

CHANAKYA NATIONAL LAW UNIVERSITY

Nyaya Nagar, Mithapur, Patna-800001

(7th Semester)

INTELLECTUAL PROPERTY LAW

Course Module

Academic Session- July–December, 2017

Course Teacher: Dr. Shaiwal Satyarthi

Email ID- iprcnlu@gmail.com (Send a check mail along with your Class Roll Number so that your email ID could be stored for sending of Study Material)

Objectives:

As we know, Intellectual Property Rights (IPRs) have never been more economically and politically important or controversial than they are today. Patents, copyrights, trademarks, industrial designs, integrated circuits and geographical indications are frequently mentioned in discussions and debates on such diverse topics as public health, food security, education, trade, industrial policy, traditional knowledge, biodiversity, biotechnology, the Internet, and the entertainment and media industries. In a knowledge-based economy, there is no doubt that an understanding of IPRs is indispensable to informed policy making in all areas of human development. It is but natural that in this new scenario, Intellectual Property Rights should occupy the central stage in the economic development. A renewed awakening of the role of intellectual property in the countries of the various regions of the world led to the adoption or revision of national legislation on Intellectual Property Rights (IPR) as well as to the establishment or modernization of Government structures that administer such legislation. The changing legal regime of IPR has become one of the crucial issues in the contemporary relations among nations. Central to such a concern has been the level of protection sought/contested on the rights at international and transnational level. The issues of IPR have acquired compelling width in the wake of IPRs agreement, with the WTO at its centre and monitored by WIPO. The present course has been designed keeping in view the opportunities and challenges to give in-depth knowledge of IPR to the students pursuing B.A.LL.B/ B.B.A.LL.B five year program.

MODULE- I

General Regime of Intellectual Property Rights

1. Concept of Property vis-à-vis Intellectual Property
 - (a) Concept of Property and Theories of Property - An Overview.
 - (b) Theories of Intellectual Property Rights.
2. Types of Intellectual Property- Origin and Development- An Overview.
3. Role of International Institutions: World Intellectual Property Organisation (WIPO), World Trade Organisation (WTO), Patent Cooperation Treaty (PCT) etc.

MODULE- II

Copyright, Neighbouring Rights and Industrial Designs

1. Introduction to Copyright

- a) Conceptual Basis
- b) International Protection of Copyright and Related rights- An Overview (International Convention/Treaties on Copyright)

2. Indian Copyright Law

- a) The Copyright Act, 1957 with its amendments
- b) Copyright works
- c) Ownership, transfer and duration of Copyright
- d) Renewal and Termination of Copyright
- e) Collective Management of Copyright
- f) Neighbouring Rights
- g) Infringement of copyrights and remedies

3. Industrial Designs (The Designs Act, 2000)

- a) Need for Protection of Industrial Designs
- b) Subject Matter of Protection and Requirements
- c) Procedure for obtaining Design Protection
- d) Infringement and Remedies

MODULE- III

Patent Law

1. Introduction to Patent Law

2. Indian Patent Law

- a) The Patents Act, 1970
- b) Amendments to the Patents Act
- c) Patentable Subject Matter, Patentability Criteria
- d) Procedure for Filing Patent Applications, Patent Granting Procedure
- e) Revocation, Patent Infringement and Remedies

3. Salient Features of Semiconductor Integrated Circuits Layout-Design

MODULE- IV

Trademarks [The Trademarks Act, 1999]

- a) Introduction to Trademarks
- b) Need for Protection of Trademarks
- c) Kinds of Trademarks
- d) International Legal Instruments on Trademarks
- e) Procedural Requirements of Protection of Trademarks
- f) Infringement, Right of Goodwill, Passing Off
- g) Domain Names and Effects of New Technology (Internet)

MODULE- V

Geographical Indications

- a) The Geographical Indications of Goods (Registration and Protection) Act, 2000

- b) Procedure for Registration, Duration of Protection and Renewal
- c) Infringement, Penalties and Remedies

Books:

1. P. Narayanan- Intellectual Property Law
2. B. L. Wadehra- Patents, Trademarks, Designs and Geological Indications
3. W.R. Cornish- Intellectual Property Law
4. Lionel Bently & Brad Sherman- Intellectual Property Law
5. Maskus, Keith E.- Intellectual Property Rights in the Global Economy

Bare Acts:

1. The Biological Diversity Act, 2002
2. The Copyright Act, 1957
3. The Designs Act, 2000
4. The Geographical Indications of Goods (Registration and Protection) Act, 1999
5. The Indian Patents Act, 1970
6. The Protection of Plant Varieties and Farmers' Rights Act, 2001
7. The Semiconductor Integrated Circuits Layout-Design Act, 2000
8. The Trademarks Act, 1999

VIIth- Semester Project Topics		
Subject:- Intellectual Property Law		
Course Teacher- Dr. Shaiwal Satyarthi		
Section 'A'		
Sl.No.	Roll No.	Project Topic
1	1101	The role of IPR in protection of Biodiversity.
2	1102	Infringement of trademark by comparative advertising.
3	1103	Registration and licensing of Trademarks: limitations on transfer of goodwill.
4	1104	Compulsory licensing under copyright law: a study of its impact on music rights.
5	1105	Significance of performer's rights in the copyright regime.
6	1107	Trade Secrets- Legal issues
7	1108	Invalidation of Patents - a critical study
8	1109	Registration of Shape of Goods as Trademarks and / or design.
9	1110	Computer Generated Works And Copyright protection.
10	1111	Sui generis Protection of Integrated Circuits.

11	1112	Protection Of Databases.
12	1114	Emerging trends in Digital copyright law.
13	1115	Biotechnology patents and the problem of non-obviousness.
14	1116	Pharmaceutical patenting in India-problem of public access to health.
15	1117	Exhaustion of rights and parallel imports.
16	1118	Academic research and copyright issue.
17	1119	Private home recording of musical works.
18	1120	Protection of Well Known Trademarks: safeguard against registrability of identical or similar trademarks.
19	1121	Character Merchandising.
20	1123	Spring Board Doctrine- a critical study of Trade secret protection.
21	1124	Biotechnology patenting and bio-diversity protection: resolving conflict.
22	1125	Indian Trade Mark Law: Compliance with the TRIPs.
23	1126	Remedies against trademark infringement.
24	1127	Joint Authorship of copyright works.
25	1128	Visual and phonetic similarity of Trademarks-study of judicial trends in India.
26	1129	Patenting software related inventions: trends in UK and US.
27	1130	Patent policy and medical procedures: is there any justification for granting of patents?
28	1131	Critical overview of the effect of non-use of trademarks.
29	1132	Contributory infringement and secondary liability for TM infringement.
30	1133	Doctrine of Dilution of Trademarks.
31	1134	The Territoriality rule of Trademarks in a world without borders: A critical study.
32	1136	Protection through 'geographical indications' and protection through 'certification trademarks' - International and national trends.
33	1137	Protection of confidential information-its effectiveness in comparison with other IPR protections.
34	1140	The relevance of Idea-Expression dichotomy under copyright law in the context of computer programs.
35	1141	Novelty as criteria of patentability-study of UK, US and INDIAN Position.
36	1142	Intellectual Property and Competition policy.
37	1144	Conceptual issues in patenting of life forms.

38	1145	Doctrine of “work for hire” under the copyright law: a critical survey of U.K., US and Indian cases.
39	1146	A study of patent system in India in the light of the Patent Cooperation Treaty.
40	1147	The effectiveness of the remedies for copyright infringement.
41	1148	Human Rights issues in IPR.
42	1149	Infringement of Copyright
43	1150	Fair Use of Copyrighted Work
44	1151	Patent laws in India-compliance with TRIPs Agreement.
45	1153	Patent rights and antitrust laws in USA
46	1154	Geographical Indications protection of manufactured goods: study of developments in India
47	1155	Protection of Micro Organism- International Prescriptions.
48	1156	Moral Rights Of Author.
49	1157	Lord Diplock’s dictum in Advocaat case: A study of controversial issues and latest trends in Passing off cases.
50	1158	Passing Off action for protection of the Domain Names.
51	1159	A critical examination of the Uniform Domain Name Dispute Resolution Policy.
52	1160	Exclusive Marketing Rights and India.
53	1161	Software protection: International instruments and trends.
54	1162	International developments relating to protection of Traditional knowledge.
55	1163	Traditional knowledge and patent issues: with reference to Basmati, Neem, Turmeric, and Golden rice.
56	1164	Cable television and copyright owners.
57	1165	‘Secondary Meaning’ under Trade Mark Law.
58	1166	Patent And Transfer Of Technology.
59	1167	Rights of the Broadcasting Organisations.
60	1168	Biodiversity & IPR: Economic Perspective.
61	1170	Uniform Domain Dispute Resolution Policy: A Critical Analysis.
62	1171	Secondary meaning / acquired distinctiveness as criteria for trademark protection.
63	1172	Doctrine of Equivalence and prior history estoppel-critical analysis.
64	1174	Analysis of extended passing off in UK and India
65	1175	Doha Declaration- a critical analysis

66	1176	Critical analysis of Napster case and post-Napster developments.
67	1177	Protection of multimedia works under the copyright regime.
68	1178	The concept of “originality” under the copyright law-study of judicial response
69	1179	The sui generis protection to the plant varieties: farmer’s rights v. breeder’s rights.
70	1181	Clear and complete disclosures in patent applications.
71	1182	Access and benefit sharing mechanism with respect to use of genetic resources.
72	1183	Version recording, remixing and medleys-impact on copyright owner of musical works.
73	1185	Prior use and prior publication as obstacles o patenting of inventions.
74	1186	Cybersquatting and trademark issues-Uniform Domain Dispute Resolution Policy.
75	1188	Satellite Communication and copyright Protection.
76	1189	Bioinformatics and Intellectual Property.
77	1190	Traditional Knowledge Digital Library in India: Impact on Patent Examination
78	1191	Licensing of copyright works - drafting of licensing agreements.
79	11903	Fair dealing as a defense to an action for infringement of copyright.
80	11908	Bolar Exception under the patent law regime.
81	11915	Economic analysis of Intellectual property rights.
82	11934	Drafting and Interpretation of Patent claims.
83	11966	Traditional knowledge protection through the existing copyright regime- experience in US, Australia and India.
84	11949	Need for law on Data Exclusivity in India
85	119701	Protection of Lay out design for Integrated Circuits: Comparative Study of US and Indian laws

Section 'B'

1	1201	Myriad Patent case—a critique
2	1202	Open standards in e-governance in India: implications on IP protection and standards
3	1203	Non- patentability on the basis of ‘_ordre public’ and ‘_morality’
4	1204	Rights of the Broadcasting Organisations: international developments and implications on India
5	1205	Moral Rights of authors and performers
6	1206	Significance of the protection of GI through ‘Certification trademarks’ in India and US

7	1207	Protection of the Breeders and farmers rights – UPOV and PPVFRA.
8	1208	Exclusion of Methods of Medical Treatment from patentability
9	1209	The recognition of service marks as protectable marks-Indian law and US experience.
10	1210	Right of Persons with disability to Access to knowledge including copyrighted materials: Developments in International regime and Indian copyright law.
11	1211	Comparative advertisement and Trademark study of Indian and UK Laws.
12	1212	Standards, competition and Intellectual Property: study of US position
13	1213	Descriptive Marks: factors to determine secondary meaning for acquiring distinctiveness
14	1214	Enforcement of Intellectual Property Rights with particular reference to the border Security Measures.
15	1215	Diamond Vs Chakraborty - a case review
16	1216	Trade dress protection-comparative study of US and Indian position.
17	1217	Graphical Representation of Non-conventional Trademarks: study of US, Europe and Indian system.
18	1218	Non- obviousness in Biotechnological Inventions: study of US and EPO position
19	1219	Open Source software and copyright interface
20	1220	Patentability issues under EPC relating to Computer Invented Inventions
21	1222	Copyright protection for computer generated works in the light of end user licensing agreement
22	1223	Impact of Inequitable conduct on patent validity : study of US Patent Law
23	1224	International Treaty for Plant Genetic Resources for food and agriculture: study of multilateral system of ABS
24	1225	WTO Dispute Settlement Mechanism
25	1226	Concept of substantial similarity in copyright infringement cases.
26	1227	Interface between Intellectual Property and Competition policy: safeguards against anticompetitive activities of IP owners
27	1228	Protection of Lay out design for Integrated Circuits: comparative study of US and Indian laws
28	1229	Designs protection: study of developments in WIPO.
29	1230	Copyright protection for databases in UK and India
30	1231	Character Merchandising and Personality Merchandising protection in UK and tests for judging misrepresentation thereon
31	1232	Search Engines and copyright: How far a fair use defense?

32	1233	Limitations and exceptions for Libraries and Archives under the copyright law.
33	1234	Data protection: Need for a legislation in India?
34	1235	Licensing of copyright and abuse of dominant position in EU
35	1236	Trademark infringement and Comparative advertising: position in US, UK and India.
36	1237	Utility Model Patent system for India: a critique
37	1238	Abuse of Patents
38	1239	Exploitation of Patents
39	1240	Implications of grant of Compulsory licensing of Patent in India.
40	1241	Disclosure of Source of biological materials in Patent application: a critique
41	1242	Extent of protection of Dramatic work: UK and Indian position
42	1243	Intellectual Property Rights as human rights: analysis.
43	1244	Patenting of Living organisms under the European Patent Convention
44	1245	Determining Novelty of the claimed Invention: study of US and Indian Patent system
45	1246	Nanotechnology and Patent process: response by Patent Offices?
46	1247	Prior art issues in Patenting
47	1248	Patent filing procedures in Indian context
48	1249	Patent drafting and specification- salient features and critical issues
49	121005	Invalidation of Patents - a critical study
50	121037	Defenses and Remedies in patent Infringement