

## 5.1 COURSE – I, **HONS.-I: INTELLECTUAL PROPERTY RIGHTS -I**

### **Objectives:**

Intellectual Property Law has assumed a great importance in recent times as a result of the recognition that “knowledge is property”. The creations of the human brain as IP are required to be understood and protected. The syllabi encompassing all relevant IP legislations in India with a view to understand and adjust with changing needs of the society because creative work is useful to society and law relating to innovation/creativity i.e. Intellectual Property is one of the fastest growing subjects all over the globe because of its significance and importance in the present era. Disseminate information on national and international IPR issues. The course is designed with a view to create IPR consciousness; and familiarize the learners about the documentation and administrative procedures relating to IPR in India.

### **Course contents:**

#### **UNIT I**

Overview of the concept of property, Industrial property and non-industrial property, Historical background of IPR theories relating to IPR, Different forms of IP and its conceptual analysis, Need for protecting IPR.

#### **UNIT II**

**Patents:** Introduction and overview of patent protection, History of Patent protection, definition of invention and new invention, basic requirements of patent protection, Object of and scope patent protection, salient features of the Patent Act, difference between product patent and process patent, Procedure to obtain patent- non-patentable inventions, filing of patent applications, specifications, opposition proceeding and grant of patents; Rights and obligations of patentee, Transfer of Patent Rights- voluntary and compulsory licences, Government use of inventions, Revocation and surrender of patents, Infringement of Patents and remedies, Offences and Penalties.

#### **UNIT-III**

**Trade Marks:** Introduction and overview of trademark, Evolution of trade mark law, Object and scope of trade mark protection, Features of good trade mark, Different forms of trade mark, Trade mark registry and register of trademarks, basic requirements of trademark protection- Registrable and non-registrable marks, procedure, term of protection; Assignment franchising and transmission, Rectification of register, Infringement of trade mark and remedies, Offences and penalties.

Passing off action- essential requirements, defences and remedies.

#### **UNIT-IV- Geographical Indication of Goods**

History of geographical indication of goods protection, meaning of geographical indication of goods, Nature and scope of protection, salient features of The Geographical Indications of Goods (Registration and Protection) Act, 1999 - procedure for obtaining geographical

indication protection, registration, right to use the geographical indication tag, infringement and remedies, role and functions of Registrar of geographical indications, conflict between Trademark and geographical indications.

## **UNIT V**

International Convention and Treaties: Paris Convention: Background; Salient features of Paris Convention; Governing rules of Paris Convention; Patent Cooperation Treaty: Background; Objectives of PCT; Salient features of PCT; Madrid Convention: Salient features; International registration of marks; Relevant provisions of TRIPS Agreement 2005- Impact of TRIPS on Indian IPR regime, World Intellectual Property Organisation- Background, Salient features WIPO, Organisation of WIPO and its functions.

### **Prescribed Books:**

1. Elizabeth Verkey, Intellectual Property Rights, Eastern Book Company, 2007.
2. V. K. Ahuja, Intellectual Property Rights, Lexis Nexis, New Delhi.
3. W.R. Cornish, Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights, Universal Law Publishing Co. Pvt. Ltd., Delhi (2001).
4. Ranabhir Singh, Law relating to Intellectual Property, Vols. 1-3, Universal Law Publishing Co. Pvt. Ltd., Delhi.

### **Reference Books:**

1. Peter Drahos, *A Philosophy of Intellectual Property* (Dartmouth Publications Co., 1996).
2. Campbell, Dennis and Susan Cotter (Eds.) *International Intellectual Property Law: Global Jurisdictions* (John Wiley & Sons, UK, 1996).
3. P. Narayanan, *Intellectual Property Law* (Eastern Law House, New Delhi and Kolkota, 4th edn., 2020).
4. Prabuddha Ganguly, *Intellectual Property Rights: Unleashing the Knowledge Economy* (Tata McGraw-Hill Publishing Company Limited, New Delhi, 2001).
5. Jayashree Watal, *Intellectual Property Rights in the WTO and Developing Countries* (Oxford University Press, New Delhi, 2001).
6. N.S. Gopalakrishnan and T.G. Ajitha, *Principles of Intellectual Property* (Eastern Book Company, 2<sup>nd</sup> edn., 2014).