THE FLETCHER SCHOOL OF LAW & DIPLOMACY
ILO L234 – SPRING 2004
INTERNATIONAL INTELLECTUAL PROPERTY LAW
Prof. William O. Hennessey
Mid-term Examination

Wednesday, 17 March 2004

Directions. You may bring any written materials into the exam but may not use a laptop computer. Select two (2) of the following three (3) short essay questions to answer (approximately 2 bluebook pages for each answer) (15 points each):

1. The Preamble of the TRIPS Agreement states that the Members "recogniz[e] that intellectual property rights are private rights." What evidence is thereof such recognition in the text of the TRIPS Agreement and in the dispute resolution practices of the World Trade Organization based on the obligations therein, and what limits, if any, does the agreement or subsequent practice place on private rights?

2. What do *Robertson v. General Electric Co.* p.66) and *General Motors Corp. v. Ignacio Lopez de Arriortua* (p. 71) reveal about the extent to which the Paris Convention is self-executing in the U.S.?

3. What is the core principle of the case of *Vaudable v. Montmartre., Inc.* (Casebook p. 92)? How similar is it to the principles articulated in Article 16(3) TRIPS Agreement (Casebook, p. 195) and in what ways, if any, does it differ from that provision?