


Name:			
Enrolment No:			
<b>UPES</b> <b>End Semester Examination, May 2023</b>			
<b>Course: International Trade Law</b> <b>Program: BBA LLB (Corp. Law)</b> <b>Course Code: CLCP4005</b>		<b>Semester: VIII</b> <b>Time : 03 hrs</b> <b>Max. Marks: 100</b>	
<b>SECTION A</b> <b>(5Qx2M=10Marks)</b>			
S. No.		Marks	CO
Q 1	Define Knock Out Rule during battle of the forms under CISG.		CO1
Q 2	In order impose dumping duty, the investigating authority must prove there is or threat of a <i>material</i> injury to its domestic market. What do you understand by the term <i>material</i> here?		CO1
Q 3	There are certain considerations which are to be taken for enforcing dumping and countervailing duty, and one of these is <i>de minimis</i> . Explain the term.		CO1
Q 4	Is there a difference between Dispute Settlement Understanding and Dispute Settlement Body? Explain briefly.		CO1
Q 5	Define <i>Letter of Credit</i> and its role in international sale of goods.		CO1
<b>SECTION B</b> <b>(4Qx5M= 20 Marks)</b>			
Q 6	Write a short note on mode of payment in international sales.		CO2
Q 7	Provide a brief overview of the organizational set up of the WTO with respect to different bodies and their functions.		CO2
Q 8	Provide an overview on <b>either of the two</b> ; a) World Bank b) Security Exception (Art. XI, GATT)		CO2
Q 9	Write a short note on practice of zeroing during anti-dumping investigations.		CO2
<b>SECTION-C</b> <b>(2Qx10M=20 Marks)</b>			
Q 10	Critically analyse the state of International Investment Law and its enforcement in India.		CO3

Q 11	Trade Related Intellectual Property Rights is the greatest achievement of WTO. It provides for uniform and harmonized system of intellectual property rights amongst the WTO members. Enumerate and analyze these rights and the regulations related to them under the Agreement. Cite relevant provisions and case laws.		<b>CO3</b>												
<b>SECTION-D</b> <b>(2Qx25M=50 Marks)</b>															
Q 12	Critically analyse the role and application of Article XX, GATT (General Exceptions) in environment protection. Apply your learnings from the WTO disputes of the past and the recent times to ascertain the stance of WTO in Trade v. Environment debate.		<b>CO4</b>												
Q 13	<p>The Kingdom of Dras-Leona is a developing country and is also a Member of WTO. To boost domestic production of cars and other automobiles in its territory, the Kingdom of Dras-Leona introduced its ‘National Automobile Production Policy of 2023’ (<b>‘Policy of 2023’</b>).</p> <p>The National Automobile Production Policy of 2023 provides for the tax and tariff treatment of cars and other automobiles in Kingdom of Dras-Leona. The Policy of 2023 states that manufacturers or assemblers of passenger cars shall be exempted from import duty if they are domestically made or have achieved certain percentage of domestic input requirement.</p> <p>The percentage requirement of domestic input and the corresponding import duty rates under the Policy of 2023 for passenger cars are provided below:</p> <p style="text-align: center;"><b>Table 1</b></p> <p style="text-align: center;"><i>Import duty vis-à-vis domestic input requirement for passenger cars</i></p> <table border="1" data-bbox="240 1367 1179 1787"> <thead> <tr> <th data-bbox="240 1367 691 1436"><b>Domestic Input Requirement</b></th> <th data-bbox="691 1367 1179 1436"><b>Import Duty Rate</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="240 1436 691 1505">Less than 20%</td> <td data-bbox="691 1436 1179 1505">100%</td> </tr> <tr> <td data-bbox="240 1505 691 1575">20% to 30%</td> <td data-bbox="691 1505 1179 1575">80%</td> </tr> <tr> <td data-bbox="240 1575 691 1644">30% to 40%</td> <td data-bbox="691 1575 1179 1644">60%</td> </tr> <tr> <td data-bbox="240 1644 691 1713">40% to 60%</td> <td data-bbox="691 1644 1179 1713">40%</td> </tr> <tr> <td data-bbox="240 1713 691 1787">More than 60%</td> <td data-bbox="691 1713 1179 1787">0%</td> </tr> </tbody> </table>	<b>Domestic Input Requirement</b>	<b>Import Duty Rate</b>	Less than 20%	100%	20% to 30%	80%	30% to 40%	60%	40% to 60%	40%	More than 60%	0%		<b>CO4</b>
<b>Domestic Input Requirement</b>	<b>Import Duty Rate</b>														
Less than 20%	100%														
20% to 30%	80%														
30% to 40%	60%														
40% to 60%	40%														
More than 60%	0%														

Further, the Policy of 2023 provides for reduced sales tax on luxury goods such as passenger cars with specific percentage of domestic inputs utilised in its manufacturing or assemblage. The policy provided that passenger cars would be subject to a luxury tax of 20 percent provided their domestic input requirement exceeds 60 percent. If the domestic input requirement is not in excess of 60 percent, the applicable luxury tax rate would be 35 percent.

**Table 2**

*Luxury Tax Rate Schedule*

Type of Passenger Car	Luxury Tax Rate
Passenger cars 1600 cc with domestic input $\leq$ 60%	35%
Passenger cars 1600 cc with domestic input $>$ 60%	20%
National cars or Pioneer status cars	0%

The policy provides for the grant of “pioneer” or National Automobile Company status to Dras-Leonian car companies if they meet a specified criteria as to ownership of facilities, use of trademarks, and technology. The maintenance of such pioneer status is contingent on increasing the requirement of domestic inputs over the period of three years. Once such a status is achieved, such companies are exempted from luxury taxes on sales of national cars and exemption from import duties on parts and components for manufacturing of cars or other automobiles.

**Table 3**

*Schedule for the incremental requirement of domestic inputs for achieving Pioneer Status*

<b>Time Period</b>	<b>Domestic Inp</b>
end of the first year	>20
end of the second year	>40
end of the third year	>60

The National Automobile Production Policy of 2023, further provides that National cars that have achieved pioneer status and are manufactured in a foreign country, shall be treated the same as manufactured National Cars with Pioneer status in the Kingdom of Dras-Leona and will be exempt from the luxury tax.

The Kingdom of Garrow is a developed country and Member of WTO. The Kingdom of Garrow has a robust automobile manufacturing sector. Cartesia & Co. is one of the largest manufacturer and exporter of 1600 cc passenger cars in the world. Now with the introduction of the Policy of 2023, they are not able to export their passenger cars in the territory of Kingdom of Dras Leona. The Government of Kingdom of Garrow, taking cognizance of Cartesia & Co's grievance and has decided to pursue this issue at the WTO. You as a lawyer for the Government of Kingdom of Garrow, are tasked with providing advice to the Government on this issue. Supplement your advice by analysing and applying the relevant WTO jurisprudence.