

ONE YEAR LL.M DEGREE FIRST SEMESTER EXAMINATION, MARCH 2022

IPR, HEALTH AND MEDICAL TECHNOLOGIES

Answer any Five of the following (5x10=50)

Time :3 Hours

Maximum Marks: 50

- I. As per Prof. Carlos Correa, “the application of current pharmaceutical R&D models lead to incoherence between the intellectual property rights and the realization of the fundamental right to health”. Do you agree with this statement? Justify your answer.
- II. In your opinion, has the pandemic COVID-19 exposed the weaknesses and inequities in the global intellectual property structure, especially from the viewpoint of developing countries? Justify your position.
- III. Explore the jurisprudential foundation of intellectual property as rights. How are exceptions to these, such as those based on public health, justifiable?
- IV. What do you understand by compulsory licensing? What is its significance in the context of healthcare? Explain the Indian provisions and case laws relating to the same.
- V. How does the Indian system, including the legislature, executive and judiciary, deal with the interrelationship between public health and the scope of application of intellectual property rights? Give specific examples and case laws in support of your position.
- VI. “Public health is one of the greatest things in which a government can invest.” Has intellectual property been used as an instrument by India in its investment on public health? Substantiate your position.
- VII. Explain the Indian framework on patenting of biotechnological inventions, drugs, medical devices and other entities used in healthcare sector.
- VIII. “To ensure that new drugs are created for patients suffering from diseases such as tuberculosis and malaria, it is necessary to formulate an alternate paradigm of drug discovery process”. Explain this statement. What are the steps that have been adopted to realize this objective?

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