

PAPER 8: SPECIALISATION PAPER 2:
LAW OF PATENTS

Objectives:

The development of technology and improvements in industrial techniques, which are essential for the economic welfare of human society, which depend largely on the growth of inventions capable of industrial application. A system of granting a limited monopoly to the inventors in return for the research and disclosure of the invention to the public called patents has developed in almost all countries and engaged in their protection by entering into international treaties and agreements. The subject of patent law requires its detailed study by the students in view of the above significance attached to the patent legal framework.

Course Outcome:

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

1. apply patent law principles to find out the patentability of the invention
2. understand the procedural requirements for patent grant
3. use the remedies available for patent infringement and related issues.
4. analyse the impact of patent law and policy on the society.

Course Content:

UNIT: I – Basic requirements of Patents; Indian and International history of patent laws; distinction between the invention, discovery and patent; importance of inventions for technological and socio-economic growth of the country in particular and world in general; theoretical justifications for Patent Protection.

UNIT: II –Basic principles underlying the patent law in India compared with other national patent systems of U.K., U.S. and E.U.; meaning and nature of patent; meaning of ‘invention’, ‘novelty’, ‘inventive step’ and ‘capable of industrial application’; patentable and non-patentable inventions.

The salient features of the Indian Patent Act, 1970 as amended till date- shift from process patenting to product patenting in food, drug and chemicals.

UNIT: III – Procedure to obtain patent, patents of addition, specification- provisional and complete specification, amendments of application and specifications, pre and post grant opposition to grant of patent and grounds for opposition, sealing of patents, term of protection; Rights and obligations of a patentee, transfer of patent rights, Powers of the controller.

UNIT: IV –Powers of the central government: use of inventions for the purposes of government and acquisition of invention by central government.

Appeals and appellate board, abuse of patent rights, compulsory licence, revocation: grounds of revocation of a patent; infringement of patents, action for infringement, reliefs and remedies upon the infringement of patent.

UNIT: V –Salient features of international legal instruments on patents: Paris Convention for the Protection of Industrial Property, 1883(Relevant provisions); TRIPs Agreement, 1994 (Relevant provisions); Patent Co-operation Treaty, 1970; WIPO Patent Law Treaty (PLT), 2000; WIPO Substantive Patent Law Treaty (SPLT); Budapest Treaty on International Recognition of the Deposit of Micro-organisms for the Purpose of Patent Procedure, 1977.

Prescribed Books:

1. W.R. Cornish, Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights, Universal Law Publishing Co. Pvt. Ltd., Delhi (2001).
2. P. Narayanan, Patent Law, 4thEdn., Eastern Law House, New Delhi and Kolkota (2006).
3. Elizabeth Verky, Intellectual Property, Eastern Book Publication Co., Nagpur.
4. Jayashree Watal, Intellectual Property Rights in the WTO and Developing Countries, Oxford University Press, New Delhi (2001).
5. V. K. Ahuja, Intellectual Property Rights, Lexis Nexis, New Delhi.
6. N.S. Gopalakrishnan & T.G. Ajitha, Principles of Intellectual Property, Eastern Book Company, 2nd edn., 2014.

Reference Books:

1. Graeme B. Dinwoodie, William O. Hennessey and Shira Perlmutter, International and Comparative Patent Law, LexisNexis, New Jersey (2002).
2. William Cornish and David Llewelyn, Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights, Sweet and Maxwell, London (2003).
3. PrabuddhaGanguly, Intellectual Property Rights: Unleashing the Knowledge Economy, Tata McGraw-Hill Publishing Company Limited, New Delhi (2001).
4. L. Bently and B. Sherman, Intellectual Property Law, Oxford University Press, Oxford.
5. Bibek Debroy (Ed.), Intellectual Property Rights, B.R. Publishing Corporation (India)Ltd. (1998).
6. Guttina Leela (Ed.) and V.C. Vivekanandan (Series Ed.), International Treaties and Conventions on IPR, Module IV, NALSAR Proximate Education, NALSAR University of Hyderabad.
7. Srividhya Raghavan (Ed.) and V.C. Vivekanandan (Series Ed.), The American and European Patent System, Module III, NALSAR Proximate Education, NALSAR University of Hyderabad.
8. G.S. Srividhya (Ed.) and V.C. Vivekanandan (Series Ed.), Patenting in India, Module III, NALSAR Proximate Education, NALSAR University of Hyderabad.
9. Martin J. Adelman, Randall R. Rader, John R. Thomas and Harold C. Wegner, Cases and Materials on Patent Law, American Case Book Series, West Group, St. Paul, Minnesota (1998).
10. Carlos M. Correa and Abdulqawi A. Yusuf (Eds.), Intellectual Property and International Trade: The TRIPs Agreement, Kluwer Law International, London (1998).
11. Feroz Ali Khader, The Touchstone Effect: The Impact of Pre-Grant Opposition on

Patents, Lexis Nexis, 2009.

12. Ranabhir Singh, Law relating to Intellectual Property, Vols. 1-3, Universal Law Publishing Co. Pvt. Ltd., Delhi.