the penicillin resulting in new/improved properties, such as acid stability or temperature stability or killing a wide range of microbes (germs). The new antibiotic molecules, known as second, third or fourth generation penicillins can also be patented. In our daily life, we use many patented items, such as toothbrush, toothpaste, shoes, pen, eyeglasses, textiles, mobile phones, wrist watch, bicycle, scooter, car, television, cold drinks, beverages and many more. It is not uncommon that many products contain several inventions (patents) e.g. the laptop computer involves hundreds of inventions working together. Similarly, cars, mobile phones and televisions have many patented components. The non-patentable matters • Invention contrary to public morality - a method for human cloning, a method for gambling. • Mere discovery - finding a new micro-organism occurring freely in nature, laws of gravity. • Mere discovery of a new form of a known substance - use of aspirin for heart treatment. Aspirin was patented for reducing fever and mild pains. • Frivolous invention - dough supplemented with herbs, merely changing the taste of the dough, 100 years calendar, bus timetable. • Arrangement or rearrangement - an umbrella fitted with a fan, a torch attached to a bucket. • Inventions falling within Section 20(1) of the Atomic Energy Act, 1962 - inventions relating to compounds of Uranium, Beryllium, Thorium, Plutonium, Radium, Graphite, Lithium and more as notified by the Central Government from time to time. • Literary, dramatic, musical, artistic work - books, sculptures, drawings, paintings, computer programmes, mathematical calculations, online chatting method, method of teaching, method of learning a language as they are the subject matter of Copyright Act. 1957. • Topography of integrated circuits - protection of layout designs of integrated circuits is provided separately under the Semiconductor Integrated Circuit Layout	4 6	CO3	L1

	• Quotation mentioned in the Copyrighted work. • Reporting of current events in the media, such as newspapers, magazines or radios/television. • Reproduction of the work by teachers or scientific researchers. • Performance is free of charge by government officials in the performance of their duties e.g. reproduction of any work for a judicial proceeding or a report of a judicial proceeding. • Use of any work prepared by the Secretariat of a Legislature. • Use of the work in a certified copy made or supplied in accordance with any law for the time being in force. • Making three or less than three copies of a book (including a pamphlet, sheet of music, map, chart or plan). Bonafide religious ceremony, including a marriage functions			
5	A trade mark (popularly known as brand name) in layman's language is a visual symbol which may be a word signature, name, device, label, numerals or combination of colors used by one undertaking on goods or services or other articles of commerce to distinguish it from other similar goods or services originating from a different undertaking.  Represents that the Trademark is unregistered. This mark can be used for promoting the goods of the company.  Represents that the Trademark is unregistered. This mark can be used for promoting brand services.  Represents a registered Trademark/Service. The applicant of the registered Trademark is its legal owner. Goods and Services under Trademarks are classified as per the 'Nice Agreement' (1957) administered by WIPO. A total of 149 countries (84 state parties who are signatory to the Agreement and 65 additional states who are following this classification for the Trademarks) and others (African Intellectual Property Organization, African Regional IP Organization and Trademark Office of European Union) are using the same Trademark classification. Trademark classification comprises of 45 classes, out of which 34 are for goods and 11 are for services. Class 1 is for Chemicals for use in industry, science and photography, agriculture, horticulture and forestry; Unprocessed artificial resins, unprocessed plastics; Fire extinguishing and fire prevention compositions; Tempering and soldering preparations; Substances for tanning animal skins and hides; Adhesives for use in industry; Putties and other paste fillers; Compost, manures, fertilizers; Biological preparations for use in industry and science. Class 45 is for legal services; Security services for the physical protection of tangible property and individuals; Personal and social services rendered by others to meet the individuals' needs.	2		
		3		
			CO3	L2
		5		

6	Trademark registration process: - Prior to applying for Trademark registration, it is always prudent to check whether the intended Trademark is already registered or not. - After the prior art search has been conducted, the applicant can apply for the registration. - The application is scrutinized by a professional examiner. If everything is in order, the particulars of the application are published in the official Trademark journal. Otherwise, he will send the objections to the applicant for rectification. Based on the satisfactory response, the examiner would recommend the revised application to be published in the journal. If the application is rejected, the applicant may approach the Intellectual Property Division to challenge the rejection of an application by the examiner. - Once the Trademark is published in the official journal, the public has an opportunity to file an objection, if any, within 90 days. After hearing both the parties, the officer decides whether to proceed further for the grant of Trademark or disallow the grant of Trademark. In case of unfavourable outcome, the applicant has the right to contest the decision in front of the IPAB. - Once the application has successfully completed all formalities, a Trademark registration certificate is issued in the name of the applicant.  <pre> graph TD A[Receipt of Applications, Data Entry & Digitization [at Branch Offices]] --> B[Examination of Applications, Approval by Supervisors, Release of Examination Report] B --> C{Objections} C -- No --> D[Publication in the Trade Mark Journal] C -- Yes --> E[Objections Response by Applicant, Supervisors Satisfied with Response] E --> F{Supervisors not Satisfied with the Response} F --> G[Application Refused] F --> H[Supervisors Satisfied with the Response] H --> D G --> I[Appeal may be made before IPAB*] D --> J{In case of Opposition, Opposition Proceeding} J -- No --> K[No Opposition/ Opposition Decided in Favour of the Applicant] K --> L[Trademark Registered] J -- Yes --> M[Opposition Accepted, Application Refused] M --> I </pre> *Note: If decision of IPAB is in favour of applicant, procedure is followed for the registration of Trademark. As per notification of Delhi High Court (2021), IPAB is abolished and a dedicated IP Division has been created to deal with IPR issues.	4	CO4	L1
7	Turmeric Patent Turmeric is a tropical herb grown in east India. Turmeric powder is widely used in India as a medicine, a food ingredient and a dye to name a few of its uses 3 . For instance, it is used as a blood purifier, in treating the common cold, and as an anti-parasitic for many skin infections. It is also used as an essential ingredient in cooking many Indian dishes. In 1995, the United States awarded patent on turmeric to University of Mississippi medical center for wound healing property. The claimed subject matter was the use of “turmeric powder and its administration & quot;, both oral as well as topical, for wound healing. An exclusive right has been granted to sell and distribute. The Indian Council for Scientific and Industrial Research (CSIR) had objected to the patent granted and provided documented evidences of the prior art to USPTO. Though it was a well known fact that the use of turmeric was known in every household since ages in India, it was a herculean task to find published	5+5	CO4	L1

information on the use of turmeric powder through oral as well as topical route for wound healing. Due to extensive researches, 32 references were located in different languages namely Sanskrit, Urdu and Hindi. Therefore, the USPTO revoked the patent, stating that the claims made in the patent were obvious and anticipated, and agreeing that the use of turmeric was an old art of healing wounds. Therefore, the TK that belonged to India was safeguarded in Turmeric case. Neem Patent The patent for Neem was first filed by W.R. Grace and the Department of Agriculture, USA in European Patent Office. The said patent is a method of controlling fungi on plants comprising of contacting the fungi with a Neem oil formulation. A legal opposition has been filed by India against the grant of the patent. The legal opposition to this patent was lodged by the New Delhi-based Research Foundation for Science, Technology and Ecology (RFSTE), in co-operation with the International Federation of Organic Agriculture Movements (IFOAM) and Magda Aelvoet, former green Member of the European Parliament (MEP) 4 . A tree legendary to India, from its roots to its spreading crown, the Neem tree contains a number of potent compounds, notably a chemical found in its seeds named azadirachtin. It is used as an astringent in so many fields. The barks, leaves, flowers, seeds of neem tree are used to treat a variety of diseases ranging from leprosy to diabetes, skin disorders and ulcers. Neem twigs are used as antiseptic tooth brushes since time immemorial. The opponents’ submitted evidence of ancient Indian ayurvedic texts that have described the hydrophobic extracts of neem seeds were known and used for centuries in India, both in curing dermatological diseases in humans and in protecting agricultural plants from fungal infections. The EPO identified the lack of novelty, inventive step and possibly from a relevant prior art and revoked the patent. Apart from this, several US patents were recently taken out on Neem-based emulsions and solutions. Basmati patent The US patent office granted a patent to RiceTec for a strain of Basmati rice, an aromatic rice grown in India and Pakistan for centuries. Rice is the staple food of people in most parts of Asia, especially India and Pakistan. For centuries, the farmers in this region developed, nurtured and conserved over a hundred thousand distinct varieties of rice to suit different tastes and needs. In 1997, in its patent application RiceTec also acknowledged that good quality Basmati rice traditionally come from northern India and Pakistan...Indeed in some countries the term can be applied to only the Basmati rice grown in India and Pakistan. However, the company then went on to claim that it had invented certain Basmati lines and grains which make possible the production of high quality, higher yielding Basmati rice worldwide, The Indian Government had pursued to appeal only 3 claims out of 20 claims made in the original patent application of RiceTec Inc. What were being challenged were only claims regarding certain characteristics of basmati (specifically starch index, aroma, and grain dimensions) 5 . It is to be noted that WTO Agreement does not require countries to provide Patent protection to plant varieties. It only requires countries to legislate so that plant varieties are protected in some manner (not necessarily through patents). However, US being a strong proponent of Patent protection of plant varieties allowed the patent application. Three strains developed by RiceTec are allowed patent protection and they are eligible to label its strain as ‘Superior Basmati Rice’. Therefore, in Basmati case, RiceTec altered the strain through crossing with the Western strain of grain and successfully claimed it as their invention and the case is an example of problems illustrated in TRIPS with regards to patenting biotechnological processes.			
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