

WTO --INTERNATIONAL TRADE, JOINT VENTURE AND FOREIGN COLLABORATIONS

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Roll No.....

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 8

Total number of printed pages : 3

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

1. Write notes on the relevance and importance of **any four** of the following :
 - (i) Mercantilism
 - (ii) Theory of free trade
 - (iii) Association of South-East Asian Nations (ASEAN)
 - (iv) European Union
 - (v) South Asian Association for Regional Co-operation (SAARC).

(5 marks each)
2. Critically examine the following statements :
 - (a) The WTO agreements aim at trade without discrimination while recognising the need for flexibility for the developing countries in implementing the agreements.

(6 marks)
 - (b) The WTO agreements are lengthy and complex, but a number of simple fundamental principles run throughout all these documents.

(5 marks)
 - (c) 'Rules of origin' is the criteria used to define where a product was made.

(5 marks)
3. Briefly discuss the following :
 - (i) The main achievements and distortions of the WTO emerging from the ministerial conferences.

(10 marks)
 - (ii) Hierarchy of decision making bodies of the WTO.

(6 marks)
4. Distinguish between **any four** of the following :
 - (i) 'Dumping' and 'anti-dumping measures'.
 - (ii) 'Fair trade' and 'unfair trade'.
 - (iii) 'Subsidies' and 'countervailing measures'.
 - (iv) 'Amber box' and 'green box'.
 - (v) 'Most favoured nation' and 'national treatment'.

(4 marks each)

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5. (a) Prepare a brief note for the Director (Marketing) of your company explaining the concept of 'anti-competitive agreement' under the Competition Act, 2002.

(8 marks)

- (b) Mention the actions which the Competition Commission of India (CCI) may take in the following cases :

- (i) A multinational pharmaceutical company contemplates to acquire an Indian pharmaceutical company and informs the CCI.
- (ii) A multinational pharmaceutical company subsequent to acquisition increases the price of the latest patented drugs for cancer and HIV drugs on the ground that the right to patent grants it monopoly to market the patented drugs.

(4 marks each)

6. (a) Critically examine the definition of 'patent' under section 3(d) of the Patents Act, 1970 in the light of TRIPS agreement.

(6 marks)

- (b) Write notes on **any two** of the following :

- (i) Role and functions of the Export Promotion Council for services
- (ii) Special Economic Zone
- (iii) Trade secrets.

(5 marks each)

7. Desire Ltd., registered in Delhi, India, and its four directors, enter into a joint venture agreement with Ultima Inc., registered in UK, and its four directors, for registering a joint venture company Horizon Ltd. in Haryana, India, for manufacture of critical electronic equipments for power industry. The pre-incorporation agreements provide for supplying land and building, plant and machinery to the proposed Horizon Ltd. by Desire Ltd. and its directors whereas technical know-how and commissioning of plant by the Ultima Inc. and its directors.

In the light of the above, critically examine the legal and regulatory framework to be complied with in respect to the position, duties and liabilities of promoter directors, remedies available to Horizon Ltd. against promoter directors and ratification of pre-incorporation contracts by the Horizon Ltd. with decided case law. Also mention important rules for the smooth implementation and management of the joint venture agreement and Horizon Ltd.

(16 marks)

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8. (a) Clarify whether the dispute settlement system under the WTO is rule based or justice based.

(3 marks)

- (b) Enumerate the deficiencies experienced in the dispute settlement system of the WTO.

(3 marks)

- (c) State, with brief reason, whether the following statements are true or false :

- (i) Counter-vailing duty (CVD) is exempted on specified lining and interlining material.
- (ii) CVD is not exempt on raw, tanned and dressed fur skins falling under Chapter 43 of Indian Trade Classification (Harmonised System).
- (iii) Exports and imports have been made free, except where regulated by the provisions of the Foreign Trade Policy (FTP).
- (iv) The Director General of Foreign Trade is not empowered to decide questions arising in respect of interpretation of FTP.
- (v) The FTP provides that every licence shall be valid for a specified period.

(1 mark each)

- (d) In the context of Special Economic Zones Act, 2005, re-write the following sentences after filling-in the blank spaces with appropriate word(s)/figure(s) :

- (i) Under section 30, any goods removed from a Special Economic Zone (SEZ) to domestic tariff are chargeable to _____ of customs.
- (ii) Section 31 empowers the Central Government to constitute by notification in the official gazette, an _____ for every SEZ.
- (iii) Section 34 casts upon the authority a duty to _____ measures for the development of SEZ.
- (iv) Section 38 empowers the Central Government to give _____ to the authority and makes it binding for every authority to carry out the directions.
- (v) Section 40 empowers the Central Government to _____ an authority for maximum period of six months.

(1 mark each)

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