



**KARNATAKA STATE LAW UNIVERSITY'S  
LAW SCHOOL**

Navanagar, Hubballi– 580 025  
Accredited with 'A' Grade by NAAC



**SYLLABUS DETAILS OF  
2 YEAR LL. M. (INTELLECTUAL PROPERTY RIGHTS  
LAWS)**



# KARNATAKA STATE LAW UNIVERSITY'S LAW SCHOOL

Accredited with 'A' Grade by NAAC

Navanagar, Hubballi- 580 025

Phone: 0836- 2956075

Website: [www.kslu.ac.in](http://www.kslu.ac.in)

Fax: 0836-2222397

E-mail: [ksslulawschool@gmail.com](mailto:ksslulawschool@gmail.com)

## Subject List of 2 Year LL.M Courses

### LL.M. (INTELLECTUAL PROPERTY RIGHTS LAWS)

<b>I Semester</b>		<b>II Semester</b>	
1.1	Law and Social Transformation in India	2.1	Legal Education and Research Methodology
1.2	Indian Constitutional Law: New Challenges	2.2	Judicial and Legislative Process
1.3	Legal Theory	2.3	Legal Concepts
1.4	Conceptual Study of Industrial and Intellectual Property	2.4	Law of Patents in India
<b>III Semester</b>		<b>IV Semester</b>	
3.1	Law of Trade Marks	4.1	Law of Intellectual Property and Biodiversity
3.2	Law of Copyrights	4.2	Law of Intellectual Property Rights and Information Technology
3.3	Law of Designs, Integrated Circuits, Geographical Indications, and Confidential Information	4.3	Intellectual Property Rights and Human Rights and Environment
3.4	Law of Intellectual Property and Plant Varieties	4.4	Dissertation

### **Programme outcomes**

7. Knowledge of law: A post graduate in law should possess specialized and in-depth knowledge on the law subjects like Constitutional Law, Intellectual property rightslaw, business and commercial law, criminal law etc.and also be acquainted with the latest developments in the areas of specialization and should have abilities to apply the knowledge to solve problems and advise institutions and also individuals. Intellectual input is the essence of this autonomous profession.
8. Professional ethics: A post graduate should have strong underpinnings of professional ethics in order to belong to the noble profession
9. Development of professional skills: The post graduate should develop the skills of good analytical, comparative legal research; legal research paper writing; analysis of the present law and its implication in a globalized world. Use the library and modern tools, resources/software in writing legal research paper and dissertation. It is very important for a professional to be effective.
10. Knowledge of law and procedures: The post graduate should study and acquire knowledge about appropriate justice delivery system and application of law in specialized areas like Constitutional Law, Intellectual property rightslaw,Business and Commercial Law, Constitutional Law. he should also acquaint with the updated information on the area of specialisation
11. Ready to take-up profession:the post graduate should develop critical and contextual approaches across a wide variety of legal subject matter like Criminal and Security Law; Corporate and Commercial Law; Constitutional Law and also be able to form their own opinion and observation on legal aspects related to their specialized areas
12. Social responsibility: A post graduate should be an active citizen first. He should provide leadership to the society when it is at the crossroads.

The level of attainment of Programme Outcomes, Programme Specific Outcomes and Course Outcomes are measured using various indicators throughout the semester of the academic year.

The faculty records the performance of each student with the help of the specified course outcomes through a continuous evaluation process.

The faculty provides assignments to students, conducts internal tests, viva voce, projects etc. in order to assess the Programme Outcomes and Programme Specific outcomes attained by each student.

## **Key indicators of measuring attainment are:**

### **End Semester University Examination**

Students are required to take examinations as per the semester through which the institution measures programme outcomes based on the course attainment level fixed by the programme.

### **Internal Assessment**

The Internal Assessment constitutes 30% weightage of the total marks (100) in each subject. The students are given assignments which are designed in alignment with Course outcomes of the respective subject and Programme Outcomes.

### **Result Analysis**

At the end of each semester, result analysis of each course is carried out. The percentage of students falling in different categories is obtained. This is an effective indicator in order to evaluate the level of attainment of POs, PSOs and Cos.

## **Programme Specific Outcomes**

**Programme Name: LL.M.(Intellectual Property Law)**

**Duration: 2 years**

**Pattern: Semester pattern**

1. Conduct sustained, independent research on a self-defined topic with limited supervision and also to analyse the legal research papers, judgments and law of their specialized area.
2. Critically evaluate and assess complex areas of legal knowledge within a wider social, economic, political, historical, philosophical, ethical, cultural and environmental context
3. Critically assess law reform proposals and present alternatives in analytical, critical and comparative mode of study of the laws, principles, doctrine, rules and regulation related to their specialized subject
4. Present critical arguments, drawing on both doctrinal and policy-based perspectives from a wide range of sources, in both written and oral form
5. Develop special knowledge on subjects of their choice from a given set of optional subjects like, Patent law, trademark law, Copy right law, Designs law, Information

Technology and IPR etc. Apply this legal knowledge to complex problem situations and offer potential solutions within a simulated professional context

6. Define, sustain and critically reflect upon their own learning and practical/professional skills development as autonomous learners.

## **I SEMESTER**

### **PAPER 1: LAW AND SOCIAL TRANSFORMATION IN INDIA [Compulsory]**

#### **Objectives:**

This course is designed to offer the teacher and the taught with (a) awareness of Indian approaches to social and economic problems in the context of law as a means of social control and change; and (b) a spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. The endeavor is to make the students aware of the role the law has played and has to play in the contemporary Indian society.

#### **Course Outcomes:**

After successful completion of the course, the student will be able to –

1. Comprehend the provisions in the Constitution regarding Law which impacts social transformation.
2. Assess the continuing tussle between law and morality.
3. Infer and assess that the principles of Law and Social Transformation.
4. Analyse the Indian approaches to social and economic problems in the context of law as a means of social control and change

#### **Course content:**

##### **Unit I**

##### **Theory, History, Alternatives and the Constitution**

Law and social transformation: a theoretical discussion

Historical and social discourse on law's role in social transformation

Alternatives to legal strategy: gandhism, sarvodaya, marxism and naxalism

Constitution's orientation and response to social transformation

##### **Unit-II**

##### **Multiculturalism and Social Transformation: Religion, Language, Region and Ethnicity**

Religion and law

Language and law: towards equality in language rights?

Language rights in education people's language as the language of courts; perspectives, problems and the needed strategies

Regionalism, law and social transformation

Ethnic pluralism, tribal development and social transformation: a focus on security, self government and social justice

### **Unit-III**

#### **Social Transformation by Empowerment: Empowering the Backward Classes, Women and Children**

Caste, law and empowerment of the backward classes

Constitutional policy and development towards gender justice

Crimes against women and law's response thereto

Law, child welfare and social transformation

### **Unit IV**

#### **Modernisation and Social Transformation: Concept, Family Law, Economic Reforms**

Modernisation and law

Family law, modernisation and social transformation

Economic development, law and social transformation: focus on agriculture, industry and environment

### **Unit V**

#### **Justice Delivery System and Participative Democracy**

Reforms in the justice delivery system, modernization and law

Role of democracy, Panchayat Raj and NGOs in social transformation through law

#### **Prescribed Books:**

Bhat Ishwar P., Law and Social Transformation ( Lucknow: Eastern Books Company, 2009)

#### **Reference Books:**

Friedman Wolfgang, Law in a Changing Society ( Berkly: University of California Press, 1959)

Mark Galenter Ed., Law and Society in Modern India ( London: Oxford University Press, 1989)

## **PAPER 2: INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES**

**[Compulsory]**

#### **Objectives:**

The constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes. The post graduate students in law who had the basic knowledge of Indian Constitutional Law at LL.B. level, should be exposed to the new challenges and perspectives of constitutional development which they are allowed to choose an area of law for specialization. Obviously, rubrics under this section of the paper require modification and updating from time to time.

#### **Course Outcomes:**

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

1. analyse the new challenges and perspectives of constitutional development.
2. acquaint with the emerging regime of new rights and remedies such as right to education, commercialization of education of its impact on society
3. understand the various rights of minorities and the constitutional safeguards available to them.
4. describe the meaning of secularism and the religious fanaticism regarding it.
5. explore the doctrine of basic structure and separation of powers

**Course content:**

**Unit I**

Federalism: creation of new states; allocation and share of resources - distribution of grants in aid; The inter-state disputes on resources; Centre's responsibility and internal disturbance within states; Directions of the center to the state under Article 356 and 365; Special status of certain states; Tribal Areas, Scheduled Areas;

**Unit II**

Constitution and Constitutionalism; "State": Need for widening the definition in the wake of liberalization and horizontal application of fundamental rights. Right to Equality: Privatization and Its Impact on Affirmative Action; Empowerment of women.

**Unit III**

Freedom of press and challenges: Freedom of speech and right to broadcast and telecast; Right to life, privacy, strikes, hartal and bandh; Emerging Regime of New Rights and Remedies: Reading Directive principles and fundamental duties into fundamental rights; Compensation jurisprudence; Right to education; Commercialization of education and its impact.

**Unit IV**

Rights of Minorities to establish and administer educational institutions and state control  
Secularism and religious fanaticism.

**Unit V**

Separation of Powers: Stresses and Strain: Judicial activism and judicial restraint; PIL: implementation; Judicial independence; Appointment, transfer and removal of judges; Accountability: executive and judiciary; Tribunals  
Democratic process; nexus of politics with crime and business; election; status of election commission; electoral reforms; coalition government- stability, durability and corrupt practice, grass roots democracy.

**Select Bibliography:**

Considering the nature of the subject, no textbooks can be prescribed. Hence, the required material is to be gathered from the latest amendments of laws, case law, critical comments, studies, reports, articles and research papers.

## **PAPER 3: LEGAL THEORY [Compulsory]**

### **Objectives:**

LL. M. students are expected to develop a philosophical and analytical mind by making a deep study of various theories of law. It is helpful in understanding the law in its social and temporal context. It will also help students to appreciate the limitations of law.

### **Course Outcomes:**

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

1. to understand the various theories and concepts which deals with the sources of law
2. analyse the meaning of law, purposes of law and the relationship between law and justice

### **Course content:**

#### **Unit I**

Natural Law Theories: Jewish, Roman, Greek, Middle Ages, Renaissance and Reformation Period, Modern period, Indian: ancient and modern.

#### **Unit II**

Positive Law Theories: Bentham, Austin, Kelson, Hart

#### **Unit III**

Historic Theories and Anthropological Theories: Hegel, von Savigny, Puchta, Henry Maine, Gierke, Hegel. Economic Theories: Marx and Engels, Lenin, Pushukanis, Stalin, Tito, Mao, Gorbachev

#### **Unit IV**

Sociological Theories: Bentham, Ihering, Earlich, Pound, Duiguit

#### **Unit V**

Realism: American and Scandinavian

### **Select Bibliography:**

Julius Stone, The Province and Function of Law, Part-II Chs.1,8 -16(2000), Universal, New Delhi.

W. Friedmann, Legal Theory (1960), Stevens, London.

Bodenheimer, Jurisprudence - the philosophy and Method of the Law (1997), Universal, Delhi.

R. W. M. Dias, Jurisprudence

John Salmon, Jurisprudence

H. L. A. Hart, The Concept of Law



**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.

**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. Gadbow and T.J. Richards, Intellectual Property Rights: Global Consensus, Global Conflicts?, Westview Press, Boulder, Colorado (1998).
7. Alan S. Gutterman 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).

14. Susan K Sell, Private Power, Public Law: The Globalization of Intellectual Property Rights, Cambridge University Press, 2003.

## **SECOND SEMESTER**

### **PAPER 5: LEGAL EDUCATION AND RESEARCH METHODOLOGY [Compulsory]**

#### **Objectives:**

A post-graduate student of law should get an insight into the objectives of legal education. The student should be introduced to the legal regime governing legal education so that they can contribute better when involved in activities of centers of legal education. Further, the student should be thoroughly introduced to the idea and methods of legal research to better equip them to effectively discharge their responsibilities in the capacity of both academicians and professionals. This course is designed to equip the students with the requirements of legal education and legal research in contemporary society.

#### **Course Outcome:**

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

1. apply the best methods of research including the historical and comparative methods which include Case Study to the given situation.
2. critically evaluate the research methodology and their utility in academic legal research.
3. write a research report conveying the findings of the Legal Research in a cogent form

#### **Course content:**

##### **Unit I : Introduction to Legal Education**

Legal Education; history of Legal education; National Education Policy; objectives of Legal education, Bar Council of India Rules of Legal education, present problems of Legal education and future perspectives; curriculum making and reform; designing teaching methods to suit the curriculum requirements; diversity in teaching methods and their merits and demerits; legal aid, legal literacy and law reform.

##### **Unit-II: Idea of Legal Research, Methodology and ensuring good quality research**

Legal research: introduction; legal research methodology, purposes and foot steps; thinking process in legal research: diverse models; objectivity, value neutrality, originality and ethics in legal research; choosing, designing and building the research theme; formulation and testing of hypothesis; rules against plagiarism, introduction to kinds of research.

##### **Unit-III: Doctrinal Legal Research**

Doctrinal Legal Research as a means of synthesizing facts, thoughts and legal principles; analytical legal for expanding the legal world; historical legal research: implications and applications; philosophical research in law: the possibilities; comparative method of legal research: nature, process and potentiality.

#### **Unit-IV: Non- Doctrinal Methods of Legal Research**

Empirical Legal Research: nature, features and expanding Horizons; tools of data collection in empirical legal research:., observation, interview case study, ethnography, questionnaire , survey, qualitative legal research; sampling method: varieties and uses; qualitative legal research.

#### **Unit-V: Integrated Methods of Legal Research and Research Reporting:**

Multi -method legal research: nature, features, procedure and potentiality; policy research in law, action research in law, methodology of feminist legal research , legal writing based on Research report writing, writing articles, case comments and notes.

#### **Prescribed books:**

Bhat Ishwara P., Idea and methods of legal Research (Oxford: Oxford University Press,2019).

#### **References:**

1. Whitney F.L., The Elements of Research (rev. edn., prentice Hall, 1948)
2. Goode William J. and Hatt Paul K., Methods in Social Research, McGraw-Hill Book Company, London
3. Mike McConville and Wing Hong Chi, Research Methods for Law (Edinburg University Press, 2007)
4. Justice A.S. Anand, “Legal education in India- Past, Present and Future” in Lokendra Malik and Manish Arora ed., Legal Education in India: Essays in honour of Professor Ranbir Singh (New Delhi: Universal Law Publishing Co. 2014) pp.11-20.
5. Justice A.R. Lakshmanan, “Legal Education- Role of Bar” in Lokendra Malik and Manish Arora ed., Legal Education in India: Essays in honour of Professor Ranbir Singh (New Delhi: Universal Law Publishing Co. 2014) pp.35-48.

### **PAPER 6: JUDICIAL AND LEGISLATIVE PROCESS [Compulsory]**

#### **Objectives:**

A lawyer whether academic or professional is expected to be competent to analyze and evaluate the legal process from a broader juristic perspective. Hence a compulsory paper on judicial process is essential in the LL.M. curriculum. The objective of this section of the paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change. This section of the paper further intends to expose the

intricacies of judicial creativity and the judicial tools and techniques employed in the process.

Since the alternate aim of any legal process or system is to pursue justice a systematic study of the concept of justices and its various theoretical foundations is required. This section of the paper therefore, intends to familiarize the students with various theories, different aspects and alternative ways, of attaining justice.

### **Course Outcome:**

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

1. explain the concept and development theory of justice.
2. describe the concept of judicial process and its significance in social ordering.
3. express the tools and technique of judicial creativity.
4. describe the relation between law and justice and role of judicial process in the attaining the objectives of justice.
5. understand the process of law making.

### **Course content:**

#### **Unit I**

Nature of Judicial Process: Judicial process as an instrument of social ordering; judicial process and creativity in the law- common law model- legal reasoning and growth of law- change and stability; stare decisis; the Tools and techniques of judicial creativity and precedent; identifying ratio decidendi and obiter dicta; Legal development and creativity through legal reasoning under statutory and codified systems.

#### **Unit-II**

Special Dimensions of Judicial process in the constitutional Adjudications: notions of Judicial review; role in constitutional adjudication- various theories of judicial role; Tools and techniques in the policy making and creativity in the constitutional adjudication; variance of judicial and juristic activism.

#### **Unit-III**

Problems of accountability and judicial law making. Judicial process in India: Indian debate on the role of judges and on the notion of Judicial review; the “independence “ of judiciary and the "political" nature of judicial process; judicial activism and creativity of the supreme court; the tools and a techniques of creativity; institutional liability of course and judicial activism- scope and limits. structural challenges.

#### **Unit-IV**

Legislation as a source of law: it's relation with other sources of law; Supreme legislation: law making by Indian Parliament, interaction between law and public opinion; drafting of Bills; presentation and discussion in a Legislature Houses, subordinate legislation; types of subordinate legislation. major roles of interpretation of statutes: literal are plain meaning rule; golden rule; purposive approach: mischief rule; compromise approach.

## **Unit V: Legislative Drafting**

Nature of Legislative drafting; diseases of language to be dealt and taken care of; its history in India and England; components or parts of legislation and their purposes; role of legislation in social welfare and transformation; role of draftsman; the skills, traits and abilities he should possess; legislative draftsman's position, duties and responsibilities: relation with the government legislative division, public and the society at large; impact of constitutional values and provisions on legislative drafting; impact of the General Clauses Act upon legislative drafting; impact of principles of statutory interpretation upon legislative drafting; steps in a legislative drafting: pre-draft preparation; drafting, deliberation with others; post draft refinement; drafting of delegated legislation- limits and cautions; drafting exercise

### **Select Bibliography:**

W. Friedman, Law in a Changing Society

Julius Stone, The Province and Function of Law, Part II, Chs. 1, 8-16 (2000), Universal, New Delhi.

Cardozo, The Nature of Judicial Process (1995) Universal, New Delhi

Henry J. Abraham, The Judicial Process (1998), Oxford.

J. Stone, Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworths

W. Friedmann, Legal Theory (1960), Stevens, London

Bodenheimer, Jurisprudence - the Philosophy and Method of the Law (1997), Universal, Delhi

C. K. Allen, Law in the Making

C. K. Allen, Law and Orders (2<sup>nd</sup> edn.)

Sir Henry Maine, Ancient Law

J. Stone, Legal System and Lawyers' Reasonings (1999), Universal, Delhi

U. Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow.

Rajeev Dhavan, The Supreme Court of India - A Socio -Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay.

John Rawls, A Theory of Justice (2000), Universal, Delhi

Edward H. Levi, An Introduction to Legal Reasoning (1970), University of Chicago.

F. C. Cohen, 'Modern Ethics and the Law' (1934) 4 Brooklyn Law Review 33

P. Devlin, 'Judges, Government and Politics' (1978) 41 Modern Law Review 501

J. Dickinson, 'The Law Behind Law' (1929) 29 Columbia Law Review 285

T.K. Vishwanathan (Ed.) G. Rajagopal's Legislative Drafting: Shaping the Law for the Millennium (Indian Law Institute, 2007)

B.R. Atre, Legislative Drafting: Principles and Techniques (Universal, 2014)

Helen Xanthaki, Thornton's Legislative Drafting (5<sup>th</sup> ed)

G.C. Thornton, Legislative Drafting (Butterworths, 1996)

Constantin and Helen Xanthaki, (ed) Drafting Legislation (Ashgate, 2008).

Reed Dickerson, Legislative Drafting

Reed Dickerson, Interpretation of Statutes

G.P. Singh, Statutory Interpretation (14<sup>th</sup> ed., 2018).

## **PAPER 7: LEGAL CONCEPTS [Compulsory]**

### **Objectives:**

Students at LL. M. level are required to conduct a detailed critical and analytical study of various dimensions of legal concepts, which are the basic tools in the hands of law fraternity to appreciate varied branches of discipline in law. Legal concepts are to be understood as the bridges of comprehension of law in its application in the process of administration of justice. The process of administration of justice would remain incomplete without the comprehension and use of legal concepts. The teacher is required to give instructions to the students by citing examples of decided cases of various legal systems, with special reference to Indian Cases, in which legal concepts have been used by the judges in rendering justice. The unitised syllabus for this course is as follows.

### **Course Outcome:**

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

1. to understand the various concepts like right, possession, ownership etc.
2. analyse the meaning of person and property from philosophical perspective
3. critically analyze and research complex problems relating to law and make reasoned and appropriate choices amongst alternatives.

### **Course content:**

#### **Unit I:**

Rights: Conception; Definition; characteristics; types; Rights in the wider sense of the term; Jural relationship of Right-Duty, Liberty-No-right, Power-Liability and Immunity-Disability; critique on jural relations; temporal dimensions.

#### **Unit II:**

Persons: Concept of personality, status of unborn persons, dead and lower animals; natural and legal persons; corporations: sole, aggregate, limited etc; registered friendly associations. Multinational Corporations and Juristic Personality; Transnational Juristic Personality; Theories of personality.

#### **Unit III**

Property: Meaning; Types; Movable and Immovable property; Corporeal and Incorporeal Property; Emergence and expanding regime of Incorporeal property: Patents; Copyrights; Designs; Trademarks, Geographical Indications; Integrated Circuits; Protection of Plant Varieties; Confidential Information.

#### **Unit IV**

Possession: Idea of Possession; Possession in Roman Law; Possession in English Law; Possession in Indian Law; Theories of Possession; Judicial Interpretation of Possession in Indian and British Courts. Adverse possession.

## **Unit V**

Ownership: The Idea of Ownership; Analysis of Ownership; Function of Ownership in Social Engineering; Ownership and Allocation of burdens and Benefits; Ownership and Liberty; Ownership and Power; Ownership in India: Tiller of the Land as Owner: Sons of the Soil Theory.

### **Select Bibliography:**

1. R W M Dias, Jurisprudence
2. Salmond on Jurisprudence ( ed P J Fitzgerald)
3. G W Paton, A Text-book of Jurisprudence
4. W Friedmann, Law in a Changing Society
5. W N Hohfeld, Fundamental Legal Conceptions As Applied in Judicial Reasoning (ed W W Cook)
6. A Kocourek, Jural Relations
7. J Stone, Legal System and Lawyers' Reasonings
8. M Radin, 'A Restatement of Hohfeld' (1938) 51 Harvard Law Review 1141
9. A L Goodhart, Essays in Jurisprudence and the Common Law
10. F Hallis, Corporate Personality
11. J W Bingham, 'The Nature and Importance of Legal Possession' (1915) 13 Michigan Law Review 534
12. H Bond, 'Possession in Roman Law' (1890) 6 LQR 259
13. D R Harris, 'The Concept of Possession in English Law' in Oxford Essays in Jurisprudence (ed A G Guest) ch 4
14. L C Becker, Property Rights: Philosophical Foundations
15. A A Berle & G C Means, The Modern Corporation and Private Property
16. A M Honore, 'Ownership' in Oxford Essays in Jurisprudence (ed A G Guest)
17. J M Lightwood, A Treatise on Possession of Land
18. J W C Turner, 'Some Reflections on Ownership in English Law' (1941) 19 Canadian Bar

## **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, 4<sup>th</sup>Edn., 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.

## **THIRD SEMESTER**

### **PAPER 9: SPECIALISATION PAPER 3: LAW OF TRADE MARKS**

#### **Objectives:**

Trademarks are recognized as a form of industrial property because trademarks make the goods of manufacturer or trade known to the public and thereby enable them to secure profits through the reputation gained by the mark. Therefore trademarking and branding of goods and services occupy an important and prominent place in modern marketing system in which each and every goods and services is sold under their brand name or trademark. Protection of a trademark is necessary not only for an honest trader but also for the benefit of the purchasing public against imposition and fraud. Hence, it is essential for students to equip them to effectively serve the different interest involved in their professional capacity.

#### **Course Outcome:**

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

1. trace the evolution and growth of trademark law
2. evaluate the advantages of trademark registration
3. describe the procedure for registration of trademarks
4. address infringement and other related issues of trademark

#### **Course Content:**

**UNIT: I** –Indian and international history of trade marks law, meaning and definition of mark and trademark, functions of a trade mark and different kinds of trademarks: Conventional and non-conventional trademarks, Service Marks, Collective Marks, Certification Marks, Well Known Trademarks; Distinctiveness- Inherent and acquired.

**UNIT: II** –Basic principles underlying the trade mark law in India compared with that of U.K., U.S. and E.U. The salient features of the Trade Marks Act, 1999.

Deceptive similarity, difference between similarity of marks, near resemblance and deceptive similarity of marks, and their effects on trademark protection.

**UNIT: III** – Registrable and non-registrable marks, registration of marks: procedure for the registration of trade mark, certification marks and collective marks; opposition to registration, grounds for opposition; concurrent registration; effect of registration; rectification of register. Transfer of trade mark- assignment, transmission and licenses and registered users.

**UNIT: IV** – Powers and functions of Registrar, powers of Central Government, constitution and composition of Appellate Board, powers and functions of Appellate Board; infringement of trade mark- action for infringement, Goodwill and passing off action; distinction between infringement and passing off, offences and penalties, remedies for infringement, threat of legal proceedings and trade libel.

**UNIT: V** –Salient features of international legal instruments on trademarks law: Paris Convention for the Protection of Industrial Property, 1883 (Relevant provisions); TRIPs Agreement, 1994 (Relevant provisions); Madrid Agreement Concerning the International Registration of Marks, 1891 and Protocol Relating to Madrid Agreement Concerning the International Registration of Marks, 1989; Trade Mark Treaty (TLT), 1994; Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, 1957; Role of international institutions in implementation and harmonisation of trade mark legal system such as WIPO and WTO.

### **Prescribed Books**

1. W.R. Cornish, Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights, Universal Law Publishing Co. Pvt. Ltd., Delhi (2001).
2. Christopher Wadlow, The Law of Passing Off: Unfair Competition by Misrepresentation, Sweet and Maxwell, 2011.
3. P. Narayanan, Law of Trade Marks and Passing Off, Eastern Law House, New Delhi and Kolkata.
4. A. K. Bansal, Law of Trademark in India, Thomson & Reuter, 2014.

### **Reference Books:**

1. Alan S. Gutterman and Bentley J. Anderson, Intellectual Property in Global Markets, Kluwer Law International, London, The Hague, Boston (1997)
2. William Cornish and David Llewelyn, Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights, Sweet and Maxwell, London (2003).
3. Hilary E. Pearson and Clifford G. Miller, Commercial Exploitation of Intellectual Property, Universal Law Publishing Co. Pvt. Ltd., Delhi (1997).
4. L. Bently and B. Sherman, Intellectual Property Law, Oxford University Press, Oxford.
5. V. K. Ahuja, Intellectual Property Rights, Lexis Nexis, New Delhi.
6. T.A. Blanco White and Robin Jacob, Patents, Trade Marks, Copyright and Industrial Designs, Sweet and Maxwell, London and N.M. Tripathi Private Ltd., Mumbai.
7. T.A. Blanco White and Robin Jacob, Kerly's Law of Trade Marks and Trade Names, Sweet and Maxwell, London and N.M. Tripathi Private Ltd., Mumbai.
8. Department of Business Laws, NLSIU, Bangalore, International Legal Instruments of Intellectual Property Rights Law, Vols. I&II.
9. Ashok Soni, A Complete Reference of Intellectual Property Laws, Vols. 1&2.
10. Elizabeth Verky, Intellectual Property, Eastern Book Publication Co., Nagpur.
11. V. K. Ahuja, Intellectual Property Rights, Lexis Nexis, New Delhi.
12. N.S. Gopalakrishnan & T.G. Ajitha, Principles of Intellectual Property, Eastern Book Company, 2nd edn., 2014.
13. Lionel Bently & Brad Sherman, Intellectual Property Law, Oxford University Press, 3<sup>rd</sup>edn., 2008.
14. Ranabhir Singh, Law Relating to Intellectual Property, Vols. 1-3, Universal Law Publishing Co. Pvt. Ltd., Delhi.

15. K C Kailasam and RamuVedaraman, Law of Trademarks including International Registration under Madrid Protocol and Geographical Indications, Lexis Nexis, 2013

**PAPER 10: SPECIALISATION PAPER IV:  
LAW OF COPYRIGHTS**

**Objectives:**

Copyright is a non-industrial property which came to the fore to protect the creator from unauthorised reproduction of the work. With the advent of technology, new forms of copyright and allied rights have emerged and the legislations of India in particular and world in general have undergone many changes to extend protection to the copyright holder from unauthorised use of the same especially in the context of technological revolution. In order to understand the subject matter in which copyright protection subsists, students are required to study the legal regimes of copyrights and allied rights to the fullest and deepest level to be professionally relevant in contemporary society.

**Course Outcomes:**

- On successful completion of the course the student will be able to –
1. demonstrate evolution and growth of copyright law
  2. understand the significance of copyrights and neighboring rights
  3. analyse the basic requirements of copyrightability
  4. examine the requirements of assignment and licensing of copyright
  5. give practical advice on the remedies available for copyright infringement.

**Course content:**

**UNIT: I** – Indian and international history of Copyright law, meaning and nature of copyright; Basic concepts of copyrights; subject matter of copyright; the meaning of literary, dramatic, musical, artistic works and cinematograph films and sound recording.

**UNIT: II** –Basic principles underlying the copyright law in India compared with that of U.K., U.S. and E.U. The salient features of the Indian Copyright Act, 1957 as amended up-to-date.

Authorship and ownership of copyright; rights conferred by Copyright; work of joint authorship; term of copyright.

**UNIT: III** – Transfer of copyrights- Assignment, Transmission and licenses; relinquishment of Copyright.

Neighbouring rights: Performer's Rights and Rights of Broadcasting Organisations. Copyright Societies; Copyright Board.

**UNIT: IV** –Infringement of Copyright: infringement of copyright in different works; Remedies: Civil (Injunctions- Anton Piller, Mareva, John Doe Orders), Administrative and criminal; threat of legal proceedings and slander of title; Appeals.

**UNIT: V** –Salient features of international legal instruments on copyright and related rights: Berne Convention for the Protection of Literary and Artistic Works, 1886; Universal Copyright Convention (UCC), 1954; TRIPs Agreement, 1994, Rome Convention: International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations, 1961; WIPO Copyright Treaty, 1996; WIPO Performances and Phonogram Treaty, 1996.

**Prescribed Books:**

1. William Cornish and David Llewelyn, Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights, Sweet and Maxwell, London (2003).
2. P. Narayanan, Copyright and Industrial Design, 3<sup>rd</sup>Edn., Eastern Law House, New Delhi and Kolkata (2002).
3. L. Bently and B. Sherman, Intellectual Property Law, Oxford University Press, Oxford.
4. Melville B. Nimmer and Paul Edward Geller, International Copyright Law and Practice, Mathew Bender & Co., (1998).
5. Sam Ricketson, The Berne Convention for the Protection of Literary and Artistic Works: 1886-1986, Kluwer London (1987).
6. E.P. Skone James *et al*, Copinger and Skone James on Copyright, 13<sup>th</sup>edn., Sweet and Maxwell Limited, London (1991).
7. V. K. Ahuja, Intellectual Property Rights, Lexis Nexis, New Delhi.

**Reference Books:**

1. Department of Business Laws, NLSIU, Bangalore, International Legal Instruments of intellectual Property Rights Law, Vols. I &II.
2. W.R. Cornish, Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights, Universal Law Publishing Co. Pvt. Ltd., Delhi (2001).
3. Elizabeth Verky, Intellectual Property, Eastern Book Publication Co., Nagpur.
4. Mira SundaraRajan, Moral Rights: Principles, Practice, and New Technology, Oxford University Press, 2011.
5. Robert A Gorman, Jane C. Ginsburg, Copyright Cases and Materials, Foundation Press, 2011.
6. Paul Goldstein International Copyright: Principles, Law, and Practice, Oxford University Press, 2012.
7. N.S. Gopalakrishnan & T.G. Ajitha, Principles of Intellectual Property, Eastern Book Company, 2nd edn., 2014.
8. Ashok Soni, A Complete Reference to Intellectual Property Laws, Vols. 1&2.
9. Lionel Bently& Brad Sherman, Intellectual Property Law, Oxford University Press, 3rd edn., 2008.
10. Ranabhir Singh, Law relating to Intellectual Property, Vols. 1-3, Universal Law Publishing Co. Pvt. Ltd., Delhi.

**PAPER 11: SPECIALISATION PAPER V:  
LAW OF DESIGNS, INTEGRATED CIRCUITS, GEOGRAPHICAL INDICATIONS  
AND CONFIDENTIAL INFORMATION**

**Objectives:**

Designs, integrated circuits, geographical indications and confidential information are modern concepts. All these four types of industrial properties have their own significance in the field of intellectual property. While designs are used in attracting the customers; integrated circuits are required to distinguish one company from another in devising and integrating the machines and apparatus; geographical indications indicate the prominence of the products which carry the essence of the climatic conditions of the particular region or geographical area; and confidential information meant for protecting the interest of the manufacturer/employer from disclosure of their trade secrets. In modern days legal framework has been devised to govern and regulate these types of IPRs at national and international level. Students are required to acquaint themselves by studying the national and international legal regimes governing the designs, integrated circuits, geographical indications, and confidential information in a detailed manner.

**Course Outcomes:**

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

1. demonstrate evolution and growth of of designs, integrated circuits, and geographical indications law in India
2. explore the interrelation between designs, integrated circuits, geographical indications and confidential information
3. analyse the basic requirements for protection of designs, geographical indications and integrated circuits
4. give practical advice on the remedies available for violation of the rights relating to these intellectual properties.

**Course Content:**

**UNIT: I** –Indian and international history of designs, integrated circuits, geographical indications and confidential information, significance of these concepts in modern times of socio-economic, technological and industrial growth; interface between designs, integrated circuits, geographical indications and confidential information.

**UNIT: II** – Basic principles of Designs, the salient features of the Designs Act, 2000, Registrable and Non-registrable designs, procedure for registration, rights of holder, design piracy, remedies.

**UNIT: III** - Basic principles of GI, The Geographical Indications of Goods (Registration And Protection) Act, 1999- salient features, Background of the enactment, meaning and definitions of geographical indications, registered proprietor, authorised user, deceptively

similar, and producer; procedure and duration of registration, effect of registration, rectification and correction of register; infringement and remedies: civil and criminal.

**UNIT: IV-** Confidential Information and Trade Secrets: Meaning and nature of confidential information and Trade Secrets, difference between trade secret and confidential information, Nature of trade secrets, Modes of protection of trade secrets- legislative measures, Technology Transfer Agreements, non-disclosure agreements.

Semiconductor Integrated Circuits Layout Designs Act, 2000- Salient features of the Act, Conditions and Procedure for Registration, Duration and Effect of Registration, Assignment and Transmission.

**UNIT: V** –Salient features of international legal instruments: Paris Convention for the Protection of Industrial Property, 1883, TRIPs Agreement, Hague Industrial Design Treaty, 1959; Hague Agreement Concerning the International Deposit of Industrial Designs, 1925; Locarno Agreement: Locarno Agreement Establishing an International Classification for Industrial Designs, 1968, Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, 1958, Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods, 1891, Treaty on Intellectual Property in Respect of Integrated Circuits, 1989.

**Prescribed Books:**

1. William Cornish and David Llewelyn, Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights, Sweet and Maxwell, London (2003).
2. L. Bently and B. Sherman, Intellectual Property Law, Oxford University Press, Oxford.
3. Ranabhir Singh, Law relating to Intellectual Property, Vols. 1-3, Universal Law Publishing Co. Pvt. Ltd., Delhi.
4. Andrew Christie, Integrated Circuits and their Contents: International Protection, Sweet and Maxwell, London (1995).
5. Elizabeth Verky, Intellectual Property, Eastern Book Publication Co., Nagpur.
6. V. K. Ahuja, Intellectual Property Rights, Lexis Nexis, New Delhi.
7. Lionel Bently & Brad Sherman, Intellectual Property Law, Oxford University Press, 3rd edn., 2008.

**Reference Books:**

1. Hilary E. Pearson and Clifford G. Miller, Commercial Exploitation of Intellectual Property, Universal Law Publishing Co. Pvt. Ltd., Delhi (1997).
2. Department of Business Laws, NLSIU, Bangalore, International Legal Instruments of Intellectual Property Rights Law, Vols. I&II.
3. Ashok Soni, A Complete Reference of Intellectual Property Laws, Vols. 1&2.
4. Bibek Debroy (Ed.), Intellectual Property Rights, B.R. Publishing Corporation (India) Ltd. (1998).
5. R. Anita Rao and V. Bhanoji Rao, Intellectual Property Rights: A Primer, Eastern Book Company, Lucknow (2008).



6. W.R. Cornish, Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights, Universal Law Publishing Co. Pvt. Ltd., Delhi (2001).

**PAPER 12: SPECIALISATION PAPER VI:  
LAW OF INTELLECTUAL PROPERTY AND PLANT VARIETIES**

**Objectives:**

Agriculture, plant breeding and cultivation were based on community and traditional practice in olden days. Due to the introduction of modern technology and privatisation and monopolisation, agriculture, plant breeding and cultivation activities have undergone tremendous change in modern days. Introduction of IPR to these sectors transformed the tradition of free distribution of seeds into controlled cultivation and gradually led to the evolution of system of Plant Breeders' Rights (PBRs). India being a signatory to TRIPS Agreement, had to introduce *sui generis* form of protection to new plant varieties. While enacting legislation to protect the plant breeders, rights of the farmers' community was also recognised as an explicit part of the Indian legal system. Therefore, students are required to acquaint themselves with the national and international legal regimes governing the PBRs to understand the different legal frameworks and their impact on socio-economic conditions and legal framework of India in particular and world in general.

**Course Outcomes:**

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

1. Describe the meaning and scope of Plant variety protection
2. explore the requirements for new plant variety protection and the rights of the breeder
3. analyse the scope of the rights of farmers in protecting their varieties
4. give practical advice on the remedies available for violation of the rights relating to these plant varieties..

**Course Content:**

**UNIT: I** – Historical background leading to modern legislations; meaning of seeds, plants, propagating material and relevant provisions of the Seeds Act, 1966.

Meaning of plant variety, new variety, plant breeder, farmer, cultivator, plant breeders' rights (PBRs), farmers' rights; distinction between the PBRs and IPRs (patent), impact PBRs system on socio-economic growth of the country.

**UNIT: II** –Basic requirements of plant variety protection in India; The salient features of the Protection of Plant Varieties and Farmers' Rights (PPV&FR) Act, 2001- Conceptual analysis of New Variety, Essentially Derived Variety (EDV), Farmer Variety and extant variety.

**UNIT: III** – Conditions or requirements for the registration of a plant variety, registrable and non-registrable plant varieties, procedure for the registration of different kinds of plant varieties, opposition proceedings and grounds of opposition, rights available to the plant

breeders, researchers, farmers and communities upon the registration of a variety, term of protection available for different registered varieties and benefit-sharing; surrender and revocation of certificate and rectification of register.

**UNIT: IV** – Transfer of rights or interest: Assignment, Transmission and Licenses, Different kinds of licenses- voluntary and compulsory; Remedies for infringement of breeders' rights, offenses and penalties; Protection of Plant Varieties and Farmers' Right Authority and Registry, Plant Varieties Protection Appellate Tribunal, Powers of the Central and State Governments under the PPV&FR Act, 2001.

**UNIT: V** – Provisions of international legal instruments having a bearing a on plant variety protection: TRIPs Agreement, 1994, Intergovernmental Convention for the Protection of New Varieties of Plants (UPOV), International Treaty on Plant Genetic Resources for Food and Agriculture.

**Prescribed Books:**

1. Philippe Cullet, Intellectual Property Protection and Sustainable Development, Lexis Nexis, 2005.
2. Elizabeth Verkey, Law of Plant Varieties Protection, Eastern Book Company, 2007.
3. Vandana Shiva, Biopiracy: The Plunder of Nature and Knowledge, South Press, 1997.
4. Vandana Shiva, Protect or Plunder: Understanding Intellectual Property Rights, Zed Books Ltd., London, 2001.
5. Shiv Sahai Singh (Ed.), "The Law of Intellectual Property Rights" (Deep and Deep Publications Pvt. Ltd, New Delhi, 2005).
6. Suman Sahai, "Biodiversity Act Falls Short of National Needs" in Kanchi Kohli (Ed.) Understanding the Biological Diversity Act 2002: A Dossier (Kalpavriksh, GRAIN and IIED publication, 2006).
7. Watal Jayashree, Intellectual Property Rights in the World Developing Countries (Oxford University Press, New Delhi, 2001).
8. V. K. Ahuja, Intellectual Property Rights, Lexis Nexis, New Delhi.

**Reference Books:**

1. W.R. Cornish, Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights, Universal Law Publishing Co. Pvt. Ltd., Delhi (2001).
2. Ranabhir Singh, Law relating to Intellectual Property, Vols. 1-3, Universal Law Publishing Co. Pvt. Ltd., Delhi.
3. R. R. Hanchinal and Raj Ganesh, Protection of Plant Varieties and Farmers Rights: Law Practice and Procedure, Eastern Law House(2018).
4. N.S. Gopalakrishnan & T.G. Ajitha, Principles of Intellectual Property, Eastern Book Company, 2nd edn., 2014.
5. Bibek Debroy (Ed.), Intellectual Property Rights, B.R. Publishing Corporation (India) Ltd. (1998).
6. F.H. Erbisich and K.M. Maredia (Eds.), Intellectual Property Rights in Agricultural Biotechnology, CAB International, Wallingford, Oxon, UK (1998).

7. Lester Nelson, Digest of Intellectual Property Laws of the World Vols. 1,2,3&4.
8. S. K. Verma & Raman Mittal (ed.), Intellectual Property Rights a Global Vision, Indian Law Institute, New Delhi, 2004.
9. Lionel Bently & Brad Sherman, Intellectual Property Law, Oxford University Press, 3rd edn., 2008.
10. CEERA, A Primer on Biological Diversity and Access and Benefit Sharing (CEERA and UNDP Publications, 2019). Available at, <https://ceerapub.nls.ac.in/wp-content/uploads/2019/05/A-Primer-on-Biological-Diversity-and-Access-and-Benefit-Sharing.pdf>.
11. CEERA, Handbook on Biodiversity Law, Access and Benefit Sharing (CEERA Publications, 2019). Available at, <https://ceerapub.nls.ac.in/wp-content/uploads/2019/05/Handbook-on-Biodiversity-law-Access-and-Benefit-Sharing.pdf>.

## **FOURTH SEMESTER**

### **PAPER 13: SPECIALISATION PAPER VII: LAW OF INTELLECTUAL PROPERTY AND BIODIVERSITY**

#### **Objectives:**

The laws relating to intellectual property (IP) and biodiversity are recent one. Both the IP and biodiversity concepts have their own historical roots. While, biodiversity evolved with the evolution of nature and civilisations, the intellectual property system has been evolved through statutes to protect the improvements made to the biological resources and grant monopoly rights to the inventor. To understand and become familiar with the system of IP and biodiversity, the students are required to study the subject by going through the historical background of both concepts and national and international laws governing them in a right perspective.

#### **Course Outcomes:**

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

1. Acquaint with the basic terminologies such as ‘genetic material’, ‘genetic resources’, ‘biological resources’, ‘benefit-sharing, etc
2. Analyse the impact of TRIPS Agreement and Convention on Biological Diversity on Indian biodiversity.
3. Evaluate the provisions of access to biological material and benefit sharing in Indian scenario
4. Examine the scope of protection given to traditional knowledge under biodiversity law and patent Act.

**Course Content:**

**UNIT: I** – Conceptual analysis of biodiversity, significance of biodiversity, meaning of ‘genetic material’, ‘genetic resources’, ‘biological resources’, and ‘benefit-sharing’; reasons for loss of biodiversity, the importance of technological growth and its impact on socio-economic growth of the country, impact of IPR on biodiversity conservation.

**UNIT: II** –Salient features of international legal instruments governing the biodiversity: The International Plant Protection Convention, 1951, Declaration on the Permanent Sovereignty over Natural Resources, 1962, International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), 2001, the Convention on Biological Diversity (CBD), 1992, the Cartagena Protocol on Bio-safety to the Convention on Biological Diversity, the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of Benefits arising out of their utilization; the interrelationship between the CBD and TRIPs Agreement and the CBD and UPOV.

**UNIT: III-** Evolution of biodiversity law in India, Objects of the Biological Diversity Act, 2002, the salient features of the Biological Diversity Act, 2002, interface between the IPRs, PBRs, Farmers’ Rights, Indigenous Peoples Rights and Community Rights.

**UNIT: IV** –Regulation of Access to Biological Diversity: composition, powers, functions and duties of the National Biodiversity Authority (NBA), State Biodiversity Boards (SBB) and Biodiversity Management Committees (BMCs);  
Prior Approval, Prior Intimation, Prior Approval for making application for obtaining IPR, Benefit-sharing.

**UNIT: V** – Powers, functions and duties of the Central and State Governments under the Act; Offences and Penalties, Appeals; the interrelationship between the Biological Diversity Act, 2002 and the Patents Act, 1970, the protection of Plant Varieties and Farmers’ Rights Act, 2001 and Geographical Indications of Goods (Protection and Registration) Act 1999.

**Prescribed Books:**

1. Philippe Cullet, Intellectual Property Protection and Sustainable Development, Lexis Nexis, 2005.
2. Elizabeth Verkey, Intellectual Property Rights, Eastern Book Company, 2007.
3. Vandana Shiva, Biopiracy: The Plunder of Nature and Knowledge, South Press, 1997.
4. Vandana Shiva, Protect or Plunder: Understanding Intellectual Property Rights, Zed Books Ltd., London, 2001.
5. Shiv Sahai Singh (Ed.), “The Law of Intellectual Property Rights” (Deep and Deep Publications Pvt. Ltd, New Delhi, 2005).

6. Suman Sahai, "Biodiversity Act Falls Short of National Needs" in Kanchi Kohli (Ed.) Understanding the Biological Diversity Act 2002: A Dossier (Kalpavriksh, GRAIN and IIED publication, 2006).
7. V. K. Ahuja, Intellectual Property Rights, Lexis Nexis, New Delhi.

#### **Reference Books:**

1. W.R. Cornish, Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights, Universal Law Publishing Co. Pvt. Ltd., Delhi (2001).
2. Ranabhir Singh, Law relating to Intellectual Property, Vols. 1-3, Universal Law Publishing Co. Pvt. Ltd., Delhi.
3. Bibek Debroy (Ed.), Intellectual Property Rights, B.R. Publishing Corporation (India) Ltd. (1998).
4. F.H. Erbisich and K.M. Maredia (Eds.), Intellectual Property Rights in Agricultural Biotechnology, CAB International, Wallingford, Oxon, UK (1998).
5. Ashok Soni, A Complete Reference of Intellectual Property Laws, Vols. 1&2.
6. S. K. Verma & Raman Mittal (ed.), Intellectual Property Rights a Global Vision, Indian Law Institute, New Delhi, 2004.
7. Lionel Bently & Brad Sherman, Intellectual Property Law, Oxford University Press, 3rd edn., 2008.
8. N.S. Gopalakrishnan & T.G. Ajitha, Principles of Intellectual Property, Eastern Book Company, 2nd edn., 2014.
9. Watal Jayashree, Intellectual Property Rights in the World Developing Countries (Oxford University Press, New Delhi, 2001).
10. CEERA, A Primer on Biological Diversity and Access and Benefit Sharing (CEERA and UNDP Publications, 2019). Available at, <https://ceerapub.nls.ac.in/wp-content/uploads/2019/05/A-Primer-on-Biological-Diversity-and-Access-and-Benifit-Sharing.pdf>.
11. CEERA, Handbook on Biodiversity Law, Access and Benefit Sharing (CEERA Publications, 2019). Available at, <https://ceerapub.nls.ac.in/wp-content/uploads/2019/05/Handbook-on-Biodiversity-law-Access-and-Benifit-Sharing.pdf>.

### **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, 1<sup>st</sup>Edn, 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, 5<sup>th</sup>Edn., 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).

**PAPER 15: SPECIALISATION PAPER IX:  
LAW OF INTELLECTUAL PROPERTY RIGHTS, HUMAN RIGHTS AND  
ENVIRONMENT**

**Objectives:**

Intellectual property laws are important in achieving sustainable development, ensuring human health and protecting the environment. A desire to establish an inherent balance between the moral and economic rights of inventors and the wider interests and needs of

society in terms of protection of human rights and environment has led to adoption and amendment of laws relating to intellectual property periodically at national and global levels. The students are required to understand the nature and gravity of the interrelationship between IPRs, human rights and environment and also national and international legal instruments and regulatory mechanisms available in such a legal framework.

### **Course Outcomes:**

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

1. demonstrate evolution of human rights law, environmental law and IPRs
2. examine the interface between IPR and environmental laws and IPR and human rights.
3. examine the issues of violation of human rights and environmental rights by implementation of IPR

### **Course Content:**

**UNIT: I** – Evolution of human rights; National and international history of laws relating to human rights and environment related laws and IPR; environment and human rights.

**UNIT: II** - Relevant provisions of international legal instruments governing human rights and IPR- the UN Charter, the Universal Declaration of Human Rights, 1948, Covenant of Social, Economic and Cultural Rights, 1966, Declaration on the Right to Development.

Indian aspects of laws relating to human rights: Relevant provisions of The Constitution of India – Preamble, Fundamental Rights, and other constitutional provisions relating to protection of human rights. The Protection of Human Rights Act, 1993.

**UNIT: III**– Stockholm Declaration, 1972, Brundtland Commission Report and Rio Declaration, 1992; Johannesburg Declaration, 2002; Sustainable Development Goals.

Relevant provisions of The Constitution of India to protect the environment. Laws relating to environment: the Forest (Conservation) Act, 1980, The Environment (Protection) Act, 1986.

**UNIT: IV** – The interface between the IPR and environment and IPR and human rights affecting the various interests and human rights as obtaining under the Patents Act, 1970, the Protection of Plant Varieties and Farmers' Rights Act, 2001 and Biological Diversity Act, 2002.

**UNIT: V** – Balancing provisions mentioned under TRIPs Agreement and Convention on Biological Diversity, 1992.

International institutions governing the human rights and IPR: UNO, FAO, UNESCO, UNICEF, UN Economic and Social Council, United Nations High Commissioner for Human Rights; WTO, WIPO, TRIPs Council.

### **Prescribed Books:**

1. Philippe Cullet, Intellectual Property Protection and Sustainable Development, Lexis Nexis, 2005.



2. Elizabeth Verkey, Intellectual Property Rights, Eastern Book Company, 2007.
3. Vandana Shiva, Biopiracy: The Plunder of Nature and Knowledge, South Press, 1997.
4. Vandana Shiva, Protect or Plunder: Understanding Intellectual Property Rights, Zed Books Ltd., London, 2001.
5. Shiv Sahai Singh (Ed.), "The Law of Intellectual Property Rights" (Deep and Deep Publications Pvt. Ltd, New Delhi, 2005).
6. Suman Sahai, "Biodiversity Act Falls Short of National Needs" in Kanchi Kohli (Ed.) Understanding the Biological Diversity Act 2002: A Dossier (Kalpavriksh, GRAIN and IIED publication, 2006).
7. Upendra Baxi, Inhuman Wrongs and Human Rights: Unconventional Essays, Har-Anand Publications, New Delhi (1994).
8. M. P. Jain, Indian Constitutional Law, Lexisnexis , Nagpur (2018).
9. Paul Torremans, Intellectual Property And Human Rights, Kluwer Law International, 2008.

#### **Reference Books:**

1. Drahos P. and J. Braithwaite, Information Fuedalism: Who owns the Knowledge Economy? Oxford University Press, New Delhi (2003).
2. Pinstrup-Andersen Per and Rajul Pandya-Lorch, A Vision for Food, Agriculture and the Environment, the Commonwealth Ministers Reference Book.
3. Graeme B. Dinwoodie, William O. Hennessey and Shira Perlmutter, International and Comparative Patent Law, LexisNexis, New Jersey (2002).
4. S.M. Mohamed, Manual on Good Practices in Public Health Sensitive Policy Measures and Patent Laws, Third World Network, May 2003.
5. Jaffe A. and J. Lerner, Innovation and its Discontents, Princeton University Press (2004).
6. Sell S., Private Power – Public Law: The Globalisation of IPRs, Cambridge University Press (2003).
7. Watal Jayashree, Intellectual Property Rights in the WTO and Developing Countries, Oxford University Press, Delhi (2001)
8. P.M. Baxi, Intellectual Property: Indian Trends.
9. N.S. Gopalakrishnan & T.G. Ajitha, Principles of Intellectual Property, Eastern Book Company, 2nd edn., 2014.
10. Lionel Bently& Brad Sherman, Intellectual Property Law, Oxford University Press, 3rd edn., 2008.

\*\*\*\*\*