

PAPER 14: SPECIALISATION PAPER VIII:

LAW OF INTELLECTUAL PROPERTY AND INFORMATION TECHNOLOGY

Objectives:

Protection of intellectual property has an important bearing on the economic development of the country. The emergence of the global digital electronic communications network, i.e., Internet and associated digital revolution created a parallel digital world called cyberspace and enhanced the opportunities for the speedy growth of economy of countries. While the advancement in information technology has enhanced the ability to access, store, and transmit vast amounts of information in digital form, instantaneous means of reproduction, publication and dissemination have enhanced opportunities to violate Intellectual Property Rights. While the traditional legislations relating to intellectual property rights safeguard the intellectual property rights within territorial limits of the country, borderless environment created by the information technology poses new challenges in detecting the infringement and effective law enforcement in the cyberspace. The response of legal systems to tackle these issues are to be acquainted with. Hence, the students are required to understand the evolving legal regime designed to respond to the issues of violation of intellectual property in the digital world revolutionised by information technology.

Course Outcomes:

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

1. demonstrate the impact of technology on IPR rights of the individual
2. examine the limitations of implementing domestic IPR legislations in the cyber space
3. examine the online issues of trademark and copyright infringement
4. evaluate the remedies available for IPR violation in cyberspace.

Course Content:

UNIT I : History of Internet, evolution of concept of cyberspace, Interface of Technology and Law, Jurisdiction in Cyber Space and Jurisdiction in traditional sense, Internet Jurisdiction, IPR related issues in cyberspace, Jurisdictional issues relating to enforcement of IPRs, Need for trans -border protection of IPRs.

UNIT II: – Meaning of domain name, Domain name registration, Domain Name Disputes: Cybersquatting, typo-squatting and Meta tagging and Online protection of trademarks under Trademarks Act, 1999 and passing off Action.

UNIT III: Basic requirements for copyright protection under Copyright Act, 1957; Online Copyright infringement: Linking, framing, caching, uploading and downloading of copyrighted material, doctrine of fair use, remedies for infringement under Copyright Act, 1957. Applicability of Digital Millennium Copyright Act, 1996.

UNIT IV: The relationship between the IPR and information technology (IT): online piracy of computer programme, modes of piracy, Legal position of Computer programme position

in Europe, U.S. and India. Available protection under the Copyright Act, 1957, The Patents Act, 1970 and the Information Technology Act, 2000 and amendment till date.

Protection of Databases in Digital World- position in USA, EU and India.

Unit V:WIPO and dispute settlement mechanism, Domain Name Disputes-UDRP and INDRP; WIPO ADR Mechanism for IPR Issues.

Applicable international instruments- WIPO Copyright Treaty, 1996 and WIPO Performer's and Phonograms Treaty, 1996.

Prescribed Books:

1. Vakul Sharma, Information Technology: Law and Practice (Law & Emerging Technology, Cyber Law & E-Commerce) (Universal Law Publishing, New Delhi 3rd edn., 2011)
2. Karnika Seth, Computers, Internet and New Technology Laws, Lexisnexis, Nagpur.
3. Gupta and Agarwal, Cyber Laws, PREMIER Publishing Co.
4. Resolving IP and Technology Disputes Through WIPO ADR -Getting back to business, WIPO Arbitration and Mediation Centre (2016) available at, <https://www.wipo.int/publications/en/details.jsp?id=4053>

Reference Books:

1. Krishna Kumar (Ed.), Cyber Laws: Intellectual Property and E-Commerce Security, Dominant Publishers and Distributors, New Delhi.
2. Justice Yatindra Singh, Cyber Laws, Universal Law Publishing Co. Pvt. Ltd., Delhi.
3. Pavan Duggal, Cyber Law: the Indian Perspective, 1stEdn, Saakshar Law Publication, New Delhi.
4. Rodney D. Ryder, Intellectual Property and the Internet, Lexis Nexis Butterworth's Wadhwa, Nagpur (2004) .
5. Cris Reed and John Angel, Computer Law, 5thEdn., Oxford University Press Inc. New York.
6. Drahos P. and J. Braithwaite, Information Fuedalism: Who Owns the Knowledge Economy? Oxford University Press, New Delhi (2003).
7. Pankaj Jain & Sangeet Rai Pandey, *Copyright and Trademark Laws relating to Computers* (Eastern Book Co, New Delhi).
8. Verma S.K. and Raman Mittal, *Legal Dimensions of Cyber Space* (Indian Law Institute, New Delhi, 2004).
9. David Lindsay, International Domain Name Laws, Hart Publishing, 2007.
10. N.S. Gopalakrishnan & T.G. Ajitha, Principles of Intellectual Property, Eastern Book Company, 2nd edn., 2014.
11. Lionel Bently & Brad Sherman, Intellectual Property Law, Oxford University Press, 3rd edn., 2008.
12. Pavan Duggal, Legal Framework on Electronic Commerce &Intellectual Property Rights, Universal Publishing House, 2014.
13. R.P. Merges, P.S. Menell, M.A. Lemley and T.M. Jorde, Intellectual Property in the New Technological Age, Aspen Law and Business, New York (1997).