

LL.M DEGREE EXAMINATION MARCH 2021

IPR, HEALTH AND MEDICAL TECHNOLOGIES

Answer any Five of the following (5 x 10=50)

Time :3 Hours

Maximum Marks: 50

- I. 1. "Strict patent regimes interfere with widespread access to medicines by creating monopolies that maintain medicines prices well beyond the reach of those who need them." Do you agree with this statement? Justify your position.

OR

2. In the international IP-protection regime, changes have been demanded and effected many a time on health related intellectual property rights. From the perspective of jurisprudential basis of IPR, justify such changes in the interest of protection of public health.

- II. 1. In the words of U.N. Secretary-General Antonio Guterres, dated 17th February 2021, "130 countries of the world have not been administered even a single dose of the COVID-19 vaccine". In your opinion, does this statement expose the uneven global distribution of health-related public goods? Justify your position.

OR

2. Explain the role played by States in protection of health of its people. In your opinion, does such duty extend towards a positive obligation towards individuals or is it limited to protection of public health? Cite relevant authorities in support of your stance.

- III. 1. "The TRIPS Agreement provides "flexibility" for members to determine their own approach regarding the relationship between IPRs and access to pharmaceuticals in a number of ways." Elucidate.

OR

2. In the recent COVID-19 pandemic, illustrate the role played by international institutions in ensuring that intellectual property does not become a barrier in protection of public health by nation states. In your opinion, were these measures and interventions adequate? Substantiate your answer.

- IV. 1. "A potential consequence of the introduction of pharmaceutical (product) patents is that prices of pharmaceuticals will increase and the availability of cheap pharmaceuticals for poorer citizens will diminish", was a prediction made in 1980's about the post-WTO world. In your opinion, has this prediction become true in the Indian context? Substantiate your answer.

OR

2. From a global perspective, examine the trends of patenting of inventions involving living entities such as genes, cell lines etc. Scrutinize the major case laws that have laid down fundamental principles in this domain.

- V. 1. Examine the changes effected to the patent system in India post-Independence. How have these changes affected the right to health of the Indian people and the ease of access to medicines and medical devices?

OR

2. "Data-exclusivity is becoming an additional form of intellectual property protection for research based pharmaceutical companies." Elaborate. Is this statement true for India?