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PRESIDENCY UNIVERSITY BENGALURU

**SET-A**

SCHOOL OF LAW

**END TERM EXAMINATION – MAY/JUNE 2024**

**Semester :** Semester II - 2023

**Course Code :** PGL3006

**Course Name :** - IPR and International Trade

**Program :** LLM

**Date :** June 05, 2024

**Time :** 9:30 AM - 12:30 PM

# Max Marks : 100

**Weightage :** 50%

# Instructions:

1. *Read all questions carefully and answer accordingly.*
2. *Question paper consists of 3 parts.*
3. *Scientific and non-programmable calculator are permitted.*
4. *Do not write any information on the question paper other than Roll Number.*

## PART A

**ANSWER ANY FOUR QUESTIONS 4Q X 5M = 20 MARKS**

## Explain the significance of the Patent Cooperation Treaty (PCT) .

(CO2,CO1) [Knowledge]

## Describe the historical context and reasons leading to the establishment of the World Intellectual Property Organization (WIPO) in 1967.

(CO1,CO2) [Knowledge]

## Explain the main objectives of GATT and how it aims to promote international trade.

(CO2,CO1) [Knowledge]

## Outline the main steps involved in the process of obtaining a process patent.

(CO3,CO2) [Knowledge]

## Explain the concept of "patent evergreening" and discuss how it applies to product patents in the pharmaceutical industry.

(CO3,CO2) [Knowledge]

## Explain the difference between product patents and process patents with suitable examples.

(CO2,CO3) [Knowledge]

## PART B

**ANSWER ANY FOUR QUESTIONS 4Q X 10M = 40 MARKS**

1. Critically analyze the concept of inventive step (or non-obviousness) in patent law. How do patent office’s determine whether an invention involves an inventive step?

(CO4,CO3) [Application]

1. Explain how generic drugs help reduce healthcare costs, and what are the challenges and controversies related to their production and market entry?

(CO3,CO4) [Application]

1. Examine how do the TRIPS Agreement influences the evolution of India’s patent laws, particularly the transition from the Patents Act of 1970 to the amendments made in 2005?

(CO4,CO3) [Application]

1. Explain the structure and mandate of the Competition Commission of India (CCI), and how does it enforce competition law in the country?

(CO3,CO4) [Application]

1. Examine the ethical considerations and potential conflicts of interest associated with pharmaceutical companies funding medical research and continuing medical education.

(CO4,CO3) [Application]

1. Explain how India's Competition Act, 2002, addresses anti-competitive agreements and abuse of dominant positions.

(CO5,CO4,CO3) [Application]

## PART C

**ANSWER ANY TWO QUESTIONS 2Q X 20M = 40 MARKS**

1. A multinational biotech company enters into an agreement with a country rich in biodiversity to develop new biotechnological applications. How can the country ensure that the terms of the technology transfer include fair benefit-sharing arrangements, and what role do national laws and international conventions play in enforcing these arrangements?

(CO4,CO5) [Analysis]

1. An Indian tech company needs access to a patented technology for renewable energy solutions to meet national sustainability goals. The patent holder, however, refuses to license the technology. Under what conditions can the Indian government issue a cfor this technology, and what are the potential challenges and benefits associated with this approach?

(CO5,CO4) [Analysis]

1. A leading tech company in India is accused of abusing its dominant position by imposing unfair terms on smaller competitors and suppliers. What specific provisions of India's Competition Act, 2002 address the abuse of dominant position, and what are the potential legal consequences and remedies for such anti-competitive practices?

(CO4,CO5) [Analysis]