

LLM / TIPR/01/ 19

ONE YEAR LL.M DEGREE FIRST SEMESTER EXAMINATIONS,  
DECEMBER 2019

TRIPS AND IP REGIME IN INDIA

Time: 3 Hrs

Maximum Marks: 50

Answer ANY FIVE of the following  
Each question carries TEN marks

( 5 x 10 = 50)

1. Explain the rationale for emergence of intellectual property rights as a major decision-making factor in international trade negotiations and agreements.
2. "Effectiveness of *sui generis* system of plant variety protection has become contentious in the absence of its definition in Trade-Related Aspects of Intellectual Property Rights Agreement". Do you agree with this statement? Elaborate and explore.
3. From a comparative perspective, trace the major changes in the standards of intellectual property protection after the WTO regime came into effect.
4. "India developed a world-class generic drug manufacturing industry by excluding pharmaceutical products from patent protection in 1972. In 2005, India reintroduced pharmaceutical patenting in order to comply with its obligations as a WTO member". Critically comment.
5. Explore the different models of protection of computer related inventions. With special reference to India, illustrate the legal responses of such protection.
6. The World Intellectual Property Organization classifies trade secrets as "the hidden intellectual property right". Elaborate on the commercial significance of trade secrets, with particular emphasis on its uses in the modern commercial domains.
7. Write short notes on any 2 of the following-
  - a. Paris Convention, 1883 and its contributions
  - b. *Novartis AG v. Union of India*, (2013) 6 SCC 1
  - c. Special Ministerial Declaration at the WTO Ministerial Conference in Doha, 2001
8. "The heart of Intellectual property law is the balancing of two goals: financially rewarding creation through granting of exclusive rights to the creators, and promoting the free flow of ideas to facilitate more inventions". Do you agree with this statement? In your opinion, are these goals mutually exclusive? Substantiate your position with relevant legal authorities.

\*\*\*\*\*