

Specialisation Course VI: **Intellectual Property Law**

Objectives:

Intellectual Property law has assumed great importance in contemporary times. The creations of human brain require protection in the interest of the creator and also society. The domestic legislations have undergone tremendous change to harmonise with the changing needs and global requirements. A modern lawyer should be well equipped with the legal regime applicable to intellectual property. He should have a vast field of knowledge varying from conceptual clarity to the skills of drafting to the processual intricacies involved. The course is designed to equip the students accordingly.

Course contents:

Unit I

Introduction to Intellectual Property Rights: Concept and kinds; Justifications for legal protection; Intellectual Property and monopoly; TRIPs and IPR Regime; TRIPs and its Impact on India; World Intellectual Property Organization: functions and policies; WTO and Dispute Settlement Mechanism

Unit II

Law of Copyright (Copyright Act, 1957): Meaning and nature of copyright; Subject matter of copyright; Registration of copyright; Rights of copyright owner and licensee; Infringement of copyright and remedies; Neighboring Rights: right of performing artists, broadcasting organizations, broadcasting rights including satellite and cable distribution; Salient Features of International Conventions and Agreements for the Protection of Copyright: WTO/TRIPS Agreement 1993, The Berne Convention, Universal Copyright Convention, The Rome Convention, WIPO Copyright Treaty 1996 and WIPO Performances and Phonogram Treaty, 1996.

Unit III

Law of Trade and Merchandise Marks (Trade Marks Act, 2000): Meaning and nature of trade mark; Registration of Trade Marks: procedure and effect of registration, limitation, prohibition against registration. Certification of Trade Marks, foreign trade mark; Licensing and Assignment: Passing of and infringement, rights of owner, rights of licensee, remedies of infringement of trade mark; Salient Features of International Conventions and Agreements for Protection of Trade Mark : Paris Convention for the Protection of Industrial Property 1883, Madrid Agreement 1891, Nice Agreement 1957 and WTO/TRIPS Agreement 1993.

Unit IV

Law of Patent (The Patents Act, 1970): Basic concepts of patent, meaning, nature and kinds of patent; Procedure for registration of patents, patent agents, patent of addition, international patents; Rights and obligations of a patentee, assignment and surrender, notion of abuse of patent rights; Enforcement of patent, government use of invention, compulsory licences, licences of right and revocation for non-working, grounds of revocation of a patent; Infringement of patent, remedies for infringement, threat of infringement; Patents

Amendments; Salient Features of International Conventions and Agreements for Protection of Patents: Paris Convention for the Protection of Industrial Property 1883, WTO/TRIPS Agreement 1993, Patent Co-Operation 1970.

Unit V

Law of Designs: Basic concept, nature of rights, process of registration, transfer of interest or rights, action for infringement and reliefs and remedies. **Geographical Indication of Goods Act, 1999:** Salient Features; **Confidential Information:** Historical development and conceptual basis, unauthorized use and Remedies; **Trade secrets:** Technical know-how, misuse and piracy. **Semiconductor Integrated Circuits Layout-Design Act, 2000:** Salient Features.

Book Prescribed:

1. P. Narayanan. Intellectual Property Law, Eastern Law House, New Delhi and Kolkota (2005).
2. W. R. Cornish, Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights, Universal Law Publishing Co, Pvt. Ltd., Delhi (2001).
3. P. Narayana, Copyright and Industrial Design, 3rd Edn., Eastern Law House, New Delhi and Kolkota (2002).
4. P. Narayanan, Patent Law, 4th Edn., Eastern Law House, New Delhi and Kolkota (2006).

Suggested for Reading:

1. Elizabeth Verkey, *Law of Patent* (Eastern Book Company, Lucknow, 2005).
2. Holyoak and Torremans, *Intellectual Property Law* (Oxford University Press, New York, 2010).
3. J.A.L. Sterling, *World Copyright Law* (Sweet and Maxwell, London, 2009).
4. Janice M. Mueller, *Patent Law* (Wolters Kluwer Law and Business, New York, 2009).
5. Jeremy Philips and Alison Firth, *Introduction to Intellectual Property Law* (Lexis Nexis, Butterworths, UK, 2001).
6. Kailasam and Vedaraman, *Law of Trade Marks and Geographical Indications* (Wadhwa, Nagpur, 2009).
7. Lionel Bentley and Brad Sherman, *Intellectual Property Law* (Oxford University Press, New Delhi, 2003).
8. Mira T. Sundara Ranjan, *Moral Rights* (Oxford University Press, New Delhi, 2001).
9. Richard Arnold, *Performers' Rights* (Sweet and Maxwell, London, 2004).
10. Srikanth Venkataraman, *Understanding Design Law* (Universal Law Publishing Co. Pvt. Ltd, New Delhi, 2008).
11. V.K. Ahuja, *Intellectual Property Rights in India* (Lexis Nexis, Butterworths, Wadhwa, Nagpur, 2009).
12. William Cornish and David Llewelyn, *Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights*, Sweet and Maxwell, London (2003).
13. Hilary E. Pearson and Clifford G. Miller, *Commercial Exploitation of Intellectual Property*, Universal Law Publishing Co. Pvt. Ltd., Delhi (1997).

14. Ranabhir Singh, Law Relating to Intellectual Property, Vols. 1-3, Universal Law Publishing Co. Pvt. Ltd., Delhi.
15. Carlos M. Correa, Intellectual Property Rights, the WTO and Developing Countries: The TRIPs Agreement and Policy Options, Zed Books, Third World Network, Penang Malaysia (2000c).
16. B.L. Wadehra, Law Relating to Patents, Trade Marks, Copyright, Designs and Geographical Indications
17. Melville B. Nimmer, and Paul Edward Geller, International Copyright Law and Practice, Mathew Bender and Co., (1998).
18. Sam Ricketson, The Berne Convention for the Protection of Literary and Artistic Works: 1886 – 1986, Kluwer London (1987).
19. Andrew Christie, Integrated Circuits and their contents: International Protection, Sweet and Maxwell, London, (1995).