

Intellectual property Rights

Course objectives:

- (a) To Explore the various theories, approaches, view and functional mechanism of IPR across the world and legal response to the same;
- (b) To analyse the jurisprudential analysis of IPR regime and its enforcement
- (c) To examine the protection mechanism of Intellectual Property Rights;
- (d) To analyse the National and International perspectives of legal regime of IPR protection; and
- (e) To focus upon the Monopolistic approaches to Patents under Indian Legal system.
- (f) To focus upon the Trademarks, Copyright and GI, Design, TK, and other IPR under various legislations

Course Outcomes:

At the end it is expected that the student will be able to :

- (a) To understand the philosophical justification for IPR and protective mechanism;
- (b) National and international approaches on IPR and its enforcement and regulatory mechanism; and
- (c) To explore the protection of monopolistic rights under Patents system within and outside the
- (d) domestic environment
- (e) (d)To explore the protection of Trademarks, Copyrights, Design, PBR, Design, TK and other related
- (f) aspects within and outside the domestic environment.

Unit-1: Introduction to intellectual property rights(IPRs):

- a. Meaning,nature and basic concepts of intellectual property
- b. Main forms of intellectual property
- c. Commercial exploitation of intellectual property
- d. Anti-competitive practices/abuse of Intellectual property rights
- e. International protection of IPR

Unit-2: Law of patents (The Patents Act,1970)

- a. Meaning and nature of patent
- b. Subject matter of patents
- c. Procedure for obtaining patents
- d. Process and product patent
- e. Transfer of patent rights
- f. Assignment and licensing of patents

- g. Powers of central government to acquire and use patents for public purpose
- h. Infringement of patents
- i. Ever greening of patents

Unit-3:Copyrights laws (the Indian Copyright Act,1957)

- a. meaning and nature of copyright
- b. subject matter of copyright
- c. authorship and ownership of copyright
- d. rights conferred by copyright
- e. registration of copyright
- f. assignment, licensing of Copyright
- g. infringement of copyright and remedies
- h. emerging new trends in copyright
- i. International conventions and agreements relating to copyright-WTO/TRIPS agreement, the BERNE convention, Universal Copyright Convention ,WIPO Copyright Treaty,1996-copyright protection on internet.

Unit-4:Law of Trade Marks (Trade Marks Act,1999)

- a. Meaning and nature of trademarks
- b. Property in trademarks-how acquired?
- c. Conditions and procedure for registration of trademark and effect of registration
- d. Registerable and non-registerable trademark
- e. Similar, nearly resembling and deceptively similar trademarks
- f. Assignment and licensing of trademarks
- g. Infringement and passing off
- h. Action for infringement
- i. Passing off action
- j. Emerging new trends in trademarks
- k. International conventions and agreements relating to trademark-Paris Convention, Madrid Agreement, Nice Agreement and TRIPS Agreement

Unit-5:Law of industrial designs (The Designs Act, 2000)

- a. Meaning and Nature of industrial designs
- b. Subject matter of industrial designs
- c. Registration of designs
- d. Rights conferred by designs
- e. Infringement of copyright in design
- f. Remedies for infringement

Unit-6:Law relating to geographical indication (Geographical Indications of Goods Act,1999)

- a. Meaning and nature of geographical indications

- b. Conditions for registration of geographical indications, effect of
- c. registration
- d. Prohibition of registration of geographical indication as Trademark
- e. Infringement of geographical indication.
- f. Remedies for infringement

Books suggested for reading-

1. Intellectual Property (1999) edition) by W.R. Cornish (Sweet &Maxwell)
2. Intellectual Property Rights under the TRIPs Text – Dr. Nilima Chandiramani
3. Intellectual Property Rights – P. Narayan
4. Patent Law by P. Narayanan
5. Taxmann’s Trade Marks Act & Geographical Indications of Goods & Copyright Act.
6. Copinger and Skone James on Copyright, 14th Edition by Kevin Garnett;
7. Jonathan Rayner James and Gillian Davis – 1999 edition(Sweet &Maxwell)
8. The Modern Law of Copyright and Designs; 2nd edition 1995 by Hugh Laddie, Peter Prescott and Mary Vitoria (Butterworths)
9. Nimmer on Copyright in 10 volumes (edition 2000) Mathew Bender)
10. Copyright and Industrial Designs - P. Narayanan
11. Kerly’s Law of Trade Marks and Trade Names Thomas A> Balano White and Robin Jacob (Sweet & Maxwell).
12. The Modern Law of Trade Marks by Christopher Morcom, Ashley Roughton and James Graham, 1st edition, 1999 edition (Butterworths)
13. K.S. Shavaksha on Trade and Merchandise Marks Act 1958 3rd Edition(1999 edition) Butterworths, India.
14. Mc. Carthy on Trade Marks and Unfair Competition (1999 edition)
15. Intellectual Property (1999 edition) by W.R. Cornish (Sweet & Maxwell)
16. Narayanan on Trade Marks and Passing Off – Fourth Edition.
17. Wadhera – Intellectual Property Rights
18. Intellectual Property Rights-P.Narayan
19. The Designs Act.Russell – Clarke on Industrial Designs (6th Edition) 1998 by Martin Howe (Sweet &Maxwell)
20. Design – The Modern Law and Practice; by Lan Morris and Barry Quest(1987 edition) (Butterworths)
21. Patent for Inventions and the Protection of Industrial Designs by Thomas A. Balanco White, 1974 Edition (Stevens & Sons)