

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination August- December, 2025

Semester- IX UG (Trade and Investment Law Hons.)

Subject: Law of IPR in International Trade

Time: 3 Hours

Max. Marks: 100

Instructions:

1. *Attempt any five.*
2. *All questions carry equal marks.*

Q.1)

Tech Nova Inc, a Japanese electronics company, manufactures a patented smartphone chip and sells it in multiple countries, including the US and Japan. An Indian importer, SmartEdge Pvt. Ltd., purchases genuine TechNova chips from Japan and resells them in India without TechNovs's authorization. TechNova files a lawsuit claiming patent infringement and unauthorized importation of its products. SmartEdge argues that TechNova sold the products in Japan, its patent rights were exhausted under the principle of international exhaustion and that TRIPS allows member states flexibility in determining exhaustion regimes.

Discuss the *principle of exhaustion* and how the TRIPS agreement addresses the issue of exhaustion of rights? Does it compel member states to adopt a specific exhaustion regime?

(Marks: 20)

Q.2)

Critically examine the protectable subject matter of Patent under the TRIPS Agreement and also, the conditions that an invention must meet to be eligible for patent protection. (Marks: 20)

Q.3)

Luxura Fashion House owns the trademark "LUXURA" for luxury handbags and accessories. The mark is registered in the European Union and several other countries, but not in India.

An Indian company, Elite Bags Pvt. Ltd., starts manufacturing and selling handbags under the brand name "Luxura" both within India and through online exports. The products are of inferior quality and closely imitate the design and logo of the brand.

Luxura Fashion House files a case of infringement claiming trademark infringement and counterfeiting, arguing that its mark enjoys international reputation and trans-border goodwill even without registration in India.

Elite Bags contends that since trademark rights are territorial, Luxura has no enforcement rights in India without registration under Indian laws.

In the above given situation, Discuss the principle of territoriality and critically examine how the principle of territoriality affects the global enforcement of IPR, where counterfeit goods are marketed across border. Also, can Luxura Fashion House claim protection in India despite not registration? (Marks: 20)

Q.4)

Edu World Publications, an Indian company, holds the copyright protection for a popular academic textbook titled "Global Trade and Technology.

A Singapore based company, Nexus Pvt. Ltd, reproduces large portions of the book in digital format and sells it online to students in multiple countries, including India at a much lower price.

Edu World files a complaint alleging copyright infringement. Nexus Pvt. Ltd. Contends that the book was available online for "Educational purposes" and claims fair use, arguing that TRIPS allows flexibility for educational use.

In light of the above given situation, apply the relevant provisions of TRIPS agreement, discuss whether Nexus Pvt. Ltd. has infringed the copyright? Discuss how TRIPS allows for exceptions such as fair use. (Marks: 20)

Q.5)

WIPO has come up with a treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge. Discuss what is Traditional Knowledge? Critically examine the patent disclosure requirement as provided under the treaty. (Marks: 20)

Q.6)

(Marks: 10+10=20)

Write a Short note on:

- a) National Treatment and Most Favoured Nation under TRIPS Agreement.
- b) Gray Market Problem.