M S Ramaiah Institute of Technology

(Autonomous Institute, Affiliated to VTU)

**Department of Information Science & Engineering**

Term: 13h Aug to 16th Dec 2015 Subject: Intellectual Property Rights Sub Code: IS523

CIE Test No: I Semester: V Section: ‘A’,’B’, &’C’

U.G:B.E Max Marks: 30 Time Allotted: 1 hr

**Instructions to Candidates: Mobile phones are banned.**

**Answer any 2 questions.**

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| **SL No** |  | **Questions** | **Marks** | **Bloom’s Level** | **CO** |
| 1 | a | Define Intellect Property. List the different IPR’s | 9 | R | CO1 |
| b | Justify the need for Intellectual Property Rights | 6 | A | CO2 |
| 2 | a | How and when did World Trade Organization originate? | 7 | R | CO1 |
| b | Explain the main objectives of WTO | 8 | U | CO1 |
| 3 | a | Define Patent. Explain the conditions to be satisfied by an invention to be patentable | 7 | U | CO1 |
| b | A research student attends a lecture on Artificial Intelligence by a visiting lecturer. Many of the colleagues in the student's research network are unable to attend, for either timetable reasons, or because they are at other universities. A new theory about how intelligence is founded upon its extension into materials and tools in the world beyond the brain. The visiting speaker is particularly excited about some new examples that he has discovered that will answer the many existing criticisms of such a theory. He explains that he will very soon be publishing a book that details these ideas in full. He expects this to be the most important book in its field ever to be published. However, despite his excitement, he feels the need to try out some of the ideas with a small number of other researchers. He therefore elaborates upon these new discoveries in his lecture. The research student finds that these ideas fit very well with his own work. So, after the lecture he quickly finds a computer and writes a blog entry to explain everything that he has learnt. His friends all across the world are able to read about these great new ideas right away.  What will the effects of his actions be? Would you do anything differently? | 8 | A | CO2 |

**#R – Remember; U – Understand; A - Apply**

**ANSWER SCHEME**

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| **SL No** |  | **Questions** | **Marks** |
| 1 | a | It is the property created by Application of Human Mind. i.e., Intangible (non-physical) in nature – derives value from ideas. Protecting inventions, literary and artistic works, symbols, images, designs used in commerce, the information and original expressions of creative individuals known as  Intellectual Property (IP). 3 marks  List of IPR’s  The different types of Intellectual Property Rights are: (http://www.caaa.in)   * Patents * Copyrights * Trademarks * Industrial designs * Protection of Integrated Circuits layout design * Geographical indications of goods * Plant varieties and farmers rights * Undisclosed information (Trade Secrets)   Any 6 with simple definition of each – 1 marks each | 9 |
| b | * Intellectual property rights (IPRs) encourage innovation by granting successful inventors temporary monopoly power over their innovations * Once an innovation has been created, its non-rival character suggests that its benefits will be maximized if its use is free to all at marginal cost. Although this availability to all will yield benefits in the short run, it will also severely damage the incentive for further innovation * Weak IPR protection has actually stimulated R&D activity in many countries by encouraging knowledge spillovers from transnational corporations (TNCs) and other domestic firms. Giving innovators too much protection may also lead to permanent monopoly. * The awarding of a temporary monopoly, although second best, is intended to restore the incentive to innovate, which in turn should encourage long-run growth and improved product quality. * Providing stronger IPR protection is seen as shifting profits from domestic imitative firms to foreign firms and reducing output in the domestic economy, rather than encouraging domestic innovative activity. * The counter argument is that stronger IPR protection can help reward creativity and risk-taking even in developing economies, while weak IPR protection can make developing countries remain dependent on inefficient firms that rely on counterfeiting and imitation. | 6 |
| 2 | a | GATT was signed by 23 nations in Geneva on October 30, 1947 and took effect on January 1, 1948. It lasted until the signature by 123 nations in Marrakesh on April 14, 1994 of the Uruguay Round Agreements, which established the World Trade Organization (WTO) on January 1, 1995. One of the most significant changes was the creation of the World Trade Organization (WTO). The 75 existing GATT members and the European Communities became the founding members of the WTO on 1 January 1995. The other 52 GATT members rejoined the WTO in the following two years (the last being Congo in 1997). Since the founding of the WTO, 21 new non-GATT members have joined and 29 are currently negotiating membership. There are a total of 161 member countries in the WTO, with Laos and Tajikistan being new members as of 2013. | 7 |
| b | WTO's main activities are: —   * Negotiating the reduction or elimination of obstacles to trade (import tariffs, other barriers to trade) and agreeing on rules governing the conduct of international trade (e.g. antidumping, subsidies, product standards, etc.) * Administering and monitoring the application of the WTO's agreed rules for trade in goods, trade in services, and trade-related intellectual property rights * Monitoring and reviewing the trade policies of our members, as well as ensuring transparency of regional and bilateral trade agreements * Settling disputes among our members regarding the interpretation and application of the agreements * Building capacity of developing country government officials in international trade matters * Assisting the process of accession of some 30 countries who are not yet members of the organization * Conducting economic research and collecting and disseminating trade data in support of the WTO's other main activities * Explaining to and educating the public about the WTO, its mission and its activities. | 8 |
| 3 | a | Patent is a grant for an invention by the Government to the inventor in exchange for full disclosure of the invention. A Patent is a monopoly right granted to person who has invented a new and useful article or an improvement of an existing article or a new process of making an article. A patent is an exclusive right granted by law to applicants / assignees to make use of and exploit their inventions for a limited period of time (generally 20 years from filing). The patent holder has the legal right to exclude others from commercially exploiting his invention for the duration of this period. In return for exclusive rights, the applicant is obliged to disclose the invention to the public in a manner that enables others, skilled in the art, to replicate the invention. The patent system is designed to balance the interests of applicants / assignees (exclusive rights) and the interests of society (disclosure of invention). 3 marks  A new product or process, involving an inventive step and capable of being made or used in an industry. It means the invention to be patentable should be technical in nature and should meet the following criteria – • Novelty: The matter disclosed in the specification is not published in India or elsewhere before the date of filing of the patent application in India. • Inventive Step: The invention is not obvious to a person skilled in the art in the light of the prior publication/knowledge/ document. • Industrially applicable: Invention should possess utility, so that it can be made or used in an industry. 4 marks | 7 |
| b | Justifications with laws from the students side- 4 marks  The students justifications to what he would have done – 4 marks | 8 |