World Trade and World IP Law and Institutions
FINAL EXAMINATION

Prof. William O.Hennessey December 14, 2007

*DIRECTIONS:*

*This is a two-hour short essay 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 '09" 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 four (4) questions (40 minutes for each question):

1. Explain the distinction between an "indication of source" and an "appellation of origin" and the extent to which Article 22 of the TRIPS Agreement reflects one or the other concept.

2. In the WTO case, *United States – Section 110(5) of the U.S. Copyright Act* (Casebook p. 575) what is the significance of the "two-step test" formulated by the Panel concerning the status of the so-called "minor exceptions doctrine"? (Casebook pp. 581-587)

3. Article 19.2 of the WTO Dispute Settlement Understanding provides that

*"in their findings and recommendations, the panel and Appellate Body cannot add to or diminish the rights and obligations provided in the covered agreements."*

In what specific ways has this requirement influenced the interpretation of the TRIPS Agreement in the panel and Appellate Body reports you have read in this course?

3. What institutional processes led to the amendment of Article 31 of the TRIPS Agreement by the decision of the WTO Hong Kong Ministerial Conference in 2005, and why was the amendment of Article 31 deemed necessary?