FTA & WTO Exam
GROUP-A
Paper I : Introduction to International Trade

Paper - I

NOV 2012

Roll No. .....

Total No. of Questions – **10**

Total No. of Printed Pages – **2**

Time Allowed – **3** Hours

Maximum Marks – **100**

ABC

Attempt all **ten** questions.

All questions carry equal marks

Marks

1. Write short notes on the following : **10**

   (a) Mercantilism

   (b) Theory of Comparative Advantage.

2. Discuss the Most Favoured Nation principle while underlining its importance in the multilateral trading system. **10**

3. Now a days the National Treatment principle is considered more important than the Most Favoured Nation treatment. Give your critical views. **10**

4. While discussing the Special and Differential Treatment (S & DT), also discuss how far developing countries have benefited from it. **10**

5. Discuss the development of 'formula approach' to reduce tariffs in international trade. **10**

Marks

6. Discuss the alternative values that a Member shall follow for determining the customs value. **10**

7. Explain the major implications of Non-Tariff Barriers. (NTBs). **10**

8. What are the main issues in the Sanitary and Phyto-sanitary Measures in WTO ? **10**

9. While highlighting the importance of the Trade Policy Review Mechanism also give your critical views as to how far this has achieved its objectives. **10**

10. Write short notes on the following : **10**

    (a) Anti-dumping

    (b) Subsidies and Countervailing measures

Paper - II

NOV 2012

Ro No. .....

Total No. of Questions – **12**

Total No. of Printed Pages – **3**

Time Allowed – **3** Hours

Maximum Marks – **100**

HMT

Attempt any **ten** questions.

All questions carry equal marks.

Marks

1. Agreement on Agriculture (AOA) was at the heart of Marrakesh Agreement which gave birth to WTO. Once again, it is at the core of Doha process. **10**

   Please comment on the following :

   (a) AOA allows export subsidies ?

   (b) AOA can be enforced at WTO Dispute Settlement Process ?

   (c) AOA allows domestic subsidies on irrigation and power ?

2. Textile trade is free from Quota restrictions imposed by the Developed Countrics under the MFA (Multi Fibre Arrangement) and ATC (Agreement in Textile & Clothing). **10**

   China is dumping textiles in global market now. Discuss the means to stop this practice with reference to :

   (a) Special safeguard provisions.

   (b) Non Market Economy (NME) status in anti dumping law.

Marks

3. The BIS represents the WTO face in India on TBT (Technical Barriers to Trade). **10**

In which circumstances and conditions does BIS apply to imported goods ? Please discuss.

4. WTO is a multilateral forum where the rules and agreements apply on the entire membership of over 150 countries. Since the WTO has failed to move forward on Doha and other issues, the RTAs have come up. **10**

How do the RTAs work in contrast to WTO in respect of :

(a) Tariffs

(b) IPRs

(c) Investment

(d) Competition

(e) Dispute Settlement

(f) MFN

5. Trade Facilitation was an important Singapore issue on which an agreement at WTO is on the anvil. **10**

Discuss this issue with reference to :

(a) Quick clearance of cargo

(b) Document Standardisation

(c) Adoption of EDI

(d) Profiling of suspicious transactions

Marks

6. (a) What is the main difference between transaction value and computed value in Article VII of GATT 1994 ? **10**

(b) Please discuss the difference between normal value and constructed value in Anti-dumping WTO rules.

7. Rules of Origin (ROO) show where the goods are from in terms of parentage. **10**

Discuss the STR (Substantial Transformation Rule) in preferential duty arrangement in RTAs for determining origin.

8. India has recently notified minimum domestic value addition for IT industry on grounds of "Security" concerns as allowed under WTO. Please discuss and give your opinion on this. **10**

9. Some states in India have entries in their VAT schedules levying high rates of VAT on imported goods such as sugar, textiles and consumer goods. Please discuss these entries in the light of the "National Treatment" principle. **10**

10. Pre-shipment Inspection is imposed on imported goods is compulsory by some countries to avoid under-valuation at customs clearance stage. **10**

Please discuss the procedures modalities of Pre-Shipment Inspection in the light of WTO agreement.

11. Investment and trade are related. WTO members want foreign investment flows into their countries but not in sectors of interest to domestic industry. They impose export obligations on such investments. **10**

Does WTO allow this and which WTO agreement controls this ? Discuss.

12. Write notes on the following : **10**

(a) QRs in WTO with reference to GATT 1994.

(b) Environment in WTO with reference to Singapore issues and Doha process.

Paper- III

NOV 2012

Roll No. .....

Total No. of Questions – **7**

Total No. of Printed Pages – **2**

Time Allowed – **3** Hours

Maximum Marks – **100**

CAN

Answer **all** questions.

Marks

1. WTO members are not prevented from adopting or enforcing any SPS measure to protect human, animal or plant life or health as long as these do not unjustifiably hinder trade. Discuss with the help of relevant articles. **14**

2. What are Copyright and related rights ? Give details of the relevant Convention and its areas and terms of protection and limitations. **13**

3. Answer the following questions : (each question carries **4** marks) **16**

   (a) What is International Commercial Arbitration ?

   (b) How is it different from International Litigation ?

   (c) What is Institutional Arbitration ?

   (d) How does Indian Council for Arbitration function ?

4. Give the flow chart and timeline involved in procedure of dispute settlement. List top 5 Members involved as complainant and respondent. Discuss the developing country perception about the Dispute Settlement Mechanism. **14**

Mark

5. Answer any **two** of the following questions : (7 marks each) **14**

   (a) What is Mode 4 in GATS ?

   (b) What are the measures affecting the movement of Natural Persons ?

   (c) What are current horizontal commitments and requests made by India ? What are the current requests made to India ?

6. The TRIMs Agreement applies to trade in goods only, however WTO provisions apply to investment measures related to trade in services as well. Discuss with reference to articles of the TRIMs Agreement and GATS. **14**

7. What is the role and importance of the Trade Policy Review Mechanism in the overall WTO structure ? **15**

Paper - IV

...., A.I.I.T.O Exam.

Roll No. ..... Paper IV : Domestic Trade Laws

NOV 2012

Total No. of Questions – **9** Total No. of Printed Pages – **2**

Time Allowed – **3** Hours Maximum Marks – **100**

GWR

Answer **all** questions.

Marks

1. A University invested the provident fund and pension fund amounts of its employees with an Insurance Company so as to ensure that the employees received enhanced amounts towards livelihood security and financial security, after their retirement from service. In a dispute arising between the University and the Insurance Company in this regard, a complaint was filed by the University before the Consumer Forum under the provisions of the Consumer Protection Act, 1986. Discuss whether the complaint was maintainable and whether the University could be said to be 'Consumer' under the aforesaid Act, particularly in the light of amendment to section 2 (i)(d)(ii) of the said Act ? **15**

2. (a) What is not protected under Copy Right Act, 1957 ?
   (b) State briefly the nature of limitations on the exclusive right in a Copy Right ?
   (c) Explain briefly the bundle of rights that constitute a Copy Right. **5×3 =15**

3. (a) What are the objectives of the Environment (Protection) Act, 1986 ? **10**
   (b) State briefly the power vested in the Central Government under the Environment (Protection) Act, 1986, for issuing directions and the source of such power. **5**

GWR **Marks**

4. What is the object of enactment of the Economic Offences (inapplicability of limitation) Act, 1974, and what are the offences to which the said Act would apply (give names of at least five statutes stated in the schedule to the said Act) ? **10**

5. Write short note on the power of the Central Government to control production, supply and distribution of essential commodities under the provisions of the Essential Commodities Act, 1955. **5**

6. (a) What is patentable subject matter under the Patents Act, 1970 ? **5×2 =10**

   (b) What are the conditions of patentability in the Patents Act, 1970 ?

7. Write short note on Rights of a Patentee and limitations on exercise of such Rights under the Patents Act, 1970 ? **10**

8. (a) What are absolute and relative grounds for refusal of registration of Trade Marks under the Trade Marks Act, 1999 ? **10**

   (b) State in brief the International Conventions of Trade Marks. **5**

9. What was the need for enacting the Sales Promotion Employees (Conditions of Service) Act, 1976 ? **5**

Paper - V

NOV 2012

Roll No. .....

Total No. of Questions – **9**

Total No. of Printed Pages – **2**

Time Allowed – **3** Hours

Maximum Marks – **100**

SAT

Question No. 1 is compulsory (**16** marks) and attempt any **six** questions from the other questions.

Marks

1. Define and explain any four of the following terms with reference to the Agreement on Anti-dumping : **16**

   (a) Dumping **4**

   (b) Normal Value **4**

   (c) Constructed Export Price **4**

   (d) Like Product **4**

   (e) Domestic Industry **4**

   (f) Interested Parties **4**

2. Explain 'fair comparison of Normal Value and Export Price' and how is dumping margin determined under the Agreement on Anti-dumping. **14**

3. Explain the Provisional Measures, Price Undertaking and Final Duty that can be levied under the Agreement on Anti-dumping in order to protect domestic industry from injury caused by dumped imports. **14**

SAT **Mar**

4. Elucidate the constituents of subsidy under the Agreement on Subsidies and Countervailing Measures and distinguish between non-actionable subsidies, actionable subsidies and prohibited subsidies. **14**

5. Explain briefly the remedies provided under the Agreement on Subsidies and Countervailing Measures against subsidized imports. Can countervailing measures be taken in case subsidization has not caused 'injury to domestic industry' ? **14**

6. Explain the essential trident conditions that are necessary for applying safeguard measures under Article XIX of GATT 1994 and the Agreement on Safeguards. **14**

7. Differentiate between anti dumping, countervailing and safeguard measures. **14**

8. Explain the 'zeroing' practice adopted by the EC in determining the dumping margin in 'Bed Linen' case and why was this rejected by the Panel and Appellate Body of WTO. **14**

9. Explain how in 'the Lamb Meat" safeguard case, USITC described 'like products' and why was this rejected by the Panel and the Appellate Body of WTO. **14**

Paper-VI

IT & WTO Exam

Paper VI : Competition Law & Policies

NOV 2012

Roll No. .....

Total No. of Questions – **7**

Total No. of Printed Pages – **4**

Time Allowed – **3** Hours

Maximum Marks – **100**

FDR

Question No. **1** is compulsory.

Attempt any **5** other questions.

Marks

1. (a) What are the objectives of the Competition Act, 2002 and what are the duties devolved on the Competition Commission of India ? Since when the provisions in regard to prohibition of anti competitive agreements and provisions in regard to regulation of combination are in force ? **5**

(b) Is it that the Competition Commission of India can make its own regulations and can it deviate from the Civil Procedure Code and can the regulation be challenged if it is inconsistent with the principles of natural justice ? **5**

(c) What are eligibility requirements to be a Chairperson of the Competition Appellate Tribunal ? **5**

(d) Can a Member of Competition Commission of India be reappointed ? Does the power to re-appoint a member of the CCI vest in the Competition Appellate Tribunal and if not who can appoint/reappoint a member or Chairman of the CCI ? **5**

Marks

2. (a) When can an enquiry into alleged abuse of dominance by an enterprise be instituted by the CCI ? What directions the CCI can pass post enquiry and on concluding that enterprise has abused its dominance in the relevant market in India ? **8**

(b) Can an enquiry be instituted by the CCI for alleged abuse of dominance against an enterprise incorporated under foreign law and is having business operations in India and if so what directions can it pass ? **8**

3. (a) When and how can an interim order be passed by the CCI ? Can CCI impose penalty or award compensation to an aggrieved person by way of an interim order ? **8**

(b) Can CCI review its own earlier order and also can substantive rectifications be carried out by the CCI in its order passed earlier ? **8**

4. (a) When is a case under Section 3(3) made out and what are the implications ? **8**

(b) A, B and C are engaged in the business of making medicines especially in relation to normalizing the blood pressure. A belongs to homeopathic, B belongs to allopathic and C belongs to ayurvedic system of medicines. According to persons suffering from this ailment, blood pressure capsules made by all of them are equally efficacious and priced in the close band. **8**

A, B and C meet at a wedding reception hosted by their common Auditor. At the reception, they decide amongst themselves as under :

(i) Each one will raise its price of capsule by 20% next month;

FDR Marks

(ii) A will supply its capsules only to Government Hospitals, B will supply only to private nursing homes and C will supply only to Chemist outlets.

(iii) Will meet on last Saturday of each month and discuss about the Art of Living in order to address the prevention of the ailment of blood pressure in society.

(iv) In response to a tender floated by Ministry of Health, Government of India for procurement of blood pressure capsules, A, B and C decided to quote identical price and terms of supply.

Discuss each of the above decisions with reference to Section 3(3) of the Act.

5. (a) Dominance of an enterprise is not bad but existence is. Explain. **8**

(b) CCI is empowered to order the division of an enterprise enjoying dominance in order to ensure that it does not abuse its dominant position. Elucidate. **8**

6. (a) Combination where aggregate value of assets or turnover exceeds the prescribed thresholds are required to have prior approval of the CCI before the transaction is consummated. Explain the kinds of orders which the CCI can pass in respect of such combination and also the penalty which can be imposed by the CCI for failure to notify a reportable transaction. **8**

(b) State Bank of India lent ₹ 10,000 crores to a business entity and the loan agreement envisages that in event of default in repayment of loan, the SBI in its discretion can convert the loan into equity shares carrying voting rights. The borrower defaulted in repayment and SBI decided to covert its loan into equity. What are the obligations which SBI is required to comply with in respect of such transaction under the Indian Competition Act ? **8**

FDR

Marks

7. Japanese competition regime is one of the mature competition regimes amongst the Asian countries. Explain in brief the law and structure of competition regime in Japan. **16**