

## Unit 13 - Week 11

### Course outline

#### How to access the portal

#### Week 0

#### Week 1

#### Week 2

#### Week 3

#### Week 4

#### Week 5

#### Week 6

#### Week 7

#### Week 8

#### Week 9

#### Week 10

#### Week 11

Lecture 59 - Introduction to Compulsory Licensing

Lecture 60 - Working of Patents

Lecture 61 - Compulsory Licenses

Lecture 62 - Revocation of Patents

Lecture 63 - Powers of Controller

Lecture 64 - Licensing of Related Patents

Lecture 65 - Compulsory License on Notification by Central Government

Lecture 66 - Compulsory License for Export of Pharma Products

Lecture 67 - Termination of Compulsory License, Related Rules

Quiz : Assignment 11

Patent Law For Engineers And Scientists : Week 11 Feedback form

#### Week 12

#### DOWNLOAD VIDEOS

#### Text Transcription

# Assignment 11

The due date for submitting this assignment has passed.  
 As per our records you have not submitted this assignment.

**Due on 2019-10-16, 23:59 IST.**

### Instructions

- A. This Assignment is of 10 points. Each question is of 1 point.  
 B. All the questions are compulsory.  
 C. Questions 1-7 are Multiple Choice Questions with only one option correct  
 D. Questions 8-10 are Multiple Select Questions with more than one option correct (at least two options are correct). Marks will only be awarded if all the options are correct.  
 E. Students should read the questions very carefully before answering.  
 F. There is no negative marking.

1) Any person interested may make an application to the Controller for grant of compulsory license on patent at any time after the expiration of **1 point**

- One year  
 Two years  
 Three years  
 None of the above

No, the answer is incorrect.  
 Score: 0

Accepted Answers:  
 Three years

2) An application made by the patentee or any other person deriving title in the patent, a compulsory licence granted under Section 84 may be terminated by the Controller on filing **1 point**

- Form 18  
 Form 19  
 Form 20  
 Form 21

No, the answer is incorrect.  
 Score: 0

Accepted Answers:  
 Form 21

3) In settling terms and conditions of compulsory licenses under Section 84, the Controller shall endeavor to secure the license when **1 point**

**Statement 1:** The licence granted is a exclusive licence  
**Statement 2:** The right of the licensee is non-assignable

- Statement 1 is true, statement 2 is false  
 Statement 1 is false, statement 2 is true  
 Statements 1 and 2 are false  
 Statements 1 and 2 are true

No, the answer is incorrect.  
 Score: 0

Accepted Answers:  
 Statement 1 is false, statement 2 is true

4) In the licensing of related patents under Section 91, the Controller shall grant the license when **1 point**

**Statement 1:** The Applicant is able and willing to grant, or procure the grant to the Patentee  
**Statement 2:** The other invention has made a substantial contribution to the establishment or development of commercial or industrial activities in the territory of India

- Statement 1 is true, statement 2 is false  
 Statement 1 is false, statement 2 is true  
 Statements 1 and 2 are false  
 Statements 1 and 2 are true

No, the answer is incorrect.  
 Score: 0

Accepted Answers:  
 Statements 1 and 2 are true

5) A notice of opposition under Section 84 or Section 85 can be raised by the Patentee or any other person by using the following form **1 point**

- Form 10  
 Form 11  
 Form 14  
 Form 16

No, the answer is incorrect.  
 Score: 0

Accepted Answers:  
 Form 14

6) In the case of an application made for Section 84 by an applicant being the holder of a license under the patent, the Controller may **1 point**

- Order the existing licence to be cancelled  
 Order the existing licence to be amended  
 Avoid making a new order for grant of a licence to the applicant  
 All of the above

No, the answer is incorrect.  
 Score: 0

Accepted Answers:  
 All of the above

7) The compulsory licence for the export of patented pharmaceutical products under exceptional circumstances to any countries is available when **1 point**

**Statement 1:** Insufficient or no manufacturing capacity exist in that country to address public health problems  
**Statement 2:** The other country has allowed importation of the patented pharmaceutical products from India

- Statement 1 is true, statement 2 is false  
 Statement 1 is false, statement 2 is true  
 Statements 1 and 2 are false  
 Statements 1 and 2 are true

No, the answer is incorrect.  
 Score: 0

Accepted Answers:  
 Statements 1 and 2 are true

8) The Controller has the power to adjourn the application under Section 84 or Section 85, for compulsory licences, for such period not exceeding twelve months, if **1 point**

- Time elapsed since the sealing of the patent has been insufficient to be worked on a commercial scale  
 If the Patentee has taken reasonable steps to start the working of the invention outside India  
 Time elapsed since the sealing of the patent has been insufficient to enable the invention to be so worked to the fullest extent  
 If the Patentee has taken reasonable steps to start the working of the invention in the territory of India

No, the answer is incorrect.  
 Score: 0

Accepted Answers:  
 Time elapsed since the sealing of the patent has been insufficient to be worked on a commercial scale  
 Time elapsed since the sealing of the patent has been insufficient to enable the invention to be so worked to the fullest extent  
 If the Patentee has taken reasonable steps to start the working of the invention in the territory of India

9) The Central Government can issue notification under special provision for compulsory licenses only under **1 point**

- A circumstance of national emergency  
 A circumstance of extreme urgency  
 A circumstance of commercial use  
 A case of public non-commercial use

No, the answer is incorrect.  
 Score: 0

Accepted Answers:  
 A circumstance of national emergency  
 A circumstance of extreme urgency  
 A case of public non-commercial use

10)The reasonable requirements of the public shall be deemed not to have been satisfied under Section 84, if **1 point**

- A market for export of the patented article manufactured in India is not being supplied or developed  
 The establishment or development of commercial activities in India is prejudiced  
 The Patentee grants a licence or licenses on reasonable terms  
 The demand for the patented article has not been met to an adequate extent or on reasonable terms

No, the answer is incorrect.  
 Score: 0

Accepted Answers:  
 A market for export of the patented article manufactured in India is not being supplied or developed  
 The establishment or development of commercial activities in India is prejudiced  
 The demand for the patented article has not been met to an adequate extent or on reasonable terms