

# **SUGGESTIVE QUESTION BANK**

## **M.Voc. in Food Technology, Nutrition and Management**

### **Semester – IV**

#### **FTNM41: INTELLECTUAL PROPERTY AND ITS MANAGEMENT**

**Unit 1: Intellectual Property Rights:** Concept of Property and Theories of Property - An Overview, theories of Intellectual Property Rights, Need for Protecting Intellectual Property- Policy Consideration- National Perspectives and International demands. Types of Intellectual Property- Origin and Development, Intellectual Property Rights as Human Right. Role of International Institutions - World Intellectual Property Organisation (WIPO), Function of WIPO, Membership of WIPO, Agreement between the WIPO and the WTO, Dispute Settlement- New Treaties

1. What is the fundamental concept of property, and how does it differ from intellectual property?
2. Can you explain the Lockean theory of property and how it relates to the concept of property rights?
3. How do utilitarian theories of property differ from natural rights theories, and what are their implications for intellectual property rights?
4. Why is there a need for protecting intellectual property, and what potential consequences can arise if it is not protected?
5. What are some key policy considerations in protecting intellectual property at the national level?
6. How does the protection of intellectual property rights vary from one country to another, and what are the international demands in this regard?
7. What are the main types of intellectual property, and how have they evolved over time?
8. Can intellectual property rights be considered as human rights? Explain the arguments for and against this perspective.
9. What is the role of the World Intellectual Property Organization (WIPO) in global intellectual property protection, and what functions does it perform?
10. Which countries are members of WIPO, and what advantages does membership offer in terms of intellectual property protection?
11. How does the Agreement between WIPO and the World Trade Organization (WTO) impact intellectual property rights and international trade?
12. What are the mechanisms for dispute settlement in cases related to intellectual property, and can you provide examples of recent treaties in this context?

**Unit 2: Patent:** Introduction to Patent Law, Indian Patent Law - The Patents Act, 1970, Amendments to the Patents Act, Patentable Subject Matter, Patentability Criteria, Procedure for Filing Patent Applications, Patent Granting Procedure, Revocation, Patent Infringement and Remedies, Relevant Provisions of the Biological Diversity Act, 2002.

1. What is a patent, and how does it differ from other forms of intellectual property protection?
2. Can you explain the key provisions of the Indian Patents Act, 1970, and the significant amendments made to it over the years?
3. What is considered patentable subject matter in Indian patent law, and are there any exceptions to patentability?
4. What are the primary criteria for determining the patentability of an invention in India?
5. Walk me through the procedure for filing a patent application in India, from the initial application to the grant of a patent.
6. What steps are involved in the patent granting procedure in India, and what is the role of the Patent Office in this process?
7. How can a patent be revoked in India, and what are the grounds for revocation?
8. What constitutes patent infringement, and what remedies are available to patent holders under Indian patent law?
9. How does the Biological Diversity Act of 2002 in India intersect with patent law, and what are the relevant provisions for protecting biodiversity?
10. Can you provide examples or case studies that illustrate the application of these concepts in Indian patent law?

**Unit 3: Copyright, Neighboring Rights and Industrial Designs:** Introduction to Copyright, Conceptual Basis, International Protection of Copyright and Related rights- An Overview (International Convention/Treaties on Copyright). Indian Copyright Law, The Copyright Act, 1957 with its amendments, Copyright works, Ownership, transfer and duration of Copyright, Renewal and Termination of Copyright, Neighboring Rights, Infringement of copyrights and remedies. Industrial Designs, Need for Protection of Industrial Designs, The Designs Act, 2000, Procedure for obtaining Design Protection, Revocation, Infringement and Remedies

### **Copyright:**

1. What is the conceptual basis of copyright, and how does it differ from other forms of intellectual property protection?
2. Can you provide an overview of international conventions and treaties related to copyright and neighboring rights?
3. What are the key provisions of the Indian Copyright Act, 1957, and its amendments? How has it evolved over time?
4. What types of works are eligible for copyright protection, and how is ownership determined in Indian copyright law?
5. Explain the principles of transfer and duration of copyright protection in India.

6. What is the process for renewing and terminating copyright protection under the Indian Copyright Act?
7. What are neighboring rights in the context of copyright, and how do they relate to the protection of creators and performers?
8. In cases of copyright infringement, what legal remedies are available to copyright holders in India?

#### **Industrial Designs:**

9. Why is there a need for the protection of industrial designs, and how does it differ from copyright and patent protection?
10. Can you outline the main provisions of the Designs Act, 2000 in India and the procedure for obtaining design protection?
11. What grounds can lead to the revocation of industrial design protection under the Indian legal framework?
12. How is infringement of industrial designs defined, and what are the available remedies for design right holders in case of infringement?

**Unit 4: Trademarks:** Introduction to Trademarks, Need for Protection of Trademarks, Kinds of Trademarks, Indian Trademarks Law, The Trade and Merchandise Marks Act, 1958, Trademarks Act, 1999, Procedural Requirements of Protection of Trademarks, Content of the Rights, Exhaustion of Rights, Assignment under Licensing, Infringement, Right of Goodwill, Passing Off

#### **Trademarks:**

1. What is the fundamental concept of trademarks, and why is there a need for their protection in the business world?
2. Can you explain the various kinds of trademarks, including distinctive, non-distinctive, and well-known trademarks?
3. What are the key differences between the Trade and Merchandise Marks Act, 1958, and the Trademarks Act, 1999, in India?
4. What are the procedural requirements for the protection of trademarks under Indian trademark law?
5. What does the content of trademark rights entail, and how do these rights vary from one jurisdiction to another?
6. How does the principle of exhaustion of rights apply to trademarks, and what are its implications for international trade?
7. Explain the concept of assignment and licensing of trademarks, and how do they affect trademark ownership and usage?
8. What constitutes trademark infringement under Indian law, and what legal remedies are available to trademark owners in case of infringement?
9. How does the concept of goodwill relate to trademarks, and what is its significance in the context of trademark protection?

10. Can you differentiate between trademark infringement and passing off, and provide examples to illustrate these concepts?

**Unit 5: Geographical Indications:** Geographical Indications, Concept of Appellations of Origin, Indication of Source and Geographical Indication, International Conventions/Agreements, The Geographical Indications of Goods (Registration and Protection) Act, 2000, Procedure for Registration, Duration of Protection and Renewal, Infringement, Penalties and Remedies

**Geographical Indications:**

1. What are geographical indications, and how do they differ from other forms of intellectual property like trademarks and patents?
2. Explain the concept of appellations of origin and how they are related to geographical indications.
3. Differentiate between the terms "indication of source" and "geographical indication" and provide examples to illustrate the distinctions.
4. Can you provide an overview of the international conventions and agreements that pertain to the protection of geographical indications?
5. What are the main provisions of the Geographical Indications of Goods (Registration and Protection) Act, 2000 in India, and how does it promote the protection of geographical indications?
6. Walk me through the procedure for registering a geographical indication under the Indian legal framework.
7. What is the duration of protection for a registered geographical indication, and how does the renewal process work?
8. What constitutes infringement of a registered geographical indication, and what penalties and remedies are available to address infringement?

**Unit 6: Plant Varieties and Farmers' Rights:** The Protection of Plant Varieties and Farmer's Rights Act, 2001., Protection of Plant Varieties and Farmers' Rights, Authority and Registry, Registration of Plant Varieties and Essentially derived variety, Duration, Effect of Registration and Benefit Sharing, Surrender and revocation of Certificate, Farmers' Rights, Infringement, Offences, Penalties and Procedure

**Plant Varieties and Farmers' Rights:**

1. Can you explain the main provisions of the Protection of Plant Varieties and Farmers' Rights Act, 2001, in India and its objectives?
2. What is the role and function of the Protection of Plant Varieties and Farmers' Rights Authority and Registry in India?
3. How does the registration process for plant varieties work under this Act, and what is meant by "essentially derived varieties"?
4. What is the duration of protection granted to registered plant varieties, and how does registration affect the rights of breeders and farmers?

5. Explain the concept of benefit sharing in the context of this Act and the mechanisms for its implementation.
6. What are the conditions and procedures for surrendering and revoking a certificate for a registered plant variety?
7. Can you elaborate on the concept of "Farmers' Rights" as stipulated in the Act and how it is designed to protect the rights of farmers?
8. What constitutes infringement under the Protection of Plant Varieties and Farmers' Rights Act, and what are the potential penalties for infringement?
9. Walk me through the procedures involved in addressing offenses related to plant varieties and farmers' rights under this Act.

**Protection of Plant Varieties and Farmer's Rights Act, 2001:**

10. What is the primary purpose of "The Protection of Plant Varieties and Farmer's Rights Act, 2001," and how does it impact plant breeders and farmers in India?
11. Can you explain the role and functions of the Protection of Plant Varieties and Farmers' Rights Authority and the Registry established under this act?
12. What is the process for registering plant varieties under this act, and what is the concept of an "essentially derived variety"?
13. How long does the registration of a plant variety last, and what are the effects of such registration, including benefits sharing with farmers?
14. Under what circumstances can a certificate for a registered plant variety be surrendered or revoked?
15. What are the rights granted to farmers under this act, and how do they relate to the protection of plant varieties?
16. Define infringement in the context of this act and explain the penalties associated with it.
17. What is the procedure for handling offenses related to the Protection of Plant Varieties and Farmer's Rights Act, 2001?