

PAPER 4: SPECIALISATION PAPER-I:
CONCEPTUAL STUDY OF INDUSTRIAL AND
INTELLECTUAL PROPERTY RIGHTS

Objectives:

This paper focuses on the conceptual analysis of industrial property in different forms and at different times. Taking into account the industrialisation and post-industrialisation era in which, a shift has occurred in the concept and meaning of property and specifically intellectual property.

Course Outcomes:

On successful completion of the course the student will be able to –

1. understand the meaning of property and the nature of intellectual property
2. Examine the evolution of Law of intellectual property from case to case.
3. differentiate industrial property from non- industrial property
4. analyze court decisions that set forth and changed the law of intellectual property.

Contents

UNIT: I – Meaning and nature of property and intellectual property, characteristics of industrial property and non-industrial property and intellectual property, comparison and distinction between the industrial and non-industrial (intellectual property); Origin and Development of Intellectual Property.

UNIT – II: Need for intellectual property rights; rationale for protection of IPR; Theories of IPR: Natural Law Theory, Hegelian Philosophy (Personality Theory), Lockes’ Theory of Property (Labour Theory), Incentive Theory, Reward Theory, Prospect Theory, Schumpeterian Theory.

Impact of IPR on Development, health, agriculture and generic resources; impact on traditional life styles, indigenous peoples and farmers.

UNIT – III: Different types of industrial property; Salient features of national legal regime on Industrial property: The Patents Act, 1970, the Trade Marks Act, 1999 and Designs Act, 2000; Highlights of international instruments such as TRIPs, and Paris Convention.

UNIT – IV: Salient features of national legal regime on Copyright and allied rights. Highlights of international instruments such as TRIPs Agreement, and Berne Convention.

UNIT-V: Introduction of new forms of intellectual property rights in India after TRIPs Agreement: Salient features of the Geographical Indications of Goods (Registration and Protection) Act, 1999 and Protection of Plant Varieties and Farmers’ Rights Act, 2001; Trade secrets; Integrated circuits.

Prescribed Books:

1. W.R. Cornish, Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights, Universal Law Publishing Co. Pvt. Ltd., Delhi (2001).
2. Lionel Bently & Brad Sherman, Intellectual Property Law, Oxford University Press, 3rd edn., 2008.
3. Ranabhir Singh, Law Relating to Intellectual Property, Vols. 1-3, Universal Law Publishing Co. Pvt. Ltd., Delhi.
4. Jayashree Watal, Intellectual Property Rights in the WTO and Developing Countries, Oxford University Press, New Delhi (2008).
5. Elizabeth Verky, Intellectual Property, Eastern Book Publication Co., Nagpur.
6. V. K. Ahuja, Intellectual Property Rights, Lexis Nexis, New Delhi.
7. N.S. Gopalakrishnan & T.G. Ajitha, Principles of Intellectual Property, Eastern Book Company, 2nd edn., 2014.

Reference Books:

1. Peter Drahos, A Philosophy of Intellectual Property, Dartmouth Publications Co., 1996.
2. William Cornish and David Llewelyn, Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights, Sweet and Maxwell, London (2003).
3. Campbell, Dennis and Susan Cotter (Eds.), International Intellectual Property Law: Global Jurisdictions, John Wiley & Sons, UK (1996).
4. D'Amato and Anthony, International Intellectual Property Anthology, Anderson Publishing Co., Cincinnati, Ohio (1996).
5. Doern and G. Bruce, Global Change and Intellectual Property Agencies: Institutional Perspective, Pinter, London and New York (1999).
6. R.M. Gadbar and T.J. Richards, Intellectual Property Rights: Global Consensus, Global Conflicts?, Westview Press, Boulder, Colorado (1998).
7. Alan S. Guterman and Bentley J. Anderson, Intellectual Property in Global Markets, Kluwer Law International, London, The Hague, Boston (1997).
8. Hilary E. Pearson and Clifford G. Miller, Commercial Exploitation of Intellectual Property, Universal Law Publishing Co. Pvt. Ltd., Delhi (1997).
9. P. Narayanan, Intellectual Property Law, 4th edn., Eastern Law House, New Delhi and Kolkata (2006).
10. Prabuddha Ganguly, Intellectual Property Rights: Unleashing the Knowledge Economy, Tata McGraw-Hill Publishing Company Limited, New Delhi (2001).
11. Bibek Debroy (Ed.), Intellectual Property Rights, B.R. Publishing Corporation (India) Ltd. (1998).
12. Guttina Leela (Ed.) and V.C. Vivekanandan (Series Ed.), International Treaties and Conventions on IPR, Module IV, NALSAR Proximate Education, NALSAR University of Hyderabad.
13. Daniel Gervais, The TRIPs Agreement: Drafting History and Analysis, Sweet and Maxwell, London (1998).