

Unit 10 - Week 8

Course outline

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● Lecture 39 : Patent and Competition Law

● Lecture 40 : Trademark, Copyright and Competition Law

● Lecture 41 : TRIPS and Competition Law

○ Lecture 42 : TRIPS and Competition Law Contd....

● Lecture 43 : Comparative analysis of IP and competition law across US, EU and India

○ Quiz : Assignment 8

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Assignment Solution

Live Session

Assignment 8

The due date for submitting this assignment has passed.
As per our records you have not submitted this assignment.

Due on 2019-09-25, 23:59 IST.

1) The seeking of _____ without entering into negotiation is an abuse of dominant position under Article 102 of TFEU

1 point

- a) License in accordance to FRAND Terms
- b) An injunction against a potential licensee
- c) Both (a) and (b)
- d) Entry in the market of a new competitor

No, the answer is incorrect.
Score: 0

Accepted Answers:

b) An injunction against a potential licensee

2) Which of the following is **not** a Competition Law provision in TRIPS Agreement?

1 point

- a) Article 40
- b) Article 2
- c) Article 8 (2)
- d) Article 31 (k)

No, the answer is incorrect.
Score: 0

Accepted Answers:

b) Article 2

3) The first real competition case before WTO is _____

1 point

- a) Mexico Telecoms case
- b) United Brands v. Commission
- c) Motorola case
- d) All of the above

No, the answer is incorrect.
Score: 0

Accepted Answers:

a) Mexico Telecoms case

4) The significance of Article 8(2) is _____

1 point

- a) Applies to all anti – competitive practices
- b) Does not apply to other potentially anti-competitive practices whose primary object does not directly relate to IPRs
- c) Applies only to abuse of dominance
- d) All of the above

No, the answer is incorrect.
Score: 0

Accepted Answers:

b) Does not apply to other potentially anti-competitive practices whose primary object does not directly relate to IPRs

5) M a software company refused to provide information on interoperability that would enable competitors to develop competing programs for workgroup servers compatible with the Windows platform. M can be held guilty of :

1 point

- a) Cartelization
- b) Refusal to deal
- c) Bid rigging
- d) Refusal to supply

No, the answer is incorrect.
Score: 0

Accepted Answers:

d) Refusal to supply

6) In which of the following ground a copyright owner can abuse their dominant position?

1 point

- a) Excessive Royalties
- b) Prohibition to sell online,
- c) Qualitative selective distribution,
- d) Vertical restrictive agreements,

No, the answer is incorrect.
Score: 0

Accepted Answers:

a) Excessive Royalties

7) Which of the following TRIPS provision talks about anti-competitive practices with respect to international transfer of technology?

1 point

- a) Article 8 (2)
- b) Article 8 (1)
- c) Article 40
- d) Article 31

No, the answer is incorrect.
Score: 0

Accepted Answers:

a) Article 8 (2)

8) The first judgment given by a court of a World Trade Organization (WTO) member which invokes the competition rules in the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) is _____.

1 point

- a) Microsoft v. Commission
- b) Intel Case
- c) Google case
- d) Motorola case

No, the answer is incorrect.
Score: 0

Accepted Answers:

a) Microsoft v. Commission

9) Match the following:

1 point

1. Comparator Tests	(i) competition law issues related to trademarks
2. Section 8 of TRIPS Agreement	(ii) Refusal to supply and tying
3. Vertical Restrictive Agreements	(iii) Price – Cost Test
4. Microsoft case	(iv) Article 40 – Specific provision for control of anti – competitive practices

- a) 1-(i), 2-(ii), 3-(iii), 4-(iv)
- b) 1-(ii),2-(iii),3-(iv), 4-(i)
- c) 1-(iii), 2-(iv),3-(i),4-(ii)
- d) 1-(iii), 2-(i), 3-(ii), 4-(iv)

No, the answer is incorrect.
Score: 0

Accepted Answers:

c) 1-(iii), 2-(iv),3-(i),4-(ii)

10) What will not constitute an abuse of Intellectual Property:

1 point

- a) Exclusive grant back conditions,
- b) Conditions preventing challenges to validity
- c) Coercive package licensing
- d) None of the above

No, the answer is incorrect.
Score: 0

Accepted Answers:

d) None of the above