**Syllabus for LL.M. IPR**

**Paper – IV L4 RTDA2 C5**

**Subject: Nature, Emergence and Development of IPR Paper Code: IPR 107**

**UNIT – I: Introduction to Intellectual Property (Lectures 10)**

1. Concept & Meaning of Intellectual Property
2. Nature and Characteristics of Intellectual Property
3. Origin and Development of Intellectual Property
4. Kinds of Intellectual Property

## UNIT –II: Theories of Intellectual Property (Lectures 10)

1. Justification and Rationale for Protecting Intellectual Property
2. Balancing the Protection of IPR and Public Policy Objective
3. Theories of IPR:-
4. Natural Theory
5. Hegelian Philosophy (Personality Theory)
6. Lockes’ Theory of Property (Labour Theory)
7. Social Contract Theory
8. Social Planning Theory
9. Incentive Theory
10. Reward Theory
11. Prospect Theory
12. Schumpeterian Theory
13. Economic Theory

# UNIT – III: International Institutions and Basic International Conventions (Lectures 10)

1. Paris Convention for the Protection of Industrial property, 1883
2. The Berne Convention, 1886
3. TRIPS Agreement, 1994
4. International Institutions Concerned with Intellectual Property

# UNIT – IV: Contemporary Issues in IPR (Lectures 10)

1. Interface between IPR and Human Rights
2. Interface between IPR and Competition Law
3. IPR and sustainable development
4. The Impact of Internet on IPR
5. IPR Issues in Biotechnology
6. E-Commerce and IPR issues

**Text Books:**

1. David I. Bainbridge, *Intellectual Property*, Longman, 9th Edition, 2012
2. Peter Groves, *Sourcebook on Intellectual Property Law*, Routledge-Cavendish, 1997.

**References:**

1. Susan K Sell, Private Power, *Public Law: The Globalization of Intellectual Property Rights*, Cambridge University Press, 2003
2. N.S. Gopalakrishnan & T.G. Ajitha, *Principles of Intellectual Property*, Eastern Book Company,2nd Edition , 2014
3. Jayashree Watal,  *Intellectual Property Rights in the WTO and Developing Countries*, Oxford University Press, 2001
4. Lionel Bently & Brad Sherman, *Intellectual Property Law,* Oxford University Press, 3rd Edition, 2008
5. Peter Drahos, *A Philosophy of Intellectual Property*, Dartmouth Pub Co, 1996
6. Duggal Pavan, *Legal Framework on Electronic Commerce & Intellectual Property Rights*, Universal Publishing House, 2014
7. Paul Torremans, *Intellectual Property And Human Rights*, Kluwer Law International, 2008
8. Steven D Anderman, *Interface Between Intellectual Property Rights and Competition Policy*, Cambridge University Press, 2007.
9. Philippe Cullet, *Intellectual Property Protection and Sustainable Development*, Lexis Nexis, 2005

**Paper – V L4 RTDA2 C5**

**Subject: Law of Copyright Paper Code: IPR 109**

**UNIT – I: Introduction to Copyright (Lectures 10)**

1. **Introduction**
2. Evolution of Copyright Law in India
3. Nature and Scope of Copyright
4. Pre-requisites for Copyright
5. Copyright and its relationship with other IPRs
6. **International Conventions and Treaties**
7. Berne Convention for the Protection of Literary and Artistic Works, 1883
8. Universal Copyright Convention, 1952
9. TRIPS Agreement, 1994
10. WIPO Copyright Treaty, 1996
11. International Copyright Order, 1999

**UNIT –II: Subject Matters of Copyright (Lectures 10)**

1. Work in which Copyright Subsists
2. Authorship *vis- a vis* Ownership
3. Copyrights: Economic and Moral Rights
4. Duration of Copyright
5. Copyright Issues in Digital Environment
6. Assignment and Licensing

**UNIT – III: Limitations, Infringement & Enforcement of Copyright (Lectures 10)**

1. Limitation and Exceptions of Copyright
2. Infringement
3. Remedies
4. Enforcement of Copyright at National and International Level

**UNIT – IV: Neighboring Rights**  **(Lectures 10)**

1. Origin and Development
2. Rationale for Protection
3. Copyright vis-a vis Neighboring rights
4. International Treaties:
	1. Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations 1961
	2. Geneva Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms Phonograms Convention, 1971
	3. Brussels Satellites Convention, 1974
	4. TRIPS Agreement, 1994
	5. WIPO Performances and Phonograms Treaty, 1996
	6. Beijing Treaty on Audiovisual Performances, 2012
5. Performers Rights
6. Broadcasting organizations rights
7. Rights of the Producers of Phonograms
8. Economic and Moral Rights
9. Exceptions
10. Infringement and Remedies

**Text Books:**

1. Kevin Garnett, Jonathan Rayner James, Gillian, ***Copinger and Skone James on Copyright*, Sweet & Maxwell, London,** 2013
2. P. Narayanan, *Copyright and Industrial Designs*, Third Edition, Eastern Law House, New Delhi, 2007

**References:**

1. David Nimmer, Nimmer on Copyright, Lexis Nexis, 2010
2. W R Cornish, *Intellectual* *Property: Patents Copyright Trademarks and allied rights*, **Sweet & Maxwell, London,** 2010.
3. S. Sivakumar & Lisa P. Lukose, *Broadcasting Reproduction Right in India: Copyright and Neighbouring Right Issues,* ILI, New Delhi, 2013
4. A.K. Kaul & V.K.Ahuja, *Law of Copyright: From Gutenberg’s Invention to Internet*, University of Delhi, Delhi, 2001.
5. Ananth Padmanabhan, [*Intellectual Property Rights Infringement and Remedies*](http://www.lexisnexis.in/intellectual-property-rights-infringement-and-remedies.htm), Lexis Nexis, 2012
6. Mira Sundara Rajan, Moral Rights: Principles, Practice, and New Technology, Oxford University Press, 2011
7. Neil Weinstock Netanel, *Copyright's Paradox*, Oxford University Press, 2008.
8. Robert A Gorman, Jane C. Ginsburg, *Copyright Cases and Materials*, Foundation Press, 2011
9. Paul Goldstein , *International Copyright: Principles, Law, and Practice*, Oxford University Press, 2012

**Paper – VI L4 RTDA2 C5**

**Subject: Law of Patents Paper Code: IPR 102**

**UNIT – I: Introduction (Lectures 10)**

1. Evolution of Patents in India
2. International Treaties on Patents
3. Paris Convention
4. TRIPS
5. Budapest Treaty
6. PCT

**UNIT – II: Patentability and Procedures for Grant of Patents**  **(Lectures 10)**

1. Patentable and Non Patentable Inventions
2. Pre-requisites – Novelty, Inventive Step, Industrial Application
3. Prior Art, Anticipation, & Person Skilled in the Art
4. Procedures for Filling Application
5. Specifications – Provisional and Complete Specifications
6. Priority dates
7. Pre-Grant and Post Grant Opposition
8. Grant and sealing of Patents
9. Rights of Patentee
10. Term of Patent
11. Surrender and Revocation of patents
12. Restoration

**UNIT – III: Limitations, Exceptions & Infringements (Lectures 10)**

1. Licencing – Voluntary & Non –Voluntary
2. Assignment
3. Fair Use
4. Use and acquisition of inventions by Central Government
5. Parallel Imports
6. Claim Interpretations and Constructions
7. Infringements & Remedies

# UNIT – IV: Patent Authorities, Patent Agents & Emerging Issues (Lectures 10)

1. Controller General of Patents
2. Patent Examiners
3. Patent Agents
4. IPAB
5. Emerging Issues
6. Patents & Computer Programs
7. Business Methods & Utility Patents
8. Bio-Informatics Patents
9. Patent and Human Right Issues

**Text Books:**

1. Feroz Ali Khader, The Law of Patents*-With a Special Focus on Pharmaceuticals in India*, LexisNexis, 2nd Edition, 2011
2. Elizabeth Verkey, *Law of Patents*, Eastern Book Company, 2nd Edition, 2012

**References:**

1. Richard Miller, Guy Burkill, Hon Judge Birss, Douglas Campbell, Terrell on the Law of Patents, Sweet and Maxwell, 2010
2. Feroz Ali Khader, *The Touchstone Effect:The Impact Of Pre-Grant Opposition On Patents*, Lexis Nexis, 2009
3. [Donald S Chisum](http://www.amazon.com/s/ref%3Ddp_byline_sr_book_1?ie=UTF8&field-author=Donald+S+Chisum&search-alias=books&text=Donald+S+Chisum&sort=relevancerank), *Chisum on Patents* (17 Volumes),  Lexis Nexis, 2012
4. Janice M. Mueller, *Patent Law*, Wolters Kluwer, 2013
5. Martin J. Adelman et al., *Patent Law in a Nutshell*, West, 2013
6. Amy L. Landers, *Understanding Patent Law*, Lexis Nexis, 2012.
7. Ananth Padmanabhan, [*Intellectual Property Rights Infringement and Remedies*](http://www.lexisnexis.in/intellectual-property-rights-infringement-and-remedies.htm), Lexis Nexis, 2012

**Paper – VII L4 RTDA2 C5**

**Subject: Law of Trademark Paper Code: IPR 104**

**UNIT-I: Introduction (Lectures-10)**

1. Evolution of Trademark in India
2. Justification
3. International Treaties:
4. Paris Convention
5. Madrid Agreement and Protocol
6. NICE Agreement
7. Trademark Law Treaty
8. Singapore Law Treaty
9. TRIPS
10. Kinds of Trademarks: Registered and Unregistered Trademarks, Conventional & Non-Conventional Trademarks, Service Mark, Collective Marks, Certification Marks, Well Known Trademarks

**UNIT-II: Registration of Trademarks (Lectures-10)**

1. Pre-requisites
2. Absolute and Relative Grounds for Refusal of Registration
3. Concept of Deceptive Similarity and its Applicability in Registration
4. Procedure for Registration
5. National and International Registration

**UNIT-III: Commercial Exploitation of Trademarks and IPAB (Lectures-10)**

1. Rights of Proprietor
2. Assigment, Licensing and Transmission of Trademark
3. IPAB

**UNIT-IV: Infringement and Passing off (Lectures-10)**

1. Infringement
2. Goodwill and Passing off
3. Remedies
4. Trademark Issues in Cyberspace

**Text Books:**

1. K C Kailasam and Ramu Vedaraman, *Law of Trademarks including International Registration under Madrid Protocol and Geographical Indications*, Lexis Nexis, 2013
2. A. K. Bansal, Law *of Trademark in India*, Thomson & Reuter, 2014

**References:**

1. David T Keeling, David Llewelyn, *Kerley’s law of Trade Marks and Trade Names, Sweet and Maxwell*, 15th Edition , 2014.
2. Narayanan, *Trade Marks and Passing Off,* Eastern Law House, 2004
3. Ananth Padmanabhan, [*Intellectual Property Rights Infringement and Remedies*](http://www.lexisnexis.in/intellectual-property-rights-infringement-and-remedies.htm), Lexis Nexis, 2012
4. Christopher Wadlow, *The Law of Passing Off: Unfair Competition by Misrepresentation*, Sweet and Maxwell, 2011.
5. David Lindsay, *International Domain Name Laws*, Hart Publishing, 2007.

**Paper – VIII L4 RTDA2 C5**

**Subject: Law of Designs, Layout Designs and Paper Code: IPR 106 Geographical Indications**

**UNIT-I: Industrial Designs**  **(Lectures-10)**

1. Introduction
2. Evolution
3. Justification
4. International Treaties
5. Paris Convention
6. Hague Agreement
7. Locarno Agreement
8. TRIPS
9. Industrial Design Act, 2000
10. Interface Between Design, Copyrights and Trademarks

**UNIT-II: Semiconductor and Layout Designs (Lectures-10)**

1. Introduction
2. Evolution
3. Justification
4. International Treaties:
5. Washington Treaty
6. TRIPS
7. The Semiconductor Integrated Circuits Layout-Designs Act, 2000

**UNIT III: Geographical Indications-I (Lectures-10)**

1. Introduction
2. Evolution
3. Justification
4. International Treaties:
5. Paris Convention
6. Madrid Agreement
7. Lisbon Agreement
8. TRIPS Agreement

**UNIT-IV: Geographical Indications-II (Lectures-10)**

1. Protection of GI at National Level
2. Geographical Indication of Goods (Protection & Registration) Act, 1999
3. Higher Level of Protection of GIs and TRIPS, Article 23 Controversy
4. Genericides of Geographical Indications

**Text Books:**

1. Ashwani Kumar Bansal, Design Law, Universal Law Publishing Company, 2012.
2. Latha R Nair & Rajendra Kumar, *Geographical Indications: A Search For Identity,* Lexis Nexis*,* 2005

**References:**

1. Tapan Kumar (Ed.), *WTO, TRIPS and GIs*, New Century Publications, 2014
2. Dev Gangjee*, Relocating the Law of GI,* Cambridge University Press, 2012
3. K C Kailasam and Ramu Vedaraman, *Law of Trademarks including International Registration under Madrid Protocol and Geographical Indications*, Lexis Nexis, 2013

**Paper – IX L4 RTDA2 C5**

**Subject: Protection of Plant Varieties & Traditional Knowledge Paper Code: IPR 106**

**UNIT – I: Introduction Lectures-10)**

1. Introduction to Plant Varieties – Law& Science
2. Evolution of Plant Patents & Plant Varieties Protection
3. Justification for IP Protection
4. UPOV
5. Essential Requirements- NDUS
6. Kinds of Varieties
7. Registration of Varieties

**UNIT – II: Rights, Limitations & Infringement (Lectures-10)**

1. Exclusive Rights
2. Breeders’ Rights v. Farmers’ Rights
3. Researcher’s Rights; Farmers’ rights and Rights of Communities
4. Compulsory Licence
5. Benefit Sharing
6. Infringement & Remedies

**UNIT – III: Traditional Knowledge (TK) (Lectures-10)**

1. Meaning, Nature and Characteristics
2. Need for protection of TK
3. Equity Considerations
4. Conservation Motive
5. Preservation of Traditional Practices and Cultures
6. For Indigenous Peoples’ Participation in Development Process
7. To Facilitate Access
8. For the Conservation of Environment and Management of Bio Diversity
9. International Initiatives on TK Protection
10. Rio Declaration on Environment and Development (1992)
11. The Convention on Biological Diversity, 1992
12. Bonn Guidelines on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising out of their Utilization, 2002
13. International Treaty on Plant Genetic Resources for Food and Agriculture, 2001
14. The FAO International Code of Conduct for Plant Germplasm Collecting and Transfer, 1993
15. Convention Concerning Indigenous Peoples in Independent Countries, 1986
16. Declaration of Principles of the World Council of Indigenous Peoples, 1984
17. Kari-Oca Declaration and the Indigenous Peoples’ Earth Charter, 1992
18. The Mataatua Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples, 1993
19. Doha Ministerial Declaration, 2001
20. UN Declaration on the Rights of Indigenous Peoples, 2007
21. The Nagoya Protocol, 2010
22. Other TRIPS Plus initiatives
23. International bodies and Institutions responsible for the Protection of TK

**UNIT – IV: Traditional Knowledge and IPR (Lectures -10)**

1. Interface between IPR & TK
2. Protection of Traditional Knowledge under the Existing Modes of Intellectual Property and Issues thereof
3. Concepts of Prior Informed Consent (PIC) and Agreement to befit sharing (ABS)
4. National Initiatives
5. Defensive protection of TK through legislative efforts: Constitutional Provisions, The Biological Diversity Act, 2002; Protection of Plant Varieties and Farmers’ Rights Act, 2001; The Patent Amendment Acts 2002 and 2005; The Geographical Indications of Goods (Registration and Protection) Act, 1999 ;The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 etc.
6. TKDL
7. Need for a *sui generis* protection

**Text Books:**

Elizabeth Verkey, *Law of Plant Varieties Protection*, Eastern Book Company, 2007

**References:**

Anthony J. Stenson and Tim S. Gray, *The Politics of Genetic Resource Control,* Macmillan Press Ltd., London, 1999

Brush S.B & D. Stabinsky (ed.), *Valuing Local Knowledge- Indigenous people and Intellectual Property Rights*, Island Press, Covelo, California, 1996

Carlos M Correa, *Traditional knowledge and Intellectual Property, Issues and Options Surrounding the Protection of Traditional Knowledge*, Quaker United Nations Office, Geneva, 2001

1. David Downes, *Using Intellectual Property as a Tool to Protect Traditional Knowledge: Recommendations for Next Steps*, Center for International Environmental Law, Washington, DC, 1997

P. Drahos and M. Blakeney (ed.), *Perspectives on Intellectual Property: IP in Biodiversity and Agriculture,* Sweet and Maxwell, London, 2001

1. Vandana Shiva, *Biopiracy: The Plunder of Nature and Knowledge,* South Press, 1997
2. Vandana Shiva, *Protect or Plunder: Understanding Intellectual Property Rights*, Zed Books Ltd., London, 2001
3. S. K. Verma & Raman Mitttal (ed.), *Intellectual Property Rights a Global Vision*, Indian Law Institute, New Delhi, 2004

**Paper – X C 10**

**Subject: Dissertation Paper Code: GEN 110**

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.