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Uva Wellassa University
Faculty of Management

Degree of Bachelor of Science in Export Agriculture,
Degree of Bachelor of Science in Tea Technology and Value Addition and
Degree of Bachelor of Science in Palm and Latex Technology and Value Addition
FOURTH YEAR FIRST SEMESTER EXAMINATION – MARCH/APRIL 2013
EAG 424 -1- Intellectual Property Rights and Commercialization



Instructions to candidates:

- No. of pages : Three (03)
- No. of questions : Three (03) Essay
- Time allocation : One (01) Hour
- Marks allocation : Sixty (60) Marks

Index Number:

Answer only two questions including question number (01).

Question 01:

i) Briefly explain the term “commercialization” and list out the best practices to be carried out for a successful commercialization process. (12 marks)

ii) A) “A patent can be obtained for every invention”. Do you agree with this statement? Justify your answer. (05 marks)

B) Mr. Gayan Gamage applied for a patent on 27/01/2013 under the Sri Lankan patent Law and Ms. Sujani Nilusha also applied for a patent on 01/02/2013. Assume that these two applicants are independent applicants for a similar invention.

You are required to:

Explain whether Mr. Gayan can claim for the right of applying and continuing since he is the first person to submit the application? (03 marks)

C) Mr. Samarakoon has come up with an invention and wants to get the protection by a patent. However, he is not aware of the procedure to be followed. Further, during the initial investigation, it was revealed that Mr. Samarakoon has

disclosed the information of the particular invention to a group of investors prior to the application.

- a) What would be the effect of disclosure made by Mr. Samarakoon on the “novelty” of the invention? (03 marks)
- b) How do you advise Mr. Samarakoon in relation to the application procedure? (07 marks)

D) TRIPS agreement signed in 1995 states that any country excluding plant varieties from patent protection must provide an effective sui generis system of protection. Accordingly, Sri Lanka Intellectual Property Office has drafted a Bill on Plant Breeders’ Rights.

You are required to:

Critically evaluate the potential impacts of protection of plant breeders’ rights on both farmers and breeders and thereby Sri Lankan economy.

(10 marks)

(Total – 40 Marks)

Question 02:

- i) How do you illustrate the “novelty” of an Industrial Design? (06 marks)
- ii) If a particular Industrial Design has derived from another person’s work, what kind of a protection is given for the original owner of the Industrial Design? (06 marks)
- iii) If you are a creator of an Industrial Design, can you apply for an Industrial Design right through another person?

You are required to:

Illustrate the possibility with reference to the Industrial Design Law of Sri Lanka.

(08 marks)

(Total - 20 Marks)

Question 03:

- i) "Copyright protection is given for any kind of a creation in the literary, artistic and scientific domain". To which extent do you agree with this statement? Justify your answer. (06 marks)
- ii) How do you illustrate the "Fair use of work" in relation to copyrights? (06 marks)
- iii) What kind of rights of an author would be secured under the Sri Lankan copyright law? (08 marks)

(Total – 20 Marks)