

LL.M/ITL/06/19

ONE YEAR LL.M DEGREE SECOND SEMESTER EXAMINATIONS, JUNE 2019

TRIPS AND IP REGIME IN INDIA

Time: 3 Hours

Maximum marks: 50

Answer any Five of the following

(5x10=50)

Each question carries 10 marks

1. "The complex body of law, judicial interpretation, and administrative practice that one has to grapple with in the area of intellectual property rights has not been created by any rational, consistent, social welfare-maximizing public agency." Do you agree with this statement? In the light of the various steps to bring about an international standardization of intellectual property rights, substantiate your position.
2. "Today, developing countries are becoming critical players in shaping how pharmaceutical companies will conduct business in the future, by virtue of redefining patent standards and right to health". Clarify this statement.
3. Enumerate and explain the classical and newer justificatory theories of intellectual property rights.
4. "The adoption of the Patents Act, 1970 marked a watershed in the history of the domestic pharmaceutical industry as it enabled Indian companies to replicate western drugs, laying the foundations for the flourishing Indian generic drug industry as we know it today." Explain how this scenario has changed till date.
5. "The Internet functions as an inexpensive global copying machine, and often renders intellectual property protection redundant". Suggest alternative mechanisms that operate as a solution to such problems, which may be outside the scope of traditional intellectual property rights.
6. "It is well documented that informal innovation in plant breeding by traditional farmers is one of the most important components of sustainable agriculture." Explain the framework of protection of plant varieties in India and examine how it encompasses and protects rights of farmers.
7. "Despite the critical role that biotechnology plays in saving, improving, and extending human life, biotechnological inventions have raised more controversies than any other category of intellectual property rights". Elaborate, with special reference to case laws across jurisdictions.
8. Explain the various controversies that exist in the interrelationship between information technology and intellectual property rights, and the measures that are adopted in the international commercial scenario to deal with the same.