



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.	1.4 IP OP-I	Intellectual Property Law and Policy	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:** 1.4 IP OP-I, Intellectual Property Law and Policy
- 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. Sharmistha Baruah, Research Officer, DPIIT-IPR Chair

1. Course Objectives

The main objectives of the course are:

- To comprehend the importance and ramifications of Intellectual Property Rights across diverse fields and domains.
- To identify and differentiate between different forms of IPR, including Patents, Copyrights, Trademarks, Geographical Indications and Industrial Designs.
- To analyse the role of IPR in fostering innovation, creativity and economic growth.
- To evaluate the legal mechanisms and frameworks governing the protection, enforcement and exploitation of Intellectual Property assets.

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 sessions and negotiation exercises on critical topics

3. Course Learning Outcome

By the end of the course, the students will:

- Understand the evolution and significance of Intellectual Property Rights (IPR) globally, including key international treaties and conventions.
- Gain insights into various forms of Intellectual Property Rights (IPR), such as patents, copyrights, trademarks, geographical indications, and industrial designs, discerning their differences and similarities.
- Apply knowledge to identify and address intellectual property issues in practical scenarios.
- Critically assess the ethical, social and economic implications of Intellectual Property laws and policies, including their impact on innovation, access to knowledge, cultural diversity and socio-economic development

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 Intellectual Property Rights

- 1.1. Genesis and Concept of Intellectual Property Rights
- 1.2. Historical Development of IPR laws
- 1.3. International IPR Regime:
 - 1.3.1. The Paris Convention for the Protection of Industrial Property (1883)
 - 1.3.2. The Berne Convention for the Protection of Literary and Artistic Works (1886)
 - 1.3.3. The Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (1961)
 - 1.3.4. Madrid Agreement Concerning the International Registration of Marks (1891) and the Protocol Relating to that Agreement (1989)
 - 1.3.5. Hague Agreement Concerning the International Registration of Industrial Designs (1925)
 - 1.3.6. The Patent Cooperation Treaty (1970)
 - 1.3.7. WIPO Copyright Treaty (1996)
 - 1.3.8. Lisbon Agreement for the Protection of Appellations of Origin and their International Registration
 - 1.3.9. The WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore
 - 1.3.10. The Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (2013)
- 1.4. Forms of IPR

Module 2: Introduction to Patent Law

- 2.1. Patentable and Non-Patentable subject-matter
- 2.2. Patentability Criteria
- 2.3. Patentable Inventions - Process and Product:
 - 2.3.1. Biotechnology,
 - 2.3.2. Pharmaceutical Products,

- 2.3.3. Patent protection of computer programme
- 2.4. Procedure of Patenting
- 2.5. Assignment and Licensing
- 2.6. Infringement and Remedies
- 2.7. Defences, Bollar Exemption and Parallel Import

Module 3: Overview of Copyright and Industrial Designs

Copyright

- 3.1. Introduction
- 3.2. Scope of Copyright Protection
- 3.3. Subject-matter of copyright
- 3.4. Ownership of Copyrighted Works
- 3.5. Rights of Copyright Owners
- 3.6. Registration
- 3.7. Infringement and Remedies

Industrial Designs

- 3.8. Introduction to the Law of Designs
- 3.9. Development of Design Law in India
- 3.10. Basic features of Design
- 3.11. Registration of Designs
- 3.12. Intersection of Copyright and Designs
- 3.13. Rights of Design holder,
- 3.14. Infringement and Remedies

Module 4: Trademark and Geographical Indications

Trademark

- 4.1. Introduction and Kinds of Trademarks
- 4.2. Registration and its Effect
- 4.3. Grounds for Refusal of Registration of Trademarks:
 - 4.3.1. Absolute Grounds
 - 4.3.2. Relative Grounds
- 4.4. Infringement of Trademarks and Exceptions
- 4.5. Concepts of Trademark Dilution, Prior Use and Good Faith Clause
- 4.6. Remedies

Geographical Indications (GI)

- 4.7. Concept of GI
- 4.8. Key Definitions – Goods, Producer, Registered Proprietor, Authorised User
- 4.9. Procedure of Application for Registration and Grounds of Prohibition
- 4.10. Registration of Authorised User
- 4.11. Rights conferred by GI Registration
- 4.12. Infringement of Registered GI and Passing-off Action
- 4.13. Prohibition of Registration of GI as Trade Mark
- 4.14. Remedies
- 4.15. Interface Between GI and TK

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 Rights: Contemporary Developments by V.K. Ahuja & Archa Vashishtha
3. Intellectual Property Law and Practise by Elizabeth Verkey
4. Intellectual Property Law by P. Narayanan.
5. Principles of Intellectual Property by N.S. Gopalakrishnan & T. G. Agitha
6. Intellectual Property Law by Sherman Brad & Bently Lionel
7. Global Intellectual Property Rights: Knowledge, Access and Development by Ruth L. Okediji
8. Enforcement of Intellectual Property Rights: A Case Book by L.T.C. Harms
9. Law of Trademark and Geographical Indications by K.C. Kailasham and Ramu Vedaraman
10. Indian Patent Law and Practice by Kalyan C. Kankanala
11. Patents and Patent Law in India by Prabuddha Ganguli