

DIPLOMA COURSE IN INTELLECTUAL PROPERTY RIGHTS LAW

Eligibility for Admission :

To be eligible for admission, the candidate must be a graduate of any faculty either of this university or of any other university, whose degrees are recognized as equivalent to the corresponding degrees of this University.

Duration of the Course :

Duration of the course shall be one academic year commencing from June only.

Medium of Instruction :

The medium of Instruction at the Diploma course in Intellectual Property Rights Law shall be English

Examination :

The examination shall be held at the end of the every academic year, on the dates to be announced by the University. Second half examination may be held in case of students who have failed.

Standard of Passing or exemption :

- a. Each paper shall carry 100 marks.
- b. The standard of passing for the Diploma course in Intellectual Property Rights Law is 35% marks in individual paper/subject and 50% marks in aggregate. The candidate obtaining between 50% and 54% marks will be declared to have passed in SECOND CLASS, between 55% and 59% marks shall be placed in HIGHER SECOND CLASS. The candidate obtaining between 60% and 69% marks will be declared to have passed in FIRST CLASS. The candidate obtaining 70% marks and above will be declared to have marked in FIRST CLASS WITH DISTINCTION.

Candidate who obtains atleast 50% of the full marks in a paper shall at his option, be exempted from that paper at subsequent examination. He / She shall, however, have to pass in the remaining paper or papers in accordance with standard of passing laid above, such exemption is for six years only.

**Course in
Intellectual Property Rights Law**

- Paper I – Patent Law
 Paper II – Copyright and Neighbouring Rights
 Paper III – Trade Mark
 Paper IV – Industrial Designs, Geographical Indications and Layout designs of Intergrated Circuits
 Paper V – Dissertation or Research or work or Project work or Important dicisions of supreme court and Vivo-voce.
- Distribution of Marks–
 Journal – 80 Marks
 Viva-Voce – 20 Marks

**Paper I
Patent Law**

The subject will be discussed in the context of the Indian Patent Law- the patents Act, 1970, the patents (amendment) Act, 2002; International Treaties/conventions: Paris convention, PCT and the TRIPS Agreement; Important regional arrangements.

It will deal with :

Historical and economic background of the Inidan patent system in the global context

Patenatable subject matters – issue of discovery, computer software, aesthetic creation etc.

Inventions specifically excluded from patentability – public order, morality, animals, and plants.

Patentability Criteria – novelty, non obviousness or inventive step and Industrial applicability or usefulness.

Procedure of filling patent applications, patent specification, ownership and assignment.

Content of patents rights.

Patents granting procedure.

Revocation; patent infringement and remedies including execution of judgements.

Utility models, short-term patents or petty patents.

Concept of Intellectual property.

Nature of Intellectual property.

Commercial exploitation of Intellectual property.

Enforcement of rights and remedies against Infringement.

Intellectual property and economic development.

International character of Intellectual property.

References will also be made to important Indian court cases on the subject.

Paper – II

Copyright and Neighbouring Rights

The paper will relate to the Copyright Act, 1957 (as amended in 1999); Berne Convention, Universal Copyright Convention, Rome Convention, WIPO Copyright Treaty and the WIPO performances and Phonograms Treaty, 1996 and the TRIPS Agreement. The paper will cover :

Historical and economic background.

Copyrightable works, literary, artistic, scientific works, computer software, works of applied art, etc.

Content of right including exceptions (for example, fair use); Rights accorded and their contents—moral rights, economic rights and their limitations.

Ownership and transfer of copyright, duration of right, renewal and termination, data base protection.

Neighbouring rights—the rights of performing artists, phonogram producers and broadcasting organisations.

Folklore and folk rights.

Broadcasting rights including satellite and cable distribution

Infringement actions, defences and reliefs including execution of judgements.

Paper – III

Trademark

This paper will be discussed in the context of the trade and Merchandise Marks act, 1958. Trade Marks Act, 1999 : the Paris Convention ; Madrid Agreement : Nice Agreement and the TRIPS Agreement. It will deal with:

Historical and economic background of trade marks.

Kinds of Marks, eg. Trademarks, service and collective marks, associated marks, certification marks;

What can be protected as a mark? Protection requirements-content of the right including the issue of exhaustion of rights.

Trade names and appellations of origin.

Assignment and licensing and other forms of exploitation.

Infringement, right of goodwill, passing off, filching of trade secrets, and execution of judgements.

Domain names and effects of new technology (Internet) on enforcement of trade and service marks.

Paper – IV**Industrial Designs, Geographical Indications and Layout-designs of Integrated Circuits.**

The paper will relate to the Designs Act, 2000, the Geographical Indications of Goods (Registration and Protection) Act, 2000. The Semiconductor Integrated Circuits Layout-Design Act, 2000 and the TRIPS Agreement.

Economic background of designs.

Subject-matter of protection : relationship with copyright protection.

Requirements to qualify as an industrial design, i.e. pattern., shape ornamentation, articles, appeal to eye, novelty, originality, intention to multiply industrially.

Aesthetic design and functional design

Procedure for obtaining design protection and keeping its enforceability

infringement and revocation

Remedies

International arrangements.

Geographical Indications :

Definition of Geographical indications.

Conditions and procedure for registration.

Duration and effect of registration.

Offences, penalties and procedure for seeking relief.

Layout-designs of integrated circuits :

Conditions and procedure for registration.

Duration and effect of registration

Registered users, assignment and transmission.

Readings :

1. Anderfelt, Ulf – International patent Legislation and Developing Countries. (1971)
2. Bainbridge, D.I. – Intellectual Property, 1992.
3. Bodenhausen, G.H – Guide to the Application of the paris Convention.
4. Cornish, W.R. – Intellectual Property : patents, Copyright, Trademarks and Allied Rights, 2nd ed. 1999.
5. Jhala, H. M. – Intellectual Property and competition law in India with special reference to patents, trade marks, copyrights and know-how contracts, 1985.
6. Merges, Robert P & Ors. – Intellectual Property in the new technological age. 1997.
7. Mittal, D.P. – Indian Patents Law...Cal.,E.L. Hse., 1997.
8. Narayana.P. – Intellectual Property Law, 2nd ed. Cal., E.L., Hse., 1997.
9. Philips,J. & Firth, Alison – Introduction to intellectual Property Law, 2nd ed. 1990.
10. Sterling, J.A.L. – Intellectual Property Rights in Social Recordings, Films & Video : Protection of Phonographic and Cinematographic recordings and work in National and International Law, 1992.

11. Vashishth, V. – Law & Practice of Intellectual Property in India, New Delhi, Bharat, 1999.
12. Wadehra, B.L. – Law relating to patents, Trade Marks, Copyright Designs & Geographic indications. 2nd ed. Intellectual Property Law Handbook, 1999.

Intellectual Property Rights Law

The aims of the course are :

To impart systematic knowledge of the basic notions of the intellectual property laws in the overall context of WTO/TRIPS rules on intellectual property rights :

To enhance the professional competence and operational efficiency of the students in the field of intellectual property law; and

To acquaint students with the importance and main functions of the intellectual property rights in the national and interantional context.

The Course will cover important international conventions on intellectual property rights-paris Convention, Berne Convention, Rome Convention, Madrid Agreement, WTO/TRIPS Agreement as well as the Indian law of patents, copyright and neighbouring rights trademarks; industrial designs, etc.