

ONE YEAR LL.M DEGREE COURSE SECOND SEMESTER (Supplementary)
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. "Nationals of any country of the Union shall, as regards the protection of industrial property, enjoy in all the other countries of the Union the advantages that their respective laws now grant, or may hereafter grant, to nationals; all without prejudice to the rights specially provided for by this Convention". Explain.
- II. In your opinion, what changes have been effected to the international scheme of intellectual property regime after the advent of TRIPS?
- III. "An inventor who wants his or her invention protected in foreign countries has the option of filing for a patent in each country in which protection is sought or can file an international patent application." Comment.
- IV. With the particular example of pharmaceutical industries, bring out the post-TRIPS changes effected in patent laws by India. How has the judiciary dealt with the interpretation of flexibilities inbuilt in TRIPS?
- V. Elucidate the dispute settlement mechanism that exists under the aegis of the WTO.
- VI. Clarify the scope of international protection of copyright. Does there exist an internationally uniform system for the protection of the same?
- VII. Explain the different legislative changes in the Indian intellectual property network, mandated under the TRIPS framework, with particular emphasis on the new legislations that were enacted to make India fully TRIPS- compliant.
- VIII. In your opinion, are there viable alternative to intellectual property rights in safeguarding the rights of the inventor? Substantiate your answer with sufficient illustrations.
