World Trade and World IP Law and Institutions
FINAL EXAMINATION

William O. Hennessey May 12, 2006

DIRECTIONS:

This is a two-hour examination. (3 hours for qualified ESL speakers) Students are allowed to bring any materials they wish into the examination except laptop computers or writable memory devices. Students may not speak to or ask assistance of one another during the examination. Answers should be written in a blue exam booklet. Do not put your name or any other identifying device on your exam booklet -- just your exam number. Do not write "MIP," "2L", or "Class of '07" etc. on the booklet. You should keep your answers BRIEF AND TO THE POINT, but there are no page limitations. Just answer the question. Write on one side of a bluebook page only.

Select three (3) of the following five (5) questions (40 minutes for each question):

1. What are the main features of, and differences between standards of protection for geographical indications under Article 22 TRIPS and the "additional protection" for geographical indications under Article 23 TRIPS?

2. In addition to its role negotiating international trade agreements, the Office of the U.S. Trade Representative has a reporting role and an enforcement role in the trade relations of the United States under U.S. law. Briefly describe how the USTR performs those roles.

3. What is the difference between a "violational complaint" and a "non-violational complaint" in the WTO-GATT dispute settlement process, and what is the relevance of that distinction for dispute settlement under the TRIPS Agreement Article 64(3) and the newly revised Article 31*bis*?

4. What are "genetic resources, traditional knowledge, and folklore" as recognized by international agreements, and why are they now part of the WTO TRIPS agenda?

5. To what extent and to what effect was the Vienna Convention on the Law of Treaties used as an interpretive tool by the WTO panel in its decision in *U.S. - Section 110(5) of the U.S. Copyright Act*?