

30 APR 2024

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination January- May, 2024

U.G-VIII SEMESTER

International Intellectual Property Law and Policy

Marks-100

Time: Three Hours

*Instructions:*

1. Attempt ANY FIVE questions of the given six.
2. Support your answers with case laws wherever required.
3. No Bare Acts are allowed

Q.1) A geographical indication (GI) is a sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin. In order to function as a GI, a sign must identify a product as originating in a given place. In addition, the qualities, characteristics or reputation of the product should be essentially due to the place of origin. Since the qualities depend on the geographical place of production, there is a clear link between the product and its original place of production. What do you mean by GI as IPR? How are GIs different from Trademark? (Marks 20)

Q.2) How do the provisions within the TRIPS Agreement regarding compulsory licensing and the minimum term of patent protection strike a balance between the interests of third parties and the rights of patent holders, given that while TRIPS doesn't explicitly mention Compulsory Licenses, it does delineate limitations on the rights conferred? (Marks 20)

Q.3) Antara is a developed country and a party to the TRIPS Agreement, Santara is a developing country and is already a party to the Berne Convention (1886) but is considering adopting the TRIPS agreement. Mantara is a least developed country and will be TRIPS compliant once the transition period provided under the TRIPS is over. None of them are parties to the Rome Convention on the protection of performers, producers of phonograms, and broadcasting organizations (1961). They are hosting a regional event together which will include a soccer game, folk dance, and performances. They are also planning to show the entire event live through their regional channel. Advise them on what kind of protection they should provide to performers, producers, and broadcasting organizations if they want to be TRIPS compliant.

(Marks 20)

Q.4) TRIPS provides special protection to textile designs, taking into account the nature of fast fashion. It states that members are free to meet this obligation through industrial design law or



through copyright law. A developing country, India, provides the same through both. It states that a design, if not protected under their sui generis act, will still be protected as a copyright, provided it doesn't surpass the threshold of 50 units. Discuss the kind of protection provided and whether India is TRIPS compliant or not. Explain it with the help of case laws.

(Marks 20)

Q.5) Trade secrets play a crucial role in intellectual property portfolios, aiding businesses in safeguarding their confidential formulas, know-how, and other critical information that grants them a competitive advantage. The Coca-Cola formula, among the most closely guarded secrets in the food and drinks industry, exemplifies this practice. In light of such examples, could you please discuss what a trade secret is and how it is perceived at the international level?

(Marks 20)

Q.6) Write short notes on:

- I. Whether the term of protection provided under TRIPS for copyright law is justified in today's time or not.
- II. How do Articles 7 and 8, "objective and principles," form the basis for the interpretation of the TRIPS agreement?

(Marks 10+10)