SCHEME OF EXAMINATION

&

DETAILED SYLLABUS

for

MASTER OF LAWS [LL.M.]

ACADEMIC SESSION 2006-2007



GURU GOBIND SIGNH INDRAPRASTHA UNIVERSITY KASHMERE GATE, DELHI – 110006

LL.M. PROGRAMME

FIRST SEMESTER

[Common for All Students]

Course Code	Title	Credits
GEN-101	Comparative Jurisprudence	06
GEN-103	Constitutionalism	06
GEN-105	Legal Research and Methodology	06
GEN-107	Project Work/Practical Training	05
GEN-109	Comprehensive Viva	02

Pattern of Question Paper: The question paper will be of 100 marks and divided into four Units of two questions each carrying 25 marks. The questions in each Unit will be based on the respective Unit in the course contents. The candidates will be required to attempt four questions selecting one from each unit.

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Objective: The course aims at creating critical understanding of law with current practical orientations.

Unit - I: Modern Trends in Jurisprudence: Comparativism and Confluence

- 1. Compulsions and Incentives for change
- 2. Past Experience
- 3. Present Scenario Globalisation

Unit – II: Economic Analysis of Law

- 1. Karl Marx
- 2. Adam Smith
- 3. Amartya Sen

Unit III: Impact of Technology on Law

- 1. Intellectual Property Rights
- 2. Commercial Law

Unit – IV: Law as a means of Conflict Resolution

- 1. Concept
- 2. Practice

Prescribed Readings:

- 1. Prof. M. Afzal Wani, Modern Trends in Jurisprudence: Comparativism and Confluence (2006)
- 2. Gregory J. Massell, "Law as an Instrument of Revolutionary Change in Traditional Milieu", 2 *Law and Society Review* 179 (1968).
- 3. S. K. Verma and M. Afzal Wani, Globalisation and Harmonization of Economic Laws in India" in *Globalisation and Economic Law Reforms*, IDE-JETRO (2005).
- 4. Hans Kelsen, "The Marx-Engels Theory of Law", *The Communist Theory of Law*, New York (1955).
- 5. Justice Yatindra Singh, *Cyber Laws* (2005).
- 6. Reed Chris, *Computer Law* (2002).
- 7. Austin T. Turk, "Law as a Weapon in Social Conflict", 23 Social Problems (1976).
- 8. Derret J. Duncan M., An Introduction to Legal Systems (1999).
- 9. Friedmann, *Law in Changing Society* (2003).
- 10. Justice Markanday Katju, *Law in the Scientific Era* (2000).
- 11. M. B. Rao and Manjula Guru, WTO Dispute Settlement and Developing Countries (2004).

Unit – I: Constitutionalism and Rule of Law

- 1. Meaning and Development
- 2. Indian Position

Unit – II: Federalism

- 1. Meaning and Development
- 2. Overview of American and Canadian Position
- 3. Indian Position

Unit III: Constitution and the Society in India

- 1. Equality Clause
- 2. Majority-Minority Interface
- 3. *Dalit* Perspective
- 4. Developmental Perspective
- 5. Need for Review

Unit – IV: Justice Delivery System in India

- 1. Overview of the system
- 2. Judicial Activism
- 3. Judicial Reforms

Prescribed Readings:

- 1. C.H. McIIwain, Constitutionalism: Ancient and Modern (1947)
- 2. A.V. Dicey, *Introduction to the Study of Law of the Constitution* (1982 edition)
- 3. Indira Nehru Gandhi v. Raj Narain AIR 1975Sc 2299
- 4. P.K.Tripathi, *Rule of Law, Democracy and Frontiers of Judicial Activism 17*, Journal of the Indian Law Institute 25 (1975)
- 5. Larry Alexander (ed) *Constitutionalism: Philosophical Foundations* (Cambridge University Press 1998)
- 6. M.P. Singh, Federalism, *Democracy and Human Rights* 47, Journal Of the Indian Law Institute 47 (2005)
- 7. C.J. Friedrich, *Constitutional Government and Democracy*, (Indian edition reprint 1974)
- 8. K.C. Wheare, *Federal Government Chapter I and II* 4th Edition 1963
- 9. Granville Austin: *The Indian Constitution: Cornerstone of a Nation* (1966)
- 10. B.D. Dua and M.P. Singh, Indian Federalism in the New Millennium (2003) Manohar Delhi
- 11. State of West Bengal v Union of India AIR 1963 SC, 1241 and S.R.Bommai v Union of India AIR 1994 SC 1918
- 12. Parmanand Singh, *Social Rights and Good Governance*, in Raj Kumar and D.K. Srivastave (eds) Human Rights and Development: Law, Policy and Governance, Chapter 24, pp 437-454 Lexis Nexis, Hong Kong (2006)
- 13. P.A Inamdar v State of Maharashtra 2005 6 SCC 537, Pai Foundation 2002 8 SCC 481
- Parmanand Singh , Hunger Amidst Plenty: Reflections on Law, Poverty and Governance, 48, Journal of the Indian Law Institute 57-77 (2006)
- 15. Girish Agrawal and Colin Gonsalves , Dalits and the Law, (Human Rights Law Network) New Delhi (2003)

- 16. Parmanand Singh, Equality and Compensatory Discrimination: The Indian Experience, in Chokalingam and Raj Kumar (eds) Human Rights, Criminal Justice and Constitutional Empowerment, Chapter 7, Oxford Delhi(2006)
- 17. Amratya Sen, Development As Freedom (2000)
- Parmanand Singh, Administration of Minority Institutions : Constitution Does Not Sanction Oppression, in Tahir Mahmood (ed) Minority and State at the Indian Law 106(1991)
- 19. Parmanand Singh, Scheduled Castes and the Law, in Upendra Baxi (ed) Law and Poverty: Critical Essays 132 (1988)
- 20. Subhash C. Kashyap (ed) The Citizen and Judicial reforms under the Indian Polity (2003) Universal Law Publishers Delhi
- 21. S.P. Sathe , Judicial Activism in India: Transgressing Borders and Enforcing Limits, (2003)
- 22. Parmanand Singh, Protecting Human Rights Through Public Interest Litigation, 42 Journal of The Indian Law Institute 200(2000)
- 23. Final report of the Commission to Review the Working of the Constitution: Chairman. Justice M.N. Venkatachalliah (2002) <u>http://lawmin.nic.in/ncrwc/finalreport.htm</u>
- 24. A.S. Anand, Judicial Activism :Need For Caution 42 Journal of the Indian Law Institute 149-59(2000)
- 25. Parmanand Singh, Judicial Socialism and Promises of Liberation: Myth and Truth 28, Journal of the Indian Law Institute 337-47(1986)
- 26. In re Presidential Reference, AIR 1999 SC,1

Paper - III Subject: Legal Research and Methodology

Unit – I: Precepts

- 1. Nature
- 2. Objectives
- 3. Types: Doctoral and Non-Doctoral

Unit II: Necessary Steps

- 1. Identification and Formulation of Research Problem
- 2. Hypothesis and Research Design (Characteristics and contents)
- 3. Processing the Plan of Research: Data Collection, Analysis and use of Internet and other technologies

Unit III: Techniques

- 1. Census and Survey
- 2. Sampling: Types, Merits and Demerits
- 3. Report Writing

Unit – IV: Conduct of Research

- 1. Supervision
- 2. Guidelines for researchers

Prescribed Readings:

- 1. S.K. Verma and M. Afzal Wani (Eds.) Legal Research and Methodology, ILI (2001) 2nd Edition.
- 2. Baxi, Upendra, 'Socio-Legal Research in India A Program Schriff, ICSSR, Occasional Monograph, 1975.
- 3. Cohen, Morris L., 'Legal Research', Minnesota, West Publishing Co. 1985.
- 4. Ghosh, B.N., 'Scientific Method and Social Research', New Delhi, Sterling Publishers Pvt. Ltd., 1984.
- 5. Goode and Hatt, '*Methods in Social Research*', Singapore, Mc. Graw Hill Book Co., 1985 (reprint).
- 6. Johari J.C. (ed), 'Introduction to the Method of Social Sciences', New Delhi, Sterling Publishers Pvt. Ltd. 1988.
- 7. Kothari C.K., '*Research Methodology: Method and Techniques*' New Delhi, Wiley Eastern Ltd., 1980.
- 8. Stone, Julius, 'Legal System and Lawyer's Reasoning', Sydney, Maitland Publications, 1968

Paper - IV Subject: Project Work / Practical Training

Project Work will be on some current topic of legal importance or inclusive of other disciplines. Practical training will be in the form of internship, organizing programmes etc.

Evaluation will be made by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

Paper - V Subject: Comprehensive Viva

Credits: 02 Paper Code: GEN – 109

Viva voce will be conducted by a Board of Examiner comprising of Dean, Supervisor, senior most faculty member and an External Examiner with the approval of the Hon'ble Vice-Chancellor.

GROUP SPECIALIZATIONS

<u>GROUP – III</u>

2nd to 4th Semester

INTELLECTUAL PROPERTY RIGHTS

Second Semester

Course Code	Title	Credits
IPR-102	Nature, Emergence and Development of IPRs	06
IPR-104	Copyright Law	06
IPR-106	Patents Law	06
IPR-108	Project Work / Practical Training	05
IPR-110	Comprehensive Viva	02

Paper: I Subject: Nature, Emergence and Development of IPRs

Unit I - (a) Nature & Concept

- i. Meaning
- ii. Types of Intellectual Property Rights

(b) Nature of Intellectual Property Rights

- i. Monopolistic Perspective
- ii. Economic Perspective
- iii. Public welfare perspective

(c) Theories

- i. Natural theory
- ii. Lockes' Theory of property
- iii. Hegelian Philosophy
- iv. Utilitarian guidelines
- v. Incentive theory
- vi. Prospect theory
- vii. Schumpeterian theory

Unit II- Origin & Development

- a) Historical Background
- b) Technological Development of IPRs
- c) Intellectual Property Rights: From National to International Character
- d) Sustainable Ddevelopment
- e) Challenges for IPR system:
 - i. Digital Economy
 - ii. E-commerce
 - iii. Domain names
 - iv. Biotechnology including Human genomes
 - v. Nanotechnology
- f) Role of Government in fostering the IPR

Unit III- International regime of Intellectual Property Rights

- a) Background
- b) Pre WTO régime
 - Paris Convention
 - Berne convention
 - Rome convention
 - Patent Cooperation treaty
 - ➤ World Intellectual Property Organization (WIPO), etc..
- c) Post WTO regime
- a) TRIPS

Unit IV- National regime

- a) Background
- b) Pre WTO
- c) Post WTO

Compulsory Suggested Readings

- Shiv Sahai Singh, *The Law of Intellectual Property Rights*, Deep & Deep publication Pvt. Ltd. 2004.
- Phillippe Culet, Intellectual Property Protection and SustainableDdevelopment, Lexis Nexis Butterworth, 2004.
- W R Cornish, Intellectual Property: Patents, copyright, Trademarks and allied rights, London: Sweet & Maxwell, 1996
- > Jayanti Bagachi , World Trade organization; an Indian Perspective(2000).
- > Narayanan, P., Intellectal Property Rights

Further readings

- UNCTAD-ICTSD, Resource book on TRIPs and Development, Cambridge University Press, 2005
- Surendra Bhandari , World Trade organisation and Developing Countries, 1998
- Bleir, F.K., Crespi, R.S. and Straus, J., Niotechnology and Patent Protection- an international review, OECD
- Jayashreee Watal, Intellectual Proprty right s in the WTO and Developing Countries, the hague kluwer law Interantional, 2001

1. Introduction to Copyright

- (a) Historical development of the law of copyright
- (b) Nature and Scope of Copyright Law and Neighbouring Rights

2. International Conventions/Treaties on Copyright

- (a) Berne Convention
- (b) Universal Copyright Convention
- (c) Rome Convention, 1961
- (d) Phenogram Convention, 1971
- (e) TRIPs Agreement
- (f) WIPO Copyright Treaty, 1996
- (g) WIPO performance and Phenogram Treaty, 1996

Unit – II

1. Subject matter of copyright works

- (a) Literacy, Computer, Dramatic, Musical, Cinematograph film etc.
- (b) Provisions under Indian Law and International Convention

2. Ownership, duration and assignment of copyright

- (a) Ownership of literacy, dramatic, artistic and computer generated works etc.
- (b) Economic and moral rights of copyright owners
- (c) Terms of copyright
- (d) Assignment of copyright and licences

Unit – III

- 1. Performers rights under the Indian Copyright Law and under International Conventions
- (a) Historical development of performers rights: Nature and Scope
- (b) Economic and moral rights of performers and Exception of performers rights
- 2. Broadcast Reproduction Rights and Public Interest
- (a) Satellite broadcasting and by cable television
- (b) Exception under Indian law and under international convention

Unit – IV

1. Infringement of copyright

- (a) Mode of infringement of various copyright works
- (b) Infringement of neighbouring rights
- (c) Statutory exception under Indian law and international convention
- 2. Remedies of infringement of copyright under national and international perspective
 - (a) Preventive and compensatory civil remedies
 - (b) Criminal remedies
 - (c) Administrative remedies

Compulsory Readings:

- 1. Copyright Act, 1957
- 2. Berne Convention for protection of literacy and artistic works
- 3. Universal Copyright Convention
- 4. Rome Convention
- 5. Convention for the protection of producers of phenograms
- 6. TRIPs Agreement
- 7. WIPO Copyright Treaty
- 8. WIPO Performance and Phenograms Treaty

Suggested Readings:

- 1. International Copyright and Neighbourig Rights; Stephen M. Steward (Londong, 1983)
- 2. Copinger and Skare James on Copyright; E.P. Skare James (London, 1991)
- 3. How Copyright Works in Practice; Kala Thairani (Bombay, 1996)
- 4. Law of Copyright: From Gutenberg's Invention to Internet; (Delhi, 2001)

Paper: III Subject: Patents Law

Unit I: (A) Evolution and Growth

- (i) History of the patent law in U.K.
 - Beginning of concept
 - Coming of Industrialization
- (ii) The International Patent System
- (iii) Foreign Impact upon National system
- (iv) History of Patent law in India

Unit I (B) - Grant and Content

- (i) Variety of Patent
- (ii) National Grant of Patents
 - Patent specification
 - General procedure for obtaining a patent
- (iii) International Grant of Patent

Unit II (A)- Validity of claims

- (i) National Scenario
 - > Novelty
 - ➢ Inventive step
 - ➢ Industrial application
 - > Patentable subject matter
 - Clear and complete disclosure
 - Requirement for claims
- (ii) International Scenario
 - Patent Cooperation Treaty
 - ➤ TRIPs

(B) Scope of Exclusivity

- (i) Infringement
 - ➢ Introduction
 - Infringement during manufacture
 - Infringement after manufacture
 - Right of patentee

Unit III: (A) Property Rights and Exploitation

- 1. Under national Forum
 - ➢ Initial entitlement and property dealing
 - Licensee of patent and allied rights
 - Compulsory license
 - EMR / Mail box System

(B) Infringement of Patent

- 1. Modes of Infringement
- 2. National / International Infringement

Unit IV: (A) Remedies and Enforcement

- Injunction and other equitable remedies
- Interlocutory injunction
- Discretion to grant injunction

(B) Emerging Problems Damage and other monetary benefits

- Cross border patent violation
- Emerging technologies

Compulsory suggested reading

- Elizabeth Verkey, *Law of Patents*, Eastern Book Company, 2005
- T. Ramappa, *Intellectual Property Rights under WTO: Tasks before India*, Wheeler Publishing, 2000
- W R Cornish, Intellectual Property: Patents, copyright, Trademarks and allied rights, London: Sweet & Maxwell, 1996
- Mitta, D.P., *Indian Patents Law & Procedure*, 1st edition (2002)
- Robert A. Choate & William H. Francis, *Patent Law*, (1981)
- Stedman, *Patents*, 1929

Articles to be read

- R. Dhavan, Lindasay Haris and Gopal Jain, "whose interest ? Independent India's Patent law and policy", 32 Journal of Indian law Institute, 1990 at p. 429.
- E. Wyndham Hulme, "The history of the Patent system under the prerogative and at common law," 12 LQR, 1986 at p. 141.
- Rajeev Dhavan and Maya Prabhu, "Patent Monopolies and Free trade Basic Contradiction in Dunkel Draft", 37(2) the Journal of Indian Law Institute, 1995 at pp. 195-208

- Bartelt, Sandra, "Compulsory licenses Pursuant to TRIPs Art. 31 in the light of Doha deceleration on the TRIPs agreement and Public health", vol.5, the Journal f World Intellectual Property, 283.
- Haag Thomas A, "TRIPs since Doha: How far will the WTO go towards modifying the terms for compulsory licensing?" vol. 84, no 12, journal of the Patent and Trademark Office Society, 2002.
- Kabiraj Tarun, "Intellectual Prperty right, TRIPs and Technology Transfer", Economic and Political Weekly, Nov. 19 (1997)
- Kumar Nagesh, "Intellectual Prperty Right: Asian Experience", Vol XXXVIII, No.3, Economic and Political Weekly, January 18-24, 2003, p. 209
- Christopher May, "The Venetian Moment : New technologies, Legal Innovation and the Institutional origins of Intellectual Property, Prometheus,20(2)(2002):159-79
- Nagest kumar, Intellectual Property rights, Technology and Economic development, experience of Asian countries", Economic Politically Weekly, January 16, 2003.
- B.S.Chimni, The Philsophy of Patents: strong regime unjustified, Journal for Scientific and Industrial Research, vol. 52, 1993, p 234-39.
- > Patrica A. Rac, "Patentibility of living subject matter", 10 CIPR 41 (1993)
- ➢ V. Manoj, EPW, Jan. 24, 1998, *Patents on life* etc., p. 152

Further readings

- Prof.A.K.Koul& V. K. Ahuja, *The Law of Intellectual Property Rights: In Prospect & Retrospect*, Faculty of law, University of Delhi, 2001
- > Hiarin wardha, WTO and Third World Trade Challenges, Commenwelth, 2002 edition
- Graham Dullfield Intellectual Property Rights and Life Science Industries : A twentieth century history, Ashgate London, 2003
- N.S.Gopalakrishanan, "Impact of patent system on traditional knowledge", CULR at pp 219-25.
- Watal Jayashreee, "The TRIPs Agreement and developing countries- Strong, Weak or Balanced Protection?" Vol.1, March, The Journal of World Intellectual Property, 1998 Mashelkar, R.A., "Intellectual Property Rights and the Third World", vol. 7, Journal of Intellectual Property rights, 308, July 2002.

Paper: IV Subject: Project Work / Practical Training

Project Work will be on some current topic of legal importance or inclusive of other disciplines. Practical training will be in the form of internship, organizing programmes etc.

Evaluation will be made by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

Paper: V Subject: Project Work / Practical Training

Credits: 02 Paper Code: IPR-110

Viva voce will be conducted by a Board of Examiner comprising of Dean, Supervisor, senior most faculty member and an External Examiner with the approval of the Hon'ble Vice-Chancellor.

LL.M. PROGRAMME

Third Semester

Course Code	Title	Credits
IPR-201	Law Relating to Trademarks	06
IPR-203	Law Relating to Designs and Geographical Indications	06
IPR-205	Teaching and Research in IPRs	06
IPR-207	Project Work / Practical Training	05
IPR-209	Comprehensive Viva	02

Paper: I Subject: Law Relating to Trademarks

Course Purpose and Scope: This course is designed to give an overview / survey of trademarks and trademark law and practice in countries around the world. There will also be some attention given to various international treaties, conventions and agreements. The focus will vary from historical, philosophical, legal and even practical topic.

Unit -1

1. History and Evolution

- (a) Paris Convention (history and continuing influence over national trademark laws)
- (b) Madrid Agreement
- (c) Madrid Protocol
- (d) TRIPs Agreement
- (e) Trademark Law Treaty

2. Purpose of Trademarks

- (a) What is Trademarks: Definition, Function, Kind and use
- (b) Economic and Social Justification for Trademarks.
- (c) Overview of general types of laws applicable to trademarks/ service marks globally.

3. Passing Off

- (a) Laws relating to Passing off.
- (b) Passing off action.

Unit-II

1. Registration of Trademarks.

- (a) Principle for Registration of Trademarks.
- (b) Rights Conferred by Registration of Trademarks.
- (c) Procedure for Registration.
- (d) Deceptive Similarity.

2. Licensing of trademarks

- (a) Assignment and Transmission of Trademarks
- (b) Limitations on Licensing.

3. Invalidity

- (a) What marks are not registerable.
- (b) Cancellation of Registration.

Unit-III

1. Infringement

- (c) Infringement of Trademarks
- (d) Action for Infringements.
- (e) Offences & Penalties.
- (f) Unfair Competition Law.

2. Remedies And Enforcement

- (a) Types of Relief- Civil, Criminal & Administrative.
- (b) Procedure for Litigation.

Unit-IV

1. New Challenges

- (a) Trademarks in cyberspace- Domain names, Cyber squatting, Meta tagging.
- (b) Review alternative dispute resolution procedure such as the Uniform Domain Resolution Policy (UDRP) and other similar procedures
- (c) Trademarks vs. Patent, Copyrights, Trade secrets & Geographical indication.
- (d) Concept of Well-known Trademarks.

2. Comparative Analysis of European and Indian Trademarks Law

Compulsory Suggested Readings

- Narayanan P., *Trademarks & Passing off*, Eastern Law House, 6th edition, 2006.
- Shiv Sahai Singh, The Law of Intellectual Property Rights, Deep & Deep Publication Pvt. Ltd. 2004.
- W. R. Cornish, Intellectual Property: Patents. Copyrights, Trademarks and allied rights, London: Sweet & Maxwell, 1996.
- ▶ J. S. Sarkar, Trademarks- Law and Practice, 1997.
- > P.S. Sangal & K. Ponnuswamy, Intellectual Property Law, 1994.
- Hilary E. Pearson and Clifford G. Miller, Commercial Exploitation of Intellectual Property, Indian Reprint, 1994.
- Trademarks in the Marketplace: selection and adoption of trademarks, proper use and protection, by United State Trademarks Association, 1964, University of Michigen.
- Dorr. C. Robert, Protecting Trade Secrets, Patents, Copyrights and Trademarks, 1990, University of Michigen.

Articles:

- Davis, Benjamin G. The New New Thing, Uniform Domain-Name Dispute-Resolution Policy of the Internet Corporation for Assigned Names and Numbers The Journal of World Intellectual Property, Vol. 3, No. 4, July 2000
- Curley, Duncan, *Reverse Domain Name Hijacking*, Trademark World, April 2001
- Dinwoodie, Graeme B.(National) Trademark Laws and the (Non-National) Domain Name System, Journal of International Economic Law, Vol. 21, Fall 2000, p. 495
- Donahey, M. Scott, Mandatory Resolution of Domain Name Disputes, Journal of Internet Law, Vol. 3, No. 7, January 2000
- Zhao, Yun, A Dispute Resolution Mechanism for Cyber squatting The Journal of World Intellectual Property, Vol. 3, No. 6, November 2000, pp.849-865
- Bernstein, David H. / Rabiner, Sheri L., Litigating by E-Mail with UDRP-Lessons from New Dispute Resolution Procedure for Domain Name Disputes, New York Law Journal, August 21, 2001

Paper: II Subject: Law Relating to Designs and Geographical Indications

Part-A

(Industrial Designs)

Unit-I

1. Historical Background.

- (a) Introduction
- (b) Industrial Designs before TRIPs
- (c) Industrial Designs after TRIPs

2. Emerging Issues.

- (a) Protection of Security of India
- (b) International Reciprocal Arrangement.

Unit-II

1. Registration

- (a) Registration of Designs.
- (b) Copyright in Registered Designs.
- (c) Refusal to Register a Designs.

2. Infringement & Remedies

- (a) Piracy of Registered Designs.
- (b) Remedies.
- (c) Power & Duties of Controller.

Part-B (Geographical Indication)

Unit III

1. Historical Background

- (a) Introduction
- (b) International Evolution of Geographical Indication.
 - i. Indication of Source
 - ii. Appellations of Origin.
- (c) Paris Convention.
- (d) Madrid Agreement
- (e) Lisbon Agreement
- (f) NAFTA
- (g) TRIPs

2. Emerging Issues

- (a) Genericide of Geographical Indication.
- (b) TRIPs Article 23 Controversy

Unit-IV

1. Registration

- (a) Registration of Geographical Indication
- (b) Effect of Registration

2. Infringement & Remedies

- (a) Infringement and Passing off of Geographical Indication.
- (b) Remedies & Procedure.

3. Comparative Analysis

(a) Comparative Analysis of Geographical Indication Law in India & France

Suggested Reading

- Narayanan P., Trademarks & Passing off, Eastern Law House, 6th edition, 2006.
- Gravis Daniel, The TRIPS Agreement: Drafting History and Analysis, 2nd edition, Sweet & Maxwell.
- Nair. R. Latha, Geographical Indications: A Search for Identity, Lexis Nexis, Buttorworth, 2005
- Guide to the International Registration of Industrial Designs under the Hague Agreement, WIPO.
- R. Basant (1998), "Intellectual Property Rights: A Note", IIMA, Mimeo.
- R A Mashelkar "Intellectual Property Rights and the Third World".CSIR, New Delhi
- S. Khoury (1998), "Valuing Intellectual Properties", in P.H. Sullivan (1998), Profiting from Intellectual Capital: Extracting value from Innovation, John Wiley & Sons.
- Review of Debate in the inter-governmental Panel on Access to Genetic Resources, Traditional Knowledge, Benefit sharing and Folk lore protection, WIPO, Anil K. Gupta, 2002
- Baker, Cecil. Roger, Flow Measurement Handbook: Industrial Designs, Operating Principles, Performance, and Applications, 2000.

Paper: III Subject: Teaching and Research in IPRs

Unit – I:	Status of Teaching and Research in IPRs: Global Perspective
Unit – II:	Status of Teaching and Research in IPRs: Indian Perspective
Unit – III:	Nature of IPR Advocacy
Unit – IV:	Case Study

Paper: IV Subject: Project Work / Practical Training

Credits: 05 Paper Code: IPR 207

Project Work will be on some current topic of legal importance or inclusive of other disciplines. Practical training will be in the form of internship, organizing programmes etc.

Evaluation will be made by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

Paper: V Subject: Comprehensive Viva

Credits: 02 Paper Code: IPR 209

Viva voce will be conducted by a Board of Examiner comprising of Dean, Supervisor, senior most faculty member and an External Examiner with the approval of the Hon'ble Vice-Chancellor.

Fourth Semester

Course Code	Title	Credits
IPR-202	Dissertation and Viva	25

Paper: I Subject: Dissertation and Viva Voce

The evaluation of the Dissertation and Viva Voce will be conducted by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

2nd to 4th Semester

<u>GROUP – I</u>

HUMAN RIGHTS AND HUMANITARIAN LAW

Second Semester

Course Code	Title	Credits
HRL-102	Human Rights Jurisprudence	06
HRL-104	International Human Rights Law	06
HRL-106	Protection and Enforcement of Human Rights in India	06
HRL-108	Project Work / Practical Training	05
HRL-110	Comprehensive Viva	02

Unit I: Human Rights Jurisprudence

- (i) Meaning and Concepts
- (ii) Evolution: Pre-Magna Carta Position, Magna Carta and Post Magna Carta Position (French Declaration, American Bill of Rights).

Unit II: Nature and Dimensions of HRs Movement after Second World War

Unit III: (i) Rights and Duties : Relationship

- (ii) Classification of Rights:
 - (a). Individual Rights
 - (b). Natural Rights
 - (c). Group Rights
 - (d). Derogable and Non-Derogable Rights
- Unit IV: Universalism and Cultural Relativism

Paper: II Subject: International Human Rights Law

Credits: 06 Paper Code: HRL-104

Unit I: (1) Human Rights under UN Charter (2) Universal Declaration of Human Rights

Unit II: International Covenants

- (1) International Covenant on Civil and Political Rights, 1966
- (2) International Covenant on Economic, Social & Cultural Rights, 1966

Unit III: Regional Conventions

- (1) European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950
- (2) American Convention on Human Rights, 1969
- (3) African Charter on Human and Peoples' Rights, 1981

Unit IV: International Human Rights Institutions

- (4) UN Centre for Human Rights
- (5) Economic and Social Council
- (6) Various Commissions and Sub-Commissions on Human Rights

I		Credits: 06 Paper Code: HRL-106
Unit I:	Development of Human Rights Movement and Law in Indian	Tradition
Unit II:	Constitutional Guarantees and Legislative Measures	
Unit III:	Contribution of Judiciary to Human Rights Law.	
Unit IV:	Role of Human Rights Commissions and NGOs	

Paper: IV Subject: Project Work / Practical Training

Credits: 05 Paper Code: HRL-108

Project Work will be on some current topic of legal importance or inclusive of other disciplines. Practical training will be in the form of internship, organizing programmes etc.

Evaluation will be made by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

Paper: V Subject: Comprehensive Viva

Credits: 02 Paper Code: HRL-110

Viva voce will be conducted by a Board of Examiner comprising of Dean, Supervisor, senior most faculty member and an External Examiner with the approval of the Hon'ble Vice-Chancellor.

Third Semester

Course Code	Title	Credits
HRL-201	International Humanitarian Law and Refugee Law	06
HRL-203	Disadvantaged Groups and Human Rights	06
HRL-205	Human Rights Education	06
HRL-207	Project Work / Practical Training	05
HRL-209	Comprehensive Viva	02

		Credits: 06 Paper Code: HRL 201
Unit I:	Origin and Development of Humanitarian Law and Refugee I	Law
Unit II:	The Geneva Conventions and Protocols	
Unit III:	1951 Refugee Convention	
Unit IV:	Role of ICRC and UNHCR	
Paper: II Subject: I	Disadvantaged Groups and Human Rights	Credits: 06 Paper Code: HRL 203
Unit I:	Women and Children	
Unit II:	Persons with Disabilities	
Unit III:	Rights of Indigenous group	
Unit IV:	Rights of Prisoners	

Paper: III Subject: Human Rights Education

Credits: 06 Paper Code: HRL 205

This will include Case studies and Practice in Human Rights Advocacy.

- Unit I: Human Rights Education: Global Perspective
- Unit II: Human Rights Education: Indian Perspective
- Unit III: Clinical Human Rights Education
- Unit IV: Case Studies: Identification and Techniques

Paper: IVCredits: 05Subject: Project Work / Practical Training

Project Work will be on some current topic of legal importance or inclusive of other disciplines. Practical training will be in the form of internship, organizing programmes etc.

Evaluation will be made by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

Paper: V Subject: Comprehensive Viva

Credits: 02 Paper Code: HRL 209

Viva voce will be conducted by a Board of Examiner comprising of Dean, Supervisor, senior most faculty member and an External Examiner with the approval of the Hon'ble Vice-Chancellor.

Fourth Semester

Course Code	Title	Credits
HRL-202	Dissertation and Viva*	25

Paper: I Subject: Dissertation and Viva

The evaluation of the Dissertation and Viva Voce will be conducted by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

<u>GROUP – II</u>

2nd to 4th Semester

ALTERNATIVE DISPUTE RESOLUTION (ADR)

Second Semester

Course Code	Title	Credits
ADR-102	Evolution and Concept of ADR	06
ADR-104	Arbitration Law in India	06
ADR-106	International Commercial Arbitration	06
ADR-108	Project Work / Practical Training	05
ADR-110	Comprehensive Viva	02

Paper: I Subject: Evolution and Concept of ADR

Unit – I:

- 1. What is a dispute?
- 2. Steps in the Emergence of disputes

Unit – II:

- 1. Party Responses to Disputes: Concede or Confront
- 2. Need for Alternative Dispute Resolution (ADR)

Unit – III:

- 2. Indian Perspective of ADR
- 3. International Perspective of ADR

Unit – IV:

- 1. Current Trends
- 2. Acceptability
- 3. Increasing Costs
- 4. Delay in Proceedings

Paper: II Subject: Arbitration Law in India

Unit – I:	Arbitration Law before 1996
Unit – II:	Arbitration Law after 1996
Unit III:	Enforcement of Foreign Awards; New York Convention; Geneva Convention
Unit – IV:	Concept and Law Relating to Lok Adalat

Paper: III Subject: International Commercial Arbitration

Credits: 06 Paper Code: ADR – 106

Unit – I

- 1. Meaning
- 2. International Commercial Agreements
- 3. Application of Indian Law

Unit – II: UNICITRAL MODEL LAW

Unit III: Institutional Arbitration

- 1. International Court of Arbitration
- 2. International Centre for ADR
- 3. The London Court of International Arbitration

Unit – IV: Recognition and Enforcement of International Arbitration Awards

Paper: IV Subject: Project Work / Practical Training

Project Work will be on some current topic of legal importance or inclusive of other disciplines. Practical training will be in the form of internship, organizing programmes etc.

Evaluation will be made by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

Paper: V Subject: Comprehensive Viva

Viva voce will be conducted by a Board of Examiner comprising of Dean, Supervisor, senior most faculty member and an External Examiner with the approval of the Hon'ble Vice-Chancellor.

Third Semester

Course Code	Title	Credits
ADR-201	Mediation	06
ADR-203	Conciliation and Negotiation	06
ADR-205	Practical Training in ADR Skills	06
ADR-207	Project Work / Practical Training	05
ADR-209	Comprehensive Viva	02

Paper: I Subject: Mediation

Unit – I: Mediation: Meaning and Scope

Unit – II: Techniques of Mediation

Unit III: Obligations of Mediators

Unit – IV: Mediation System in India

Paper: II Subject: Conciliation and Negotiation

Unit – I: Conciliation: Nature and Modes of Conciliation

- **Unit II:** Law Relating to Conciliation
- Unit III: Negotiation: Meaning, Significance and Art of Negotiation
- **Unit IV:** Practice of Conciliation and Negotiation in India

Unit – I: Choosing the Mode of Dispute Resolution

- Unit II: Identification of Ground Realities likely to affect the process
- Unit III: Developing Designers to Process a Case
- Unit IV: Case Studies

Paper: IV Subject: Project Work/Practical Training

Project Work will be on some current topic of legal importance or inclusive of other disciplines. Practical training will be in the form of internship, organizing programmes etc.

Evaluation will be made by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

Paper: V Subject: Comprehensive Viva

Viva voce will be conducted by a Board of Examiner comprising of Dean, Supervisor, senior most faculty member and an External Examiner with the approval of the Hon'ble Vice-Chancellor.

Fourth Semester

Course Code	Title	Credits
ADR-202	Dissertation and Viva	25

Paper: I Subject: Dissertation and Viva

The evaluation of the Dissertation and Viva Voce will be conducted by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

<u>GROUP – IV</u> 2nd to 4th Semester

INTERNATIONAL TRADE LAW

Second Semester

Course Code	Title	Credits
ITL-102	WTO and International Trade	06
ITL-104	Regulation of International Trade in India	06
ITL-106	Settlement of International Trade Disputes	06
ITL-108	Project Work / Practical Training	05
ITL-110	Comprehensive Viva	02

Paper: I Subject: WTO and International Trade Law

Unit I: Multilateral Agreements on Trade in Goods

Unit II: GATS

- Unit III: TRIPS Agreement
- **Unit IV:** Doha Round and aftermath

Paper: II Subject: Regulation of International Trade in India

- **Unit I:** Institutional Structure
- **Unit II:** Foreign trade (Development and Regulation) Act, 1992
- **Unit III:** Foreign Trade Policy
- **Unit IV:** Foreign Trade Procedures

Paper: III Subject: Settlement of International Trade Disputes

Unit I:	Consultations
Unit II:	Panel and appellate reviews
Unit III:	Good offices, conciliation and mediation; arbitration
Unit IV:	Compliance and enforcement

Paper: IV Subject: Project Work / Practical Training

Project Work will be on some current topic of legal importance or inclusive of other disciplines. Practical training will be in the form of internship, organizing programmes etc.

Evaluation will be made by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

Paper: V Subject: Comprehensive Viva

Viva voce will be conducted by a Board of Examiner comprising of Dean, Supervisor, senior most faculty member and an External Examiner with the approval of the Hon'ble Vice-Chancellor.

Third Semester

Course Code	Title	Credits
ITL-201	International Sale and Carriage of Goods	06
ITL-203	International Investment Laws	06
ITL-205	International Commercial Arbitration	06
ITL-207	Project Work* / Practical Training*	05
ITL-209	Comprehensive Viva*	02

Paper: I Subject: International Sale and Carriage of Goods

- **Unit I:** United Nations Convention on Contracts for the International Sale of Goods, 1980
- **Unit II:** Bills of Lading and other Shipping Documents
- **Unit III:** Documentary Credit and other Payment Arrangements
- Unit IV: International Contracts Claims before National Courts

Paper: II Subject: International Investment Laws

- **Unit I:** Bilateral Investment Treaties
- **Unit II:** Multilateral Investment Guarantee Agency
- **Unit III:** Agreement on Trade-Related Investment Measures
- **Unit IV:** Multilateral Agreement on Investment

Paper: III Subject: International Commercial Arbitration

- **Unit I:** UNCITRAL Arbitration Rules
- **Unit II:** ICC Arbitration Rules
- **Unit III:** ICSID Arbitration Rules
- Unit IV: Recognition and Enforcement of Agreements and Awards

Paper: IV Subject: Project Work / Practical Training

Project Work will be on some current topic of legal importance or inclusive of other disciplines. Practical training will be in the form of internship, organizing programmes etc.

Evaluation will be made by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

Paper: V Subject: Comprehensive Viva

Viva voce will be conducted by a Board of Examiner comprising of Dean, Supervisor, senior most faculty member and an External Examiner with the approval of the Hon'ble Vice-Chancellor.

Fourth Semester

Course Code	Title	Credits
ITL-202	Dissertation and Viva	25

Fourth Semester

Paper: I Subject: Dissertation and Viva Voce

Credits: 25 Paper Code: ITL 202

The evaluation of the Dissertation and Viva Voce will be conducted by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

<u>GROUP – V</u>

2nd to 4th Semester

CORPORATE LAW

Second Semester

Course Code	Title	Credits
CRL-102	Corporate Governance Laws	06
CRL-104	Competition and Consumer Protection Laws	06
CRL-106	Regulation of Capital Market and Foreign Investment	06
CRL-108	Project Work / Practical Training	05
CRL-110	Comprehensive Viva	02

Paper: I Subject: Corporate Governance Laws

Unit – I:	(1) (2)	Meaning and Principles of Corporate Governance Corporate Law in India
Unit – II:	(1) (2)	Insolvency and Corporate Distress Governance and Privatization of State owned Enterprises
Unit – III:	(1) (2) (3)	National Control and Regulation of Transnational Companies International Guidelines on Business Ethics for Multinational Companies Commercial Arbitration
Unit – IV:	(1)	Socio-Legal and Environmental Corporate Responsibility

Readings:

- 1. Smith and Keenan's, Company Law (2002)
- 2. Andrew Lidbetter, Company Investigations ad Public Law (1999)
- 3. Lord Mustill, Stencard C. Boyd Q.C., Commercial Arbitration (2001)
- 4. Saleem Sheikh & William Rees, *Corporate Governance & Corporate Control* (2002).
- 5. Relevant Legislation in India
- 6. Dr. Surendra Kumar Pachuri, The Impact of Environment Laws on Industry

Paper: II Subject: Competition Law and Consumer Protection Law		Credits: 06 Paper Code: CRL-104
Unit – I:	Competition: Basic Principles and Law	
Unit – II:	Competition Commission of India	
Unit – III:	International cooperation for competition	
Unit – IV:	Consumer Protection Act 1986	

Paper: III Subject: Regulation of Capital Market and Foreign Investment		Credits: 06 Paper Code: CRL-106
Unit – I:	Trends in regulation of capital markets	
Unit – II:	(1) Corporatization of stock exchanges(2) Role of SEBI and RBI	
Unit – III:	Policy framework for regulation of FDI	
Unit – IV:	Bilateral and multilateral investment agreements	

Paper: IV Subject: Project Work / Practical Training

Project Work will be on some current topic of legal importance or inclusive of other disciplines. Practical training will be in the form of internship, organizing programmes etc.

Evaluation will be made by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

Paper: V Subject: Comprehensive Viva

Viva voce will be conducted by a Board of Examiner comprising of Dean, Supervisor, senior most faculty member and an External Examiner with the approval of the Hon'ble Vice-Chancellor.

CORPORATE LAW

LL.M. (Third Semester)

Course Code	Title	Credits
CRL-201	Corporate Taxation	06
CRL-203	Banking & Insurance Laws	06
CRL-205	The Law of Corporate Finance and Securities Regulations	06
CRL-207	Project Work / Practical Training	05
CRL-209	Comprehensive Viva	02

- **Unit I:** Income Tax Act, 1961 profits and gains of business Capital Gains; assessment of Corporate bodies; exemptions to newly established industrial undertaking; rebates and relief given to them; deductions in respect of investment in certain new shares, deductions in respect some undertakings in rural backward and other areas; additional income tax on undistributed profits;
- **Unit II:** Sales Tax Statutes (relevant portion only)
- **Unit III:** Wealth Tax Act, 1957

Unit – IV: Law of excise and customs (relevant portions only)

Compulsory Readings:

- Singhania Vinod Kr. and Singhania Kapil, Direct Tax, Law and Practice, Taxmann's, ed. 40, 2008-09
- 2. Ahuja Dinesh and Gupta Ram, Systematic Approach to Income Tax, Bharat Publications, 2008-09
- 3. Chaturvedi and Pithisaria's, Income Tax Law, Wadhwa Publications, ed. 5
- 4. Supreme Court on Direct Tax, Taxman's Publications
- 5. Datey V.S., Central Excise Act, Law and Practice, Taxman's Publications, 2009
- 6. Datey V.S., Customs Law and Practice, Taxman's Publications, 2008-09
- 7. Datey, V.S., Elements of Central Sales Tax, Taxman's Publications, 2008
- 8. Schmithoff, Export Trade: Law and Practice of International Trade, Sweet & Maxwell, London, 2000
- 9. Palkhiwala N.A., Income Tax Act, V. 1 & 2, Butterworths Publications, 2008
- 10. Duggal Monica, Corporate Tax Plannings, RBSA Publishers, 2006
- 11. Corporate Taxation : Problem, Solutions & Explanations, LBD publications, 2008
- 12. Ahuja Girish and Gupta Ram, Simplified Approach to Corporate Taxation, Planning and Management, ed. 9, Bharat Publications, 2007-08

- Unit I: (i) Banking System in India: Development and Types
 - (ii) Banking Regulation Laws
- Unit II: (i) Lending Securities and Recovery
 - (ii) Banking Frauds
- Unit III: (i) (a) Nature of Insurance Contracts (b) Kinds of Insurance
 - (ii) Processing Insurance Claims
- Unit IV: (i) Insurance Regulatory and Development Authority: Constitution, Powers and Functions
 - (ii) Protection of Consumers under CPA

Readings:

- 1. Nainta R. P., Banking System : Frauds and Legal Control, Deep and Deep Publications, 2005
- 2. Mishra M. N., Law and Insurance, S. Chand and Company, 2008
- 3. Rangarajan C., Handbook of Insurance and Allied Laws
- 4. Tannan M. L., Banking Law and Practice in India, Eastern Book Company, ed. 21, 2007

Paper: III Subject: The Law of Corporate Finance and Securities Regulations

<u>UNIT – I:</u>

- (a). Public Issue of Shares
- 1. Prospectus
- 2. Remedies for misrepresentation
- 3. SEBI and Stock Exchange guidelines
- (b). Share Capital
 - (i) Nature and Kind of Shares
 - (ii) Transfer, Transmission, Surrender and forfeature of Shares
 - (iii) Purchase by Company of its own shares
 - (iv) Issue of shares at premium and discount
 - (v) SEBI Guidelines

<u>UNIT – II:</u>

- (a). Shareholders' Rights (Various rights of shareholders and variation of shareholders rights.
- (b). Debentures; Difference between Share and Debentures; Kinds of Debenture; Remedies of Debenture Holder; Company Charges.

<u>UNIT – III:</u>

- (a). Insider Trading; SEBI's Guidelines on Insider Trading
- (b). Securities and Exchange Board of India (SEBI): Constitution, Powers and Functions

<u>UNIT – IV:</u>

(a). Reconstruction, Amalgamation and Take Over: Provisions in Company Law and SEBI Guidelines

(b). Auditors:

- (i) Appointment, powers, duties and removal of auditors
 - (ii) Special Audit
 - (iii) Director Responsibility statement in Board Report
 - (iv) National Advisory Committee on Accounting Standards

Readings:

- 1. Gower's Principles of Company Law, Sweet & Maxwell Thomson, 2006
- 2. Smith and Keenon's Company Law, Pearson Education Ltd., 2009
- 3. Suman Gupta: Shareholder's Democracy: Fact or Fiction, Publication Division, University of Delhi, 1992
- 4. Companies Act, 1956
- 5. Verma J.C., Corporate Mergers, Amalgamations & Takeovers, Bharat Law House, 2008

Paper: IV Subject: Project Work/Practical Training

Credits: 05 Paper Code: CRL-207

Project Work will be on some current topic of legal importance or inclusive of other disciplines. Practical training will be in the form of internship, organizing programmes etc.

Evaluation will be made by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

Paper: V Subject: Comprehensive Viva

Viva voce will be conducted by a Board of Examiner comprising of Dean, Supervisor, senior most faculty member and an External Examiner with the approval of the Hon'ble Vice-Chancellor.

LL.M. PROGRAMME

4th Semester

Course Code	Title	Credits
CRL-202	Dissertation and Viva	25

Paper: I Subject: Dissertation and Viva Voce

The evaluation of the Dissertation and Viva Voce will be conducted by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

MASTER OF LAWS (LL.M.) PROGRAMME in the UNIVERSITY SCHOOL OF LAW AND LEGAL STUDIES Guru Gobind Singh Indraprastha University

The University School of Law and Legal Studies is starting the Master of Laws (LL.M.) programme from the ensuing Academic Session 2006-2007.

The details of the programme are given below:

Specializations offered at the first instance will be:

- 1. Intellectual Property Rights
- 2. Human Rights Law
- 3. Alternative Dispute Resolution (ADR)
- 4. International Trade Law
- 5. Corporate Law
- **Duration:** 02 years (Four Semesters: Regular teaching in three semesters and Dissertation in the fourth semester).
- **Intake:** 30 seats (10 seats reserved for foreign students)
- **Eligibility:** LL.B. Degree as required by the Bar Council of India for enrolment as an advocate or an equivalent law degree from a foreign university, in either case with not less than 55 % marks. Relaxation of 5% marks may be given in case of SC/ST and physically handicapped candidates.

Selection Pattern: Admission through Common Entrance Test covering the following subjects:

General Knowledge and English Language (30% marks), Jurisprudence, Constitutional Law, Law of

Torts, Criminal Law, Contract Law, Family Law, International Law (60% marks), and Current

Trends in Law (30% marks).