

OPTIONAL PAPER: INTELLECTUAL PROPERTY RIGHTS-II

Objectives:

The Laws relating to Intellectual Property are recent one. In view of the important developments that have taken place in the globalized world, the course is designed to understand the concept of copyright, design, plant variety and biodiversity. To understand and become familiar with the system of Intellectual Property, the students are required to study the subject by going through the basic concepts of intellectual property and national and international legal regimes governing them in a right perspective.

Course contents:

UNIT I

Indian Copyright Law: Evolution of copyright law; Object of copyright protection; meaning and nature of copyright: Subject matter of copyright; Neighbouring/Related rights; Computer software and copyright protection; Term of copyright; Author and ownership of copyright; Rights conferred by copyright; Assignment; Transmission; Licences; Infringement of copyright; Acts not amounting to Infringement or permitted Acts; Remedies against infringement of copyright.

UNIT II

Biological Diversity Law: Meaning, Nature and Significance of Biodiversity; Salient features of Biological Diversity Act 2002; Objects of the Act; Regulation of access to Biological Diversity; PBRs; Farmers' Rights; Indigenous Peoples Rights and Community Rights; offences and penalties; National Biodiversity Authority; Functions and powers of Biodiversity Authority; State Biodiversity Board; Biodiversity Management Committee and its functions;

UNIT III

Protection of Plant Varieties and Farmers Rights Law: Meaning and Nature of plant variety; Salient features of Protection of Plant Varieties and Farmers Rights

Act, 2001; Types of variety, Conditions for the registration of plant variety; Procedure for registration; Rights and privileges; Benefit sharing; Compensation to communities; National Gene Fund; Infringement; Relief against infringement; Plant varieties and Farmers Rights Protection Authority; Plant Variety Appellate Tribunal; Powers of Central and State Governments under the Act.

UNIT IV

Designs Law: Basic Principles of designs; Salient Features of Designs Act, 2000; Registrable and Non-registrable designs; Procedure for registration; Rights conferred by registration; Copyright in registered designs; Infringement; Remedies; Powers and duties of Controller;

UNIT V

Salient Features of International Legal Instruments: Paris Convention for the Protection of Industrial Property, 1883 (Relevant Provisions), TRIPs Agreement (Relevant Provisions); Berne Convention; Convention on Biological Diversity; Hague Industrial Design Treaty, 1995; International Treaty on Plant Genetic Resources (“ITPGR”).

Prescribed Books:

1. V.K. Ahuja, Intellectual Property Rights, Lexis Nexis, New Delhi.
2. William Cornish and David Llewelyn, Intellectual Property: Patents, Copyright, Trademark and Allied Rights, Sweet & Maxwell, London (2003).
3. Elizabeth Verky, Intellectual Property, Eastern Book Publication Co., Nagpur.
4. Lionel Bently and Brad Sherman, Intellectual Property Law, Oxford University Press, 3rd edn., (2008).

Reference Books:

1. Philippe Cullet, Intellectual Property Protection and Sustainable Development, Lexis Nexis (2005).
2. Watal Jayashree, Intellectual Property Rights in the World Developing Countries (Oxford University Press, New Delhi (2001).
3. Ganguli, Prabuddha, Intellectual Property Rights: Unleashed the knowledge Economy, Tata Mc Graw Hill Publishing Co., (2001)

4. E.P. Skone James *et al.*, Copinger & Skone James on Copyright, 16th Edition, Sweet & Maxwell, London (2013).
5. P.Narayanan, Copyright and Industrial Design, Eastern Law House, New Delhi, 3rd edn., (2002).
6. N.S.Gopalkrishnan & T.G.Ajitha, Principles of Intellectual Property, Eastern Book Co., 2nd edn., (2014).