

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination October-November, 2023

LLM-IPR-I SEMESTER

International Intellectual Property Law & Policy

Time: Three Hours

Marks-100

Instructions:

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

Q.1) 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 25)

Q.2) 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 25)

Q.3) Under what circumstances TRIPS Agreement allow member countries to grant Compulsory Licenses in case of Patents? Critically Discuss Article 31bis and evaluate the functioning of waiver decision in reality?

(Marks 25)

Q.4) Rebecca Giblin suggests about the idea that giving longer protection terms for things like copyrights may not always be a good thing. She suggests that in the past, longer terms might have made sense when it was expensive to produce and share creative works that weren't very popular. However, she argues that this isn't the case anymore. According to her, the current really long protection terms for things like copyrights don't have good reasons supporting them. In fact,

she says they can cause problems for both creators and the general public. She proposes that if we weren't bound by international agreements and the way things have always been done, we could find ways to encourage creative work, give more benefits to creators, and increase the positive impacts of having access to cultural and informational works. With this Background, discuss the copyright protection regime available under the existing International Policy.

(Marks 25)

Q.5) Discuss the Minimum Standards required in protecting Trademark under TRIPS. How is it different or similar from Paris Convention's approach in protecting the same? (Marks 25)

Q.6) Write short notes on:

(Marks 5x5 =25)

- a) Economic Justification of Intellectual Property Rights.
- b) Naked licenses in Trademark Law
- c) Parallel Import and Exhaustion of IP rights.
- d) Plant Varieties protection under TRIPS and India.
- e) Industrial Designs as an IPR