

1. How Indian economy system has been changed by signing TRIPS? Please elaborate in accordance with IP regime.

Answer) The signing of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) in 1995 has had a significant impact on the Indian economy, particularly in terms of intellectual property (IP) regime.

Before the signing of TRIPS, India had a relatively weak IP regime and was known for producing and exporting generic drugs at a low cost. This was possible because India did not grant product patents for pharmaceuticals, which allowed domestic firms to produce generic versions of patented drugs without fear of legal action. However, under TRIPS, India was required to introduce product patents for pharmaceuticals, which meant that domestic firms would no longer be able to produce generic drugs without permission from the patent holder.

The introduction of product patents for pharmaceuticals had a significant impact on the Indian economy. On the one hand, it provided greater protection for foreign firms' IP, which encouraged more foreign investment in India's pharmaceutical industry. This, in turn, led to increased research and development activities and the introduction of new drugs into the Indian market.

On the other hand, the introduction of product patents for pharmaceuticals also had negative consequences for access to affordable medicines in India. Because patented drugs are often expensive, the introduction of product patents meant that many essential medicines would become unaffordable for millions of Indians. This was particularly problematic for the treatment of

diseases such as HIV/AIDS, where access to affordable generic drugs was critical.

To address this issue, India introduced several measures to ensure that access to affordable medicines was not compromised. For example, India's patent law allows for the grant of compulsory licenses, which allow domestic firms to produce generic versions of patented drugs without the permission of the patent holder in certain circumstances, such as in the case of a public health emergency. This has enabled Indian firms to continue producing affordable generic drugs for the Indian market and for export to other developing countries.

In conclusion, the signing of TRIPS has had a significant impact on the Indian economy, particularly in terms of its IP regime. While it has provided greater protection for foreign firms' IP and encouraged more foreign investment in India's pharmaceutical industry, it has also had negative consequences for access to affordable medicines. However, India has introduced measures to ensure that access to affordable medicines is not compromised, including the grant of compulsory licenses.

2. What is a design under the Design Act, 2000? What are the characteristics that a design must possess in order to be registrable?

Answer) In India, the Design Act, 2000 provides legal protection for industrial designs. A design is defined as the features of shape, configuration, pattern, ornament, or composition of lines or colors applied to any article, whether in two-dimensional or three-dimensional or in both forms, by any industrial process or means, which appeals to and is judged solely by the eye.

For a design to be registrable under the Design Act, it must possess the following characteristics:

- i) Novelty: The design must be new and original, i.e., it should not have been published or publicly disclosed anywhere in India or elsewhere before the date of filing the application for registration.
- ii) Originality: The design should be the result of the designer's creative effort and should not have been copied from any existing design.
- iii) Individual character: The design should have an individual character that distinguishes it from any existing design, and it should not be merely a trivial variation of a known design.
- iv) Applicability: The design should be applicable to any article, and not just to a specific article.
- v) Non-obviousness: The design should not be obvious to a person skilled in the art.

If a design satisfies all of the above characteristics, it can be registered under the Design Act. Once registered, the owner of the design has the exclusive right to use it, and no one else can reproduce, sell, or import articles bearing the design without the owner's permission. The registration is valid for ten years, which can be further renewed for another five years.