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**BRAINWARE UNIVERSITY**

BRAINWARE UNIVERSITY
SCHOOL OF LAW
Barasat, Kolkata- 700125

Term End Examination 2024-2025**Programme – LLM-2023/LLM-2024****Course Name – Investment & Competition Law****Course Code - LLM203A****(Semester II)****Full Marks : 60****Time : 2:30 Hours**

[The figure in the margin indicates full marks. Candidates are required to give their answers in their own words as far as practicable.]

Group-A

(Multiple Choice Type Question)

1 x 15=15

1. Choose the correct alternative from the following :

(i) Predict the section of price

a) section 2 (o)

b) section 2 (x)

c) section 2 (y)

d) section 2 (z)

(ii) Predict the section of public financial institution

a) section 2 (p)

b) section 2 (x)

c) section 2 (y)

d) section 2 (z)

(iii) Predict the section of Composition of Commission

a) section 8 of Competition Act,2002

b) section 2 (c) of Competition Act,2002

c) section 2 (a) of Competition Act,2002

d) section 2 (b) of Competition Act,2002

(iv) Predict the section of Salary and allowances and other terms and conditions of service of Chairperson and other Members

a) section 14 of Competition Act,2002

b) section 2 (c) of Competition Act,2002

c) section 2 (a) of Competition Act,2002

d) section 2 (b) of Competition Act,2002

(v) Choose the section of Orders of Commission on certain combinations

a) section 31 of Competition Act,2002

b) section 2 (c) of Competition Act,2002

c) section 2 (a) of Competition Act,2002

d) section 2 (b) of Competition Act,2002

(vi) Choose the section of Contravention by companies

a) section 48 of Competition Act,2002

b) section 2 (c) of Competition Act,2002

c) section 2 (a) of Competition Act,2002

d) section 2 (b) of Competition Act,2002

(vii) Who can file a complaint with the Competition Commission of India (CCI) under the Competition Act, 2002

- a) Only government agencies
c) Any person, consumer group, or trade association
- b) Only registered companies
d) Only foreign investors
- (viii) What is the term for the period during which the Competition Commission of India (CCI) can inquire into alleged anti-competitive practices?
- a) 60 days
c) 120 days
- b) 90 days
d) 180 days
- (ix) What is the term for the process through which the Competition Commission of India (CCI) examines the proposed mergers or acquisitions for their potential adverse effects on competition?
- a) Market analysis
c) Pre-merger review
- b) Competition assessment
d) Anti-trust evaluation
- (x) Which authority can impose penalties for non-compliance with the orders of the Competition Commission of India (CCI)?
- a) Central Bureau of Investigation (CBI)
c) High Court
- b) Reserve Bank of India (RBI)
d) CCI itself
- (xi) Under the Competition Act, 2002, what constitutes an abuse of dominant position concerning Intellectual Property Rights (IPRs)?
- a) Reasonable exploitation of IPRs for commercial gain
c) Holding IPRs without commercial utilization
- b) Imposing unfair conditions on IPR licensees
d) Granting non-exclusive licenses to competitors
- (xii) How does the Competition Act, 2002, contribute to promoting innovation within the framework of Intellectual Property Rights (IPRs)?
- a) By encouraging anti-competitive practices among innovators
c) By exempting innovators from competition regulations
- b) By discouraging the abuse of dominant positions in innovation markets
d) By limiting access to IPRs for competitors
- (xiii) Select the term that describes the collaboration between Competition Act, 2002, and Intellectual Property Rights (IPRs) for societal welfare
- a) Symbiosis
c) Polarization
- b) Isolation
d) Exclusion
- (xiv) Which provision of the Competition Act, 2002, addresses mergers and acquisitions concerning Intellectual Property Rights (IPRs)?
- a) Section 5
c) Section 20
- b) Section 6
d) Section 21
- (xv) How does the Competition Act, 2002, prevent the misuse of Intellectual Property Rights (IPRs) to stifle competition?
- a) By granting absolute immunity to IPR holders
c) By facilitating collusion among IPR holders
- b) By imposing strict penalties for IPR infringement
d) By promoting IPR monopolies

Group-B

(Short Answer Type Questions)

3 x 5=15

2. Explain relevant market (3)
3. Explain trade (3)
4. Assess Procedure for investigation of combinations (3)

5. Explain Power of FDI to issue guidelines
6. Assess the guideline of WTO.

(3)
(3)

OR

Explain the influence of OECD principles on Competition Law in India.

(3)

Group-C

(Long Answer Type Questions)

5 x 6=30

7. Illustrate Restriction on disclosure of information.
8. Explain the meaning of Director General under section 2 (g) of Competition Act,2002
9. Assess the meaning of goods under section 2 (i) of Competition Act,2002
10. Assess the status of medicines under the TRIPS Agreement
11. Illustrate Contravention of orders of Appellate Tribunal.
12. Analyze the concept of cartel under section 2 (c) of Competition Act,2002

(5)
(5)
(5)
(5)
(5)
(5)

OR

Define Chairperson under section 2 (d) of Competition Act,2002.

(5)

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