



National Law University and Judicial Academy, Assam

Programme:

LL.M.

Details of Course offered

Even Semester – Academic Year 2023-2024

Sl. No	Course Code	Course Title	L	T	P	CR	CH
1.	2.1 IP OP-II	Comparative Intellectual Property Rights Regime	Taught Paper	-	-	02	02 classes per week

** L- Lecture; T- Tutorial; P- Project; CR- Credit; CH- Credit Hour

- a. Code and Title of the Course:** 2.1 IP OP-II, Comparative Intellectual Property Rights Regime
- b. Course Credit:** 02 (Total Marks 100)
- c. Medium of Instruction:** English
- d. Course Compiled by:** Dr. Sharmistha Baruah, Research Officer, DPIIT-IPR Chair and Dr. Thywill Susngi, Guest Faculty of Law, IPR
- e. Course Instructor:** Dr. Thywill Susngi, Guest Faculty of Law, IPR

1. Course Objectives

The main objectives of the course are:

- To foster an understanding of comparative studies of different Intellectual Property Rights (IPRs) within varied jurisdictions
- To delve into specific IPs in a comparative context
- To analyse the impact of international agreements on domestic IPR laws
- To equip students with skills to contribute to scholarly literature on comparative intellectual property law and policy, and
- To explore the significant role of IP in fostering innovation, economic development, and social welfare.

2. Teaching methodology

- Lecture-cum-discussion method
- Interactive classroom teaching with the aid of practical approach for value-based learning
- Article based discussion
- Analysis of landmark judgments and recent case studies
- Debate oriented and negotiation rounds on critical issues

3. Course Learning Outcome

By the end of the course, the students will:

- Gain a comprehensive understanding of comparative intellectual property Laws
- Develop skills to compare and contrast different IPR regimes across multiple jurisdictions, allowing to identify similarities, differences, strength and weaknesses
- Enhance critical thinking abilities by analysing case studies on cross-border IPR disputes and evaluating policy implications and regulatory challenges

4. Course Evaluation Method

Students will be assessed through end-semester examination and no exemption is allowed in order to complete the course successfully.

End semester exam: 100 marks

5. Detailed Structure of the Course (specifying course modules and sub-modules)

Module 1: Overview of Patent System

- 1.1 Concept of Novelty, Inventive Step and Utility in Patents
- 1.2 Patentable subject-matter (invention, processes, software)
- 1.3 Rights of Patentee
- 1.4 Compulsory Licensing under Patents
- 1.5 Territorial Reach of Patent Law (position UK, US and India):
 - Foreign Nations, High Seas and Outer Space
- 1.6 Actions for Infringement:
 - 1.6.1. Interpretation of Claims
 - 1.6.2. Doctrine of Equivalents
 - 1.6.3. Doctrine of Exhaustion
 - 1.6.4. Product testing as a possible infringing use
 - 1.6.5. Legal and equitable remedies for infringement
- 1.7 Emerging Issues in Patent System:
 - 1.8.1. Patent pooling, Patent thickets, Patent trolls
 - 1.8.2. Patent on Artificial Intelligence

Module 2: Perspectives on Copyright Law (US, UK and India)

- 2.1. Concept of Originality in Copyright
- 2.2. Works protected under Copyright Law
- 2.3. Ownership of Copyright
- 2.4. Authorship Rights
- 2.5. Neighbouring Rights
- 2.6. Fair dealing
- 2.7. Infringement and Passing-off

Module 3: Perspectives on Trademark Law (US, UK and India)

- 3.1. Concept of Distinctiveness in Trade and Service Mark
- 3.2. Well-known Trademark principle
- 3.3. Cross-border Reputation of Trademark
- 3.4. Procedure for Domestic and International Filing
- 3.5. Comparative Advertisement
- 3.6. Domain Name Disputes
- 3.7. Parallel Imports

Module 4: Other IPR regime

- 4.1. Design Law in India and EU- Basic similarities and differences
- 4.2. GI law in India and Europe
- 4.3. Trade Secrets and Confidential Information- India & USA.
- 4.4. Sui-generis Protection Mechanisms of Traditional Knowledge

Prescribed Readings

Students are advised to go through the recent editions of the recommended books

1. Law relating to Intellectual Property Rights by V.K. Ahuja.
2. Intellectual Property Law and Practise by Elizabeth Verkey
3. Intellectual Property Law by P. Narayanan.
4. Principles of Intellectual Property by Gopalakrishnan N.S & Agitha T.G.
5. Intellectual Property Law by Sherman Brad & Bently Lionel.
6. Global Intellectual Property Rights: Knowledge, Access and Development by Ruth L. Okediji
7. Comparative Intellectual Property Law by Peter K. Yu
8. The Internationalization of Intellectual Property: New Challenges from the Enforcement of Intellectual Property Rights by Frederick M. Abbott
9. Legal Protection for Traditional Knowledge: Towards A New Law for Indigenous Intellectual Property by Anindya Bhukta
10. Intellectual Property, Biodiversity, and Sustainable Development: Resolving the difficult issues by Martin Khor
11. Traditional Knowledge, Traditional Cultural Expressions and Intellectual Property Law in the Asia Pacific Region by Christoph Antons (ed.)
12. Global Intellectual Property Protection and New Constitutionalism Hedging Exclusive Rights by Jonathan Griffiths
13. Intellectual Property Rights in the Information Age Conference Proceedings Rashmi Selpekar, Deepti Kohli, et.al. (eds.)
14. Enforcement of Intellectual Property Rights: A Case Book by L.T.C. Harms