

ONE YEAR LL.M DEGREE COURSE SECOND SEMESTER EXAMINATIONS, MAY 2018

TRIPS AND IP REGIME IN INDIA

TIME: 3 HOURS

MAXIMUM MARKS: 50

Answer ANY FIVE questions. Each question carries TEN marks.

(5 x 10 = 50)

- I. "As intellectual property became more important in trade, lack of consensus became a source of tension in international economic relations. New internationally-agreed trade rules for intellectual property rights were seen as a way to introduce more order and predictability, and to settle disputes more systematically." Trace the evolution of emergence of such norms, with the help of conventions and treaties that existed in this domain.
- II. Explain the various alternatives suggested to traditional intellectual property rights used as assets in trade. In your opinion, do they serve to propose a model that may replace the present intellectual property protection mechanisms?
- III. When compared to the traditional patents, in patents related to biotechnology the subject-matter includes living cells, plants, animals, gene, human cells, hybrid plants, transgenic animals. Explain how the commercial potential that lies from the use of biotechnology is resolved and realized through patents?
- IV. How are computer related inventions protected in India? With particular reference to the laws that exist in this domain, compare and contrast with judgements from other TRIPS-compliant jurisdictions.
- V. "A reason for the increased significance of intellectual property rights in international trade is that structural changes have taken place in all economies, albeit at different rates. In particular, knowledge — technology, ideas, methods and techniques — is quickly becoming society's most important economic asset. The growth of knowledge as a tradable asset, which takes many forms in its creation, dissemination and movement across borders, is now an established feature of all economies." Comment critically.
- VI. "Just as India made a deliberate choice in the 1970s to jump-start its indigenous generic drug manufacturing industry by prohibiting the grant of patents on pharmaceutical products, in 2005 it again made a deliberate choice to stimulate domestic innovation in new medicines and therapies." Elucidate.
- VII. How are Trademark-based domain name disputes resolved? Elucidate the role played by the various international agencies in the resolution of such disputes in the context of e-commerce. In your opinion, does such intervention add to the effectiveness of such resolution?
- VIII. "Intellectual property and its conceptual neighbours may bear the same relationship to the information society as the wage-labour nexus did to the industrial manufacturing society of the 1900s." Do you agree with the statement?

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