

337

Roll No.....

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 8

Total number of printed pages : 7

NOTE : Answer SIX questions including Question No.1 which is compulsory.

1. (a) "The very concept of copyright has never been of net benefit to society, and has always served simply to enrich a few at the expense of creativity." Comment.
- (b) "The creator of property regarded as a trade secret is entitled to regard such special knowledge as intellectual property." Justify.
- (c) Comment on the relevance and level of threshold limits in relation to regulation of combination under the Competition Act, 2002.
- (d) "Treaties and regionalisation are the hallmark of new world trade system." Comment.
- (e) "Rules of origin become an area for multilateral harmonisation." Explain with reasons.

(4 marks each)

2. (a) There are many trading blocks representing differing levels of regional integration with different levels of cooperation among their members.

2/2006/WTOITJVFC

P. T. O.

In the following table, fill in the question mark spaces by putting "Yes" if the type of integration exists; and "No" if it does not exist, against the given level of cooperation :

Cooperation	Type of Integration				
	Free Trade Area	Customs Union	Common Market	Eco. and Monetary Union	Political Union
1. Removal of internal barriers	?	?	?	?	?
2. Common barriers for non-members	?	?	?	?	?
3. Factor mobility	?	?	?	?	?
4. Harmonisation of national economic and monetary policies	?	?	?	?	?
5. Harmonisation of national political policies	?	?	?	?	?
6. Example of trading block	?	?	?	?	?

(6 marks)

- (b) "Anti-competitive horizontal agreements are *per se* void, but anti-competitive vertical agreements are not *per se* void." Comment.

(6 marks)

- (c) Distinguish between 'multilateral agreements' and 'plurilateral agreements' giving two examples for each type of agreements.

(4 marks)

3. (a) Country-A and Country-B both produce cotton sweaters and wine. Country-A produces 10 sweaters and 6 bottles of wine a year while Country-B produces 6 sweaters and 10 bottles of wine a year. Country-A, however, takes 3 hours to produce sweaters and 2 hours to produce bottles of wine. On the other hand, Country-B takes 1 hour to produce sweaters and 3 hours to produce bottles of wine. How can these countries benefit through theory of comparative advantage ?
- (b) A set of China-made tri-coloured blinking lights of 90 bulbs has become craze in India during festival times, like Deepavali or Eid. Its cost of production in China is equal to Rs.10 per set only. It is sold in domestic market in China at Rs.60 per set. It is being exported to India at Rs.20 per set and sold at Rs.35 per set. In India, only white-coloured blinking lights set of 70 bulbs are manufactured/sold at a price of Rs.40 per set. Does it amount to dumping? Are tri-coloured blinking lights and white-coloured blinking lights 'like articles' ? Substantiate your answer.
- (c) How does WTO provide for protection of domestic industries under the safeguard clause ? Is the prior approval by WTO required before the safeguard clause is invoked ?
- (d) State whether the developing countries receive any special treatment under SCM agreement with respect to prohibited subsidies.

(4 marks each)

4 (a) State how you will categorise (mode) the supply of following services under GATS :

- (i) A firm in India establishes a subsidiary in Ireland to provide services.
- (ii) An architectural firm in India sends blueprint over the internet to an architectural firm in USA.
- (iii) A project engineer is deputed by the architectural firm in India for a limited period for supervision in USA.
- (iv) An Indian student visits Australia and avails of both education and tourism services therein.

(1 mark each)

(b) Bird-flu takes an epidemic character in India. The requisite medicine is patented in the name of Company-X, which cannot supply the medicine in requisite quantity. What is the recourse available to the Government of India ?

(4 marks)

(c) In 1995, the US agriculture and pharmaceutical research firm received a patent on a technique to extract an anti-fungal agent from the Neem tree (*Azadirachta Indica*) grown throughout India. Indian villagers have long understood the Neem tree's medicinal value. Indian press described it as a patent on the Neem tree with widespread public outcry. Discuss merits of the case in the light of legal provisions on the issue.

(4 marks)

- (d) What is 'Patent Co-operation Treaty' (PCT) and what is the need for PCT ?

(4 marks)

5. (a) Salman Overseas Ltd., a trading company of Delhi (India), entered into a contract for import of fashion accessories from Joel Inc. of London (UK). The contract contained an arbitration clause which provided that "in the event of any dispute on any matter, the same shall be resolved through an international commercial arbitration mechanism". A few months later, Salman Overseas Ltd. refused to make any payment to Joel Inc. in respect of a consignment which allegedly contained sub-standard goods.

Joel Inc. filed a suit in the court against Salman Overseas Ltd. for the payment due, but Salman Overseas Ltd. intends to resolve the matter through arbitration as per the terms of the contract. Advise Salman Overseas Ltd.

(4 marks)

- (b) Describe the characteristics of a foreign award.

(4 marks)

- (c) Whenever the degree and extent of competition in an industry is the issue, US Supreme Court generally favours structural test. Which other tests would you apply for the logical determination of such an issue ?

(8 marks)

6. Write short notes on *any four* of the following :
- (i) Special Economic Zones (SEZs)
 - (ii) Harmonisation and unification of the law of international trade
 - (iii) Status holders and special strategic package for status holders
 - (iv) National treatment
 - (v) Most Favoured Nation (MFN).
- (4 marks each)*
7. (a) Under the dispute settlement mechanism, what remedy is available to the winning party in case the losing party refuses to withdraw the inconsistent measures ?
- (4 marks)*
- (b) Standard Automobile Batteries Ltd. (SABL), Chennai (India) have agreed to import technology transfer from Sukam Batteries, Tokyo (Japan) on umbrella basis, initially for a period of 10 years (renewable) for production and sale of iron-nickel alkaline auto batteries in Indian automobile market. This is a new product with distinct advantages over conventional lead-acid types.
- As the Company Secretary of SABL, draft an agreement on the basis of assumed data and parameters under the generally accepted heads.
- (12 marks)*
8. (a) State, citing reasons/case law, whether the following statements are correct or incorrect :
- (i) Export subsidies should be abolished.
 - (ii) Foreign trade, as free as possible, is in the best interests of a country.

- (iii) All trade policies of the government should be confidential to ward off foreign competitors.
- (iv) Orders of the Director General of Foreign Trade (DGFT) debarring ABC Co., an exporter of clothes, from exporting its goods, are appealable in civil courts.

(3 marks each)

- (b) What are 'geographical indications' ? Give two examples of Indian products that could be covered under the geographical indications.

(4 marks)

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