

ONE YEAR LL.M. DEGREE FIRST SEMESTER EXAMINATIONS, NOVEMBER 2024

TRIPS AND IP REGIME IN INDIA

Time: 3 Hours

Maximum Marks: 50

Answer ANY FIVE questions. Each carries TEN marks. (5 x 10 = 50)

1. Elaborate the different theories of intellectual property. How do they establish the link between human creativity and innovation?
2. Elaborate on the history and evolution of the WTO TRIPS Agreement, with particular emphasis on the stages of formation of the same.
3. “The new patents regime is neither the fully-Westernized panacea hoped for by its pro-TRIPS advocates nor the unmitigated disaster for the Indian public predicted by its fiercest critics”. Do you agree with this statement? Substantiate. [Note: Panacea means cure/solution]
4. What is the significance of TRIPS flexibilities in trade? With the help of statutory provisions and case laws, explain the scope of the same in India.
5. What do you understand by Open Source movements? How are they relevant to discussions of access, affordability and availability in the context of intellectual property rights?
6. Explain the significance of Government and Research Exceptions under TRIPS and the Indian patent law.
7. “The WTO Agreement enables its members to waive an obligation in exceptional circumstances by consensus-based decision-making”. Elaborate on this statement in the context of COVID-19, and elucidate the current position of the same.
8. Explain the significance of intellectual property in international trade involving digital goods and services.
