ONE YEAR LL.M. DEGREE FIRST SEMESTER EXAMINATION, NOVEMBER 2023

TRIPS AND IP REGIME IN INDIA

Time :3 Hours   Marks: 50

Answer any five questions. Each question carries TEN marks (5x10=50)

1. "Since the 1980s, the availability and enforcement of intellectual property rights have become a major issue in international economic negotiations and, in many cases, the subject of trade disputes between countries." Critically comment.

2. Explain the role played by the international framework on intellectual property established by the TRIPS Agreement, on international trade, from a historical and comparative perspective.

3. Examine the pre-WTO TRIPS framework of international conventions on intellectual property. Cite reasons for the success of the WTO TRIPS in establishing international minimum standards in the enforcement of intellectual property.

4. "Exhaustion of intellectual property rights is of interest not only to nations, but also to businesses, representative organizations, civil society organizations, legal practitioners and creators of new products, technology or creative works." Clarify and elaborate.

5. Examine the role played by intellectual property norms in the domains of E-commerce and digital economy.

6. "Knowledge is critical for development, because everything we do depends on knowledge. It has become perhaps the most important factor determining the standard of living – more than land, tools, and labour. Today's most technologically advanced economies are truly knowledge-based." (World Bank, 1998). Is this statement relevant today? How is such knowledge, as well as its transfer, protected in the context of international trade, by nations?

7. With specific reference to Patent laws, examine the changes brought about by the WTO TRIPS Agreement to the Indian intellectual property framework.

8. As per the World Bank, about 20% of the global population depend on biodiversity for their livelihoods. Examine the relevance of protection of traditional knowledge and biodiversity within the intellectual property framework of nations.

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