

OPTIONAL PAPER

BRANCH IX - INTELLECTUAL PROPERTY LAWS

PROGRAMME OUTCOME

PO 1: To inculcate comprehensive knowledge regarding the concept of intellectual properties and its significance.

PO 2: To learn the new domains of IPR Protection and analyse its significance in the changing international scenario.

PAPER I

INTRODUCTION TO INTELLECTUAL PROPERTY LAWS

COURSE OUTCOME

After completion of this course, the student should be able to:

CO 1: To have a comprehensive understanding of different theories relating to property and to help the students to apply it practically.

CO 2: To analyse the fundamental concepts behind intellectual property and to learn its significance.

UNIT –I: Conceptual Framework of Property-Legal concept of Property-Elements of Property-Classification of Property- Corporeal and Incorporeal Property - Movable and Immovable Property-Nature and Characteristics of Intellectual Property-. Origin and Development of Intellectual Property

UNIT –II: Theories of IPR:-

- i. Natural Theory
- ii. Hegelian Philosophy (Personality Theory)
- iii. Locke's Theory of Property (Labour Theory)
- iv. Social Contract Theory
- v. Social Planning Theory
- vi. Incentive Theory
- vii. Reward Theory
- viii. Prospect Theory
- ix. Schumpeterian Theory
- x. Economic Theory

UNIT III

Jurisprudential aspects of property – Ownership, Possession and Title - Constitutional Basis of property - Right to property under Article 300-A-meaning , nature and evolution of intellectual Property- Position in Ancient and Historical India-Analysis of WIPO definition of

Intellectual property.

UNIT –IV Classification of Intellectual property-Industrial Property and Literary Property- Different forms of IP-Copyright, Related rights, Patents, Trade names, Trademarks, Trade Secrets-Industrial Designs-Geographical Indications-Their meaning and Characteristics - Semi Conductors integrated Circuits layout design , traditional knowledge , Plant varieties, farmers and breeders rights .

UNIT- V : Contemporary Issues in IPR - . Interface between IPR and Human Rights
- Interface between IPR and Competition Law- IPR and sustainable development
- The Impact of Internet on IPR- IPR Issues in Biotechnology- E-Commerce and IPR issues

Select Bibliography:

1. David Bainbridge: Intellectual Property (2002), Pearson Education Ltd, New Delhi
2. Dr Sreenivasulu N.S: Intellectual Property Rights 2nd revised &enlarged: Regal publication : edition ,2011
3. Dr V.K Ahuja: Law of Copyright And neighbouring Rights: National and International Perspectives: Ist edition, 2007
4. G.B.Reddy :Intellectual Property Rights and Law,Gogia LawAgency, (2006), Hyderabad.
5. Granville Williams :Learning the Law.
6. N.S.Gopalakrishnan :Intellectual Property and Criminal Law, 1994, National Law School of India University, Bangalore.
7. P.Narayanan:Intellectual Property Law, --Ed, .Eastern Law House, Kolkata.
8. Pearson & Miller : Commercial Exploitation of Intellectual Property (2004),
9. Phundan Singh,Rajeev Singh-IPR & Plant Breeders Rights- New vishal publication
10. Phundan Singh-IPR & Plant Breeders Rights
11. Pola Koteswara Rao :Supreme Court and Parliament-Right to Property and Economic Justice,2002,Law Book Agency,Hyderabad.
12. Prabhuddha Ganguli:Intellectual PropertyRights–Unleashing Knowledge Economy,2001, Tata-Mcgraw Hill, New Delhi.
13. Priya Ranjan Trivedi : Encyclopaedia of Intellectual Property Rights : volume 6, Edition 2008: Published JnanadaPrakashan,
14. Priya Ranjan Trivedi : Encyclopaedia of Intellectual Property Rights :: Edition 2008: volume 7: Published by JnanadaPrakashan, New Delhi
15. Priya Ranjan Trivedi : Encyclopaedia of Intellectual Property Right : Edition 2008: volume 14
16. Priya Ranjan Trivedi : Encyclopaedia of Intellectual Property Right: Edition 2008 volume 9
17. Priya Ranjan Trivedi : Encyclopaedia of Intellectual Property Rights : volume 10, Edition 2008: Published JnanadaPrakashan in association with Indian Institute Of IPR, New Delhi,
18. Priya Ranjan Trivedi :Encyclopaedia of Intellectual Property Rights : volume 2, Edition 2008. Published JnanadaPrakashan,
19. Priya Ranjan Trivedi: Encyclopaedia of Intellectual Property Rights : Edition 2008: volume 5: Jnanada Prakashan associated with Indian Institute Of IPR,

New Delhi

20. S.K.Verma : Intellectual Property Rights, ILI, New Delhi.
21. Shahid Alikhan & Raghunath Mashelkar : Intellectual Property and Competitive Strategies in the 21st Century, 2004, Kluwer Law International, London
22. Subbaram : N.S: What everyone should know about Patents.
23. Traditional Knowledge System In India -Amit Jha -Atlantic publishers and distributors pvt ltd 2021
24. University Law Publishing Co. Pvt. Ltd, Delhi.
25. W R Cornish : Intellectual property: Patents, 2ndEdition : Universal Book Traders. Copyright, trademarks and allied right

PAPER II

INTERNATIONAL LEGAL REGIME RELATING TO INTELLECTUAL PROPERTY RIGHTS

COURSE OUTCOME

After completion of this course, the student should be able to:

- CO 1: To provide in depth understanding of international legal framework relating to IPR
CO 2: To learn about different international conventions dealing with IPR and to understand its significance.

UNIT – I: Transnational Character of IPRs -Efforts at International Level to Protect IPR – Historical Perspectives – Position under U.S. Constitution – Position in U.K

UNIT –II: International Instruments relating to protection of IPR (Berne Convention, Paris Convention, Hague Convention, Madrid Convention, Rome Convention , Patent Co-operation Treaty, WIPO Copyright Treaty, WIPO Performance and Phonograms Treaty etc., along with the Conventions of the European Union)

UNIT –III: International Conventions / Agreements and Declarations relating to International Trade with special reference to IPR-TRIPS-TRIMS-SAFTA etc.

UNIT – IV: International Institutions dealing with IPR-UNESCO-WIPO-WTO-UNCITRAL- Their Structure, powers, functions and jurisdiction

UNIT V: Intellectual Property Rights and Human Rights – IPR and Human Rights – Conflict or Convergence- Theoretical Approach. – Article 27(1) of UDHR - Exploring the relationship

between patents, copy rights and trade marks vis –s vis human rights- Is fundamental rights a safeguard for the coherence of intellectual property law ?

Select Bibliography:

1. Alka , Chawla : Copy Right And Related Rights : Ist edition , Macmillian India LTD.
2. Avtar Singh : Intellectual Property Law : Ist edition 2013, Eastern Book Company.
3. Dreyfuss :Expanding Boundaries of Intellectual Property Rights,(2002),New Yark.
4. Duggal Pavan, *Legal Framework on Electronic Commerce & Intellectual Property Rights*, Universal Publishing House, 2014
5. G.B.Reddy : Intellectual Property Rights. OUP(2002),New Delhi.
6. Hillary E.Pearson & Miller C.G :Commercial Exploitation of Intellectual Property 1994,Universal Book Traders, New Delhi.
7. Implications of the TRIPS Agreement on Treaties Administered WIPO (2003), Geneva.
8. International Legal Instruments of Intellectual Property Law(in two volumes),1998, NLSIU,Banglore.
9. M B Rao & Manjula Guru : Patent Law In India : edition 2010: Publisher, Kluwer law international,
10. Marshal A.Leaffer: International Treaties on Intellectual property,2nd Edn., 1997, the Bureau of National Affairs Inc, Washington D.C.
11. Paul Torremans, *Intellectual Property And Human Rights*, Kluwer Law International, 2008
12. Peter Drahos, *A Philosophy of Intellectual Property*, Dartmouth Pub Co, 199
13. Philippe Cullet, Intellectual Property Protection and Sustainable Development, Lexis Nexis, 2005
14. Relevant WIPO Publications on Individual International Instruments.
15. Steven D Anderman, Interface Between Intellectual Property Rights and Competition Policy, Cambridge University Press, 2007
16. W.R.Cornish : Intellectual Property, Patents, Copyright, Trade Marks and Allied Rtihts,1999,Sweet and Maxwell, London.
17. WIPO :Background Reading on Intellectual Property Rights and Development Policy.

PAPER – III

LAW RELATING TO COPY RIGHT AND NEIGHBOURING RIGHTS

COURSE OUTCOME

After completion of this course, the student should be able to:

CO 1: To analyse and comprehend the basic requirement of copyright protection and ownership of copyrighted works

CO 2: To critically analyse the evolution of performers right under Indian Copyright Law and learn different International treaties relating to it

UNIT –I: Concept of copyright - meaning and subject matter of copyright —. Nature and Scope of Copyright- Pre- requisites for Copyright -. Copyright and its relationship with other IPRs

UNIT II International Conventions and Treaties

i Berne Convention for the Protection of Literary and Artistic Works, 1883

ii. Universal Copyright Convention, 1952

iii. TRIPS Agreement, 1994

iv. WIPO Copyright Treaty, 1996

v. International Copyright Order, 1999

UNIT III Law relating to Copy Right in India

Evolution of Copyright Law in India- National regime covering Copy right - the 1914 Act- The Copy right, 1957 Act- 2012 Amendment- Work in which Copy right subsists- Qualifications for Copy right Subsistence

UNIT – IV: Subject Matters of Copyright

a. Work in which Copyright Subsists

b. Authorship *vis- a vis* Ownership

c. Copyrights: Economic and Moral Rights

d. Duration of Copyright

e. Copyright Issues in Digital Environment

f. Assignment and Licensing including compulsory licensing.

UNIT-V:

Limitations, Infringement & Enforcement of Copyright

a. Limitation and Exceptions of Copyright

b. Infringement

c. Remedies

d. Enforcement of Copyright at National and International Level.

Select Bibliography:

1. Alka ,Chawla : Copy Right And Related Rights : Ist edition , Macmillian India LTD.

2. Brad Sherman & Lionel Bentley: The Making of Modern Intellectual Property Law, 1999, Cambridge University Press, London.
3. Conventions, Rome Convention, WCT, UCC and WPPT etc.
4. David Bainbridge : Intellectual Property, 5th Edn., 2002, Pearson Education Ltd., London.
5. David Saunders : Authorship and Copyright, 192, Routledge, London.
6. Dr. G.B. Reddy : Copyright Law in India (2004) Gogia Law Agency, Hyderabad.
7. Dr. T. Vidya Kumari : Copyright Protection Current Indian & International Perspectives, Asia Law House (2004).
8. Gillian Davis : Copy Rights Law and Public Interest, (2002), Sweet & Maxwell, London.
9. IPR Journal.
10. John Furnsey : Copyright Theft , 1995 ASLIB Gower, Hampshire, England.
11. P. Narayana : Copyrights Law and Industrial Designs (2002), Eastern Law House, Kolkata.
12. Relevant International Instruments relating to Copyrights like, Berne
13. Robin Jacob : A Guide book to Intellectual Property (2004), Sweet & Maxwell, London.
14. W.R. Cornish : Intellectual Property , Patents, Copyright, Trade, Marks and Allied Rights, 1999, Sweet and Maxwell , London.

PAPER – IV

LAW RELATING TO PATENTS IN INDIA

COURSE OUTCOME

After completion of this course, the student should be able to:

CO 1: To evaluate the patent law in India and to understand the procedure and conditions for applying for a patent in India.

CO 2: To learn remedies for infringement of patent and rights of the patent holder

UNIT – I: Concept of patent – meaning, definition and nature of patent – Classification of patents – Subject – matter of patenting (Patentable and non - patentable subject-matter)- The Patents Act, 1970 and its amendments.

UNIT – II: Essential conditions for grant of patent-Procedure for registration of patent in India And at International level – Application , Publication and Examination of application – Search – Anticipation – Opposition to grant of patents – Grant of patents and its effect.

UNIT – III: Rights, duties and limitations of/on patent holders including EMRs-Surrender and revocation of patents –Term of patent protection-Transfer of patent rights with special reference to licensing, compulsory licensing , acquisition by government etc.

UNIT – IV: Infringement of patent rights – Remedies (Administrative , Civil and Criminal)- Authorities under the Act-Controller of patents, Patent examiners, and scientific advisors – Their powers, functions and jurisdiction.

UNIT V : Concept of Access to medicine Justifications for pharmaceutical patents – application of patent standards in pharmaceutical inventions- Other measures to ensure access to medicines Specific compulsory licenses – Bolar exceptions – protection of test data – alternative to patents.

Select Bibliography:

1. B.L.Wadhera : Law Relating to patents,Trademarks, Copyright, Designs & Geographical indications, 2000,Universal Law Publishing Co.Ltd, New Delhi.
2. Bio-technology and intellectual Property rights(2003) NLSIU, Bangalore.
3. D P Mittal Taxmann's Indian patents law : Edition 1999 : publisher Taxmann allied services (p)ltd.
4. David Baibbridge: International Property,5th Edn.,2002,Pearson Education ltd., London.
5. Deborah E Bouchoux : Protecting your company's Intellectual Property : publisher AMACOM, year 2001.
6. IPR Journal.
7. Jayashree Watal : Intellectual Property Rights in the WTO AND Developing Countries: oxford university press, 2001.
8. M B Rao & Manjula Guru : Patent Law In India : edition 2010: Publisher, Kluwer law international,
9. Manish Arora:Guide to new Patent Law,(2003),Universal Law Publications Co.Pvt.Ltd.
- 10.P.Narayana :Patent Law(1998)
- 11.Prof.Willem Hoyng & Frank Eijsvogels: Global Patent Litigation,2006, Wolters Kluwer,Bedfordshire, U.K.
- 12.Relevant Intellectual Instruments like Paris Convention.
- 13.Sender Marta,Cross: Border Enforcement of Patent Rights(2002) OUP,Newyark.
- 14.W.R.cornish,International Property: Petents, Copyrights, Trademarks and allied rights,1999, Sweet & Maxwell ,London.

PAPER V

PROTECTION OF PLANT VARIETIES, FARMER'S RIGHTS & TRADITIONAL KNOWLEDGE

COURSE OUTCOME

After completion of this course, the student should be able to:

CO 1: To understand the concept of plant varieties and farmers right in India and compare with the position in the UK and USA.

CO 2: To appreciate the significance of traditional knowledge and critically evaluate the protection given to it.

UNIT – I: Introduction

a. Introduction to Plant Varieties – Law & Science-. Evolution of Plant Patents & Plant Varieties Protection- Justification for IP Protection- Period of Protection – Position in UK, Position in USA, Position in India

UNIT II – International and National Perspective

The TRIPS Agreement of WTO and the Rights of Plant Breeders and Farmers- UPOV- Essential Requirements- NDUS- Kinds of Varieties- Registration of Varieties- Application for the grant of the Breeder's Rights - Indian Law- The Protection of Plant varieties and Farmers Rights Act 2001. – Registration of Plant Varieties- Plant Varieties Protection Appellate Tribunal

UNIT – III: - Farmers Rights : Need for Farmers Rights - Biodiversity and Farmers Rights- Compulsory License - Infringement of Rights - Remedies of Rights

UNIT IV Traditional Knowledge

Meaning- Definition - Nature and Characteristics - Need for protection of Traditional Knowledge – Economics of traditional Knowledge Traditional Knowledge and Bio Diversity-

UNIT – V: Traditional Knowledge – Protection under the law

Indian Legal Regime, International Initiatives and traditional Knowledge- Traditional Knowledge Protection and Promotion Strategies- International bodies and Institutions responsible for the Protection of TK- Interface between IPR & TK -

Elements of Bio –piracy - Bio Piracy Cases- benefit sharing Traditional Knowledge Digital Library.

Select Bibliography:

1. Anthony J. Stenson and Tim S. Gray, *The Politics of Genetic Resource Control*, Macmillan Press Ltd., London, 1999
2. Brush S.B & D. Stabinsky (ed.), *Valuing Local Knowledge- Indigenous people and Intellectual Property Rights*, Island Press, Covelo, California, 1996
3. Carlos M Correa, *Traditional knowledge and Intellectual Property, Issues and Options Surrounding the Protection of Traditional Knowledge*, Quaker United Nations Office, Geneva, 2001
4. David Downes, *Using Intellectual Property as a Tool to Protect Traditional Knowledge: Recommendations for Next Steps*, Center for International Environmental Law, Washington, DC, 1997
5. Dr J.K Das :Intellectual Property Rights : edition 2008 : publisher kamal law house.
6. Dr. S R Myneni 7th edn. :Law of Intellectual Property
7. Elizabeth Verkey, *Law of Plant Varieties Protection*, Eastern Book Company, 2007
8. *Intellectual Property Rights and The Law* : DR. G.B.Reddy 2nd Edition.
9. P Narayanan *Intellectual Property Law*: 3rd edition- 2017 publisher eastern law house.
10. P. Drahos and M. Blakeney (ed.), *Perspectives on Intellectual Property: IP in Biodiversity and Agriculture*, Sweet and Maxwell, London, 2001
11. S. K. Verma & Raman Mittal (ed.), *Intellectual Property Rights a Global Vision*, Indian Law Institute, New Delhi, 2004

12. Vandana Shiva, Biopiracy: The Plunder of Nature and Knowledge, South Press, 1997
13. Vandana Shiva, Protect or Plunder: Understanding Intellectual Property Rights, Zed Books Ltd., London, 2001

PAPER – VI

LAW RELATING TO TRADE MARKS

COURSE OUTCOME

After completion of this course, the student should be able to:

CO 1: To learn the history and evolution of trademarks, different kinds of trademarks, purpose of trademarks and various international instruments relating to it.

CO 2: Evaluate the international legal framework related to Trade Marks and identify the deficiency in the domestic laws and the possibilities therein.

UNIT – I: History and Evolution - Paris Convention - Madrid Agreement - Madrid Protocol - TRIPs Agreement - Trademark Law Treaty - Purpose of Trademarks - What is Trademark? - Definition, Function, Kinds and use - Economic and Social Justification for Trademarks - Overview of general types of laws applicable to trademarks/ service marks Globally – Passing Off - Laws relating to Passing off - Passing off action- Law relating to trademarks -Non conventional trade marks- Sound mark, Hologram Mark, Smell marks- nature and scope – its protection in India.

UNIT – II: The Trademarks Act, 1999 - Registration of Trademarks -Principle for Registration of Trademarks - Essential conditions for registration of TMs - Characteristics of a good TM Rights Conferred by Registration of Trademarks - Procedure for Registration of TMs in India and abroad – Deceptive Similarity - Licensing of trademarks - Assignment and Transmission of Trademarks - Limitations on Licensing – Invalidity - What marks are not registerable - Cancellation of Registration.

UNIT – III: Rights of Proprietors and registered users etc of TMs - Transfer of TMs - Infringement - Infringement of Trademarks - Action for Infringements - Offences and Penalties - Unfair Competition Law - Remedies And Enforcement - Types of Relief - Civil, Criminal and Administrative - Procedure for Litigation - Authorities under the Act-their powers, functions and jurisdiction

UNIT – IV: New Challenges - Trademarks in cyberspace - Domain names - Cyber squatting - Meta tagging - Review alternative dispute resolution procedure such as the Uniform Domain -Resolution Policy (UDRP) and other similar procedures - Concept of Well-known Trademarks -Comparative Analysis of European and Indian Trademarks Law.

UNIT V :

What is trade secrets- importance of trade secrets – protection of trade secrets. A comparative perspective – confidential information – application of confidential information to employer

employee relationship – remedies available to a trade secret owner-position in UK, position in USA– the Indian standards relating to trade secrets

Select Bibliography:

1. Ahuja V.K.-Law Relating to Intellectual Property Rights-Lexis Nexis
2. EricM.Dobrusin,Esq.Katherine E.White: Intellectual Property Litigation,Pretrial practice,2nd Edn.,2005,wolters kluwer ,Bedfordshire,UK.
3. G.B.Reddy: Intellectual Property Rights and the Law, 5th Edn,2005,Gogia Law Agency.
4. K.C. Kailasam & Ramu Vedaraman Law Of Trademarks -Publisher Lexis Nexis
5. P.Narayana:Trade Mark ,Trade name and passing of (Vol.I & II),1997,Eastern Law House, Kolkata.
6. Prankrishna Pal-Intellectual Property Rights In India General Issues & Implications-Regal Publications 2008
7. R.S.Bhalla: The Institution of Property –Legally, Historically and Philosophically Regarded, 1984, EBC,Delhi.
8. Relevant International Instruments including Madrid Agreement,TLT and Nice Agreement
9. Stefano Sandri, Sergio Rizzo-Non-conventional trade marks and Community law MARQUES,2003
10. T A Blanco White & Robin Jacob : Kerly's Law of Trade Marks And Trade Names : 12th edition 1986 : publisher sweet & maxwell
11. The Protection of Non-Traditional Trademarks: Critical Perspectives-Irene Calboli and Martin Senftleben-Publisher OUP Oxford, 2018
12. Unni.V.K.Trade Marks & the Emerging Concepts of Cyber Property Rights,2002, Eastern Law House, Kolkata.
13. WIPO, Background reading on Intellectual Property Rights,1988.

PAPER –VII

INTELLECTUAL PROPERTY RIGHTS AND EMERGING TRENDS

COURSE OUTCOME

After completion of this course, the student should be able to:

CO 1: To understand the concept of globalization and IPR, TRIPS Agreement, various international instruments and its impact on developing countries and new challenges and possible remedies.

CO 2: To learn the new domains of IPR Protection and appreciate its significance.

UNIT – I: Globalisation of IPRs - TRIPS Agreement - Its Origin – Negotiation - Content and its Impact on Developing Countries - Views of third world countries on IPR- Contrast of views - between developed and developing countries – Areas of conflicts - Recent development

UNIT – II:

Biodiversity and its importance - The Convention on Biological Diversity – International protocols - Bio-piracy- Indian Law - Patentability of Micro-organisms- Budapest Treaty- Deposit of Micro-organisms – Mode of Protection- National regimes and micro-organism, Bio-Diversity Act - 1999 a. Objectives of the legislation b. Principles of Bio-diversity c. Protection of Bio-diversity as Sovereign Rights d. Mechanism of Monitoring bio-diversity e. Remedies for infringement

UNIT – III: Intellectual Property Protection of Computer Software – Copyright Protection - Limitation of Copyright Protection of Software - Patentability of Software - Intellectual Property Protection in Cyberspace - Trademark and the Internet - Domain Names, Hyper links, Metatags -Copyright and the Internet: Computer program, Computer program language - Electronic Signatures, Online works, Online music etc - Emerging Patent Trends - Patent protection for Computer programs , Business - Methods , biotechnology Patents.

UNIT – IV: Copyright and Distance Education - The United States TEACH ACT and DMCA (The Digital Millennium Copyright Act) and the Higher Education - The Copyright Education Programs – Purpose of teaching Copyright - Development of effective copyright program – Copyright and the Dissemination of Information in Higher Education.-Copy right Societies and Neighbouring Rights

a. Origin and Development

b. Rationale for Protection- copyright Societies

c. Copyright vis-a vis Neighbouring rights

d. International Treaties:

i. Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations 1961

ii. Geneva Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms- Phonograms Convention, 1971

iii. Brussels Satellites Convention, 1974

iv. TRIPS Agreement, 1994

v. WIPO Performances and Phonograms Treaty, 1996

vi. Beijing Treaty on Audio-visual Performances, 2012

e. Performers Rights

f. Broadcasting organizations rights

g. Rights of the Producers of Phonograms

h. Economic and Moral Rights

i. Exceptions

j. Infringement and Remedies

UNIT V

Product patenting of drugs and pharmaceuticals in India- Impact of trips agreement.

TRIPS and Patent Regime- exclusion from patentability of certain inventions – enforcement of TRIPS agreement and transitional arrangements- Indian Patent Regime- Impact of TRIPS on Indian Pharmaceuticals products and access to health care in India- Doha WTO Ministerial Declaration on TRIPS and Public Health- Strategies for Post 2004

Select Bibliography:

1. David Bainbridge : Intellectual Property Pearson Education Ltd, New Delhi.
2. Deborah E Bouchoux : Protecting your company's Intellectual Property : publisher AMACOM, year 2001.
3. Dr S.R Myneni : Law of Intellectual Property : 7th Edition: Asia Law house, Hyderabad.
4. G.B.Reddy : Intellectual Property rights and the Law ,Gogia Law.
5. Granville Williams: Learning the Law.
6. Jayashree Watal : Intellectual Property Rights in the WTO AND Developing Countries: oxford university press, 2001.
7. Kalyan C Kankanlal & Arun K Narasani : Indian Patent Law And Practice by: edition 2012 : Publisher Oxford University press,
8. M B Rao & Manjula Guru : Patent Law In India : edition 2010: Publisher, Kluwer law international,
9. N.S.GopalaKrishnan: Intellectual Property and Criminal Law, 1994, National Law School of India University, Bangalore.
10. P Narayanan :Copyright and Industrial Designs: 3rd edition: Eastern Law House.
11. P.Narayana: Intellectual Property Law, Eastern Law House, Kolkata.
12. Pearson & Miller : Commercial Exploitation of Intellectual Property University Law Publishing Co. Pvt.Ltd, New Delhi.
13. Pola Koteswara Rao: Supreme court and Parliament –Right to Property and Economic justice, 2002, Law Book Agency, Hyderabad.
14. Prabuddha Ganguli: Intellectual Property Rights-Unleashing Knowledge Economy, 2001, Tata-Mcgraw Hill, New Delhi.
15. Priya Ranjan Trivedi Encyclopaedia of Intellectual Property Rights :Published JnanadaPrakashan : volume 8.
16. Priya Ranjan Trivedi :Encyclopaedia of Intellectual Property Rights : volume 3.EDITION 2008 :Published JnanadaPrakashan
17. S.K.Verma : Intellectual Property Rights, ILI, New Delhi.
18. Shahid Alikhan & Raghunath Mashelkar: Intellectual Property and Competitive Strategies in the 21st Century, 2004, Kluwer Law International, London.
19. Sreenivasulu N S : Law Relating to Intellectual property; 2nd edition : publisher Universal Law .
20. Subbaram.N.S : What everyone should know about patents.
21. T K Bandyopadhyay Saurabh Bindal : Intellectual Property Law- An Introduction: 1st edition 2015: published Eastern book company.
22. Vikas Vashishth :Law and practice of Intellectual Property(1999), Bharat Law House, Delhi.
23. W.R.Cornish :Patents and Materials on Intellectual Property (1999), Sweet & Maxwell.

PAPER VIII

INDUSTRIAL DESIGNS AND GEOGRAPHICAL INDICATIONS

COURSE OUTCOME

After completion of this course, the student should be able to:

CO 1: To make the students capable of dealing with the issues of design registration and protection.

CO 2: To examine the process of registration of geographical indication in India and to identify eligibility for protection and analyse the international treaties relating to Geographical Indication and the Designs and Semiconductor & Integrated Circuits Layout.

UNIT – I: Historical Background – Introduction – Industrial Designs before TRIPs - Industrial Designs after TRIPs - Concept of Industrial Designs-meaning, definition and nature, subject matter of design protection - Emerging Issues - Protection of Security in India - International Reciprocal Arrangement.

UNIT-II: Registration - Registration of Designs - Essential conditions for registration of designs-

Rights of design holders - Copyright in Registered Designs - Refusal to Register Designs – Infringement and Remedies - Piracy of Registered Designs – Remedies – Administrative, Civil and Criminal – Power and Duties of Controller

UNIT III: Geographical Indication - Historical Background – Introduction - International Evolution of Geographical Indication - Indication of Source - Paris Convention - Madrid Agreement – Lisbon Agreement – NAFTA – TRIPs - Emerging Issues - Genericide of Geographical Indication - TRIPs Article 23

UNIT-IV: Registration - Registration of Geographical Indication - Effect of Registration - Infringement and Remedies - Infringement and Passing off of Geographical Indication - Remedies and Procedure - Comparative Analysis-

UNIT V : Semiconductor and Layout Design

a. Introduction

b. Evolution

c. Justification

d. International Treaties:

i. Washington Treaty

ii. TRIPS

e. The Semiconductor Integrated Circuits Layout-Designs Act, 2000

Select Bibliography:

1. D P Mittal: Taxmann's New law of Trade marks passing off and geographical indications of goods : edition 2000 : Publisher Tax mann allied service pvt. Ltd
2. Gravis Daniel, The TRIPS Agreement: Drafting History and Analysis, 2nd edition, Sweet & Maxwell.
3. Guide to the International Registration of Industrial Designs under the Hague Agreement, WIPO.
4. Nair. R. Latha, Geographical Indications: A Search for Identity, Lexis Nexis,Buttorworth, 2005
5. Narayanan P., Trademarks & Passing off, Eastern Law House, 6th edition, 2006.
6. P Narayanan :Copyright and Industrial Designs: 3 rd edition: Eastern Law House.
7. R A Mashelkar "Intellectual Property Rights and the Third World".CSIR, New Delhi
8. R. Basant (1998), "Intellectual Property Rights: A Note", IIMA, Mimeo.
9. S. Khoury (1998), "Valuing Intellectual Properties", in P.H. Sullivan (1998), Profiting from Intellectual Capital: Extracting value from Innovation, John Wiley & Sons.