



NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM

PROGRAMME: B.A.,LL.B (HONS.)FYIC

DETAILS OF COURSE OFFERED

ODD SEMESTER (VII) – ACADEMIC YEAR

SL. NO	COURSE CODE	COURSE TITLE	L	T	P	CR	CH
1	BL 706.10 IPR, SP-II	TRADITIONAL KNOWLEDGE AND BIODIVERSITY	SEMINAR + MOOT	1	SEMINAR + MOOT	4	5 CLAS SES PER WEEK

**** L- LECTURE; T- TUTORIAL; P- PROJECT; CR- CREDIT; CH- CREDIT HOUR**

A. CODE AND TITLE OF THE COURSE: BL706.10, IPR,SP-II, TRADITIONAL KNOWLEDGE AND BIODIVERSITY

B. COURSE CREDIT: 4 (TOTAL MARKS 200)

C. MEDIUM OF INSTRUCTION: ENGLISH

**D. COURSE COMPILED BY: DR. SHARMISTHA BARUAH, RESEARCH OFFICER,
DPIIT-IPR CHAIR**

**E. COURSE INSTRUCTOR: DR. SHARMISTHA BARUAH, RESEARCH OFFICER,
DPIIT-IPR CHAIR**

1. COURSE OBJECTIVES

This course on Biodiversity and Traditional Knowledge is intended to teach the students of IPR specialisation the extended areas of IPR like Biodiversity Act, Traditional Knowledge & Traditional Cultural Expressions. The paper also aims to explore new developments and challenges in this extended branch of IPR by means of research, thereby focusing on both the theoretical and practical aspects of this regime of IPR.

2. TEACHING METHODOLOGY

The course will be delivered by lecture-cum-discussion method. There will be interactive classroom teaching focussed on practical approach for value-based learning. Important materials shall be provided to the students from time to time. For better understanding of the course, the focus shall be on providing recent developments pertaining to the specific areas and highlighting the important case studies for analysis to the students.

3. COURSE LEARNING OUTCOME

On successful completion of this Course, a student would be in a position to understand and apply the legal as well as practical relevance with regard to Biodiversity and TK as well as TCEs under the IPR regime. The course shall enable the students to undertake exercise to raise questions, carry out research and motivate them to generate IPR awareness.

4. COURSE EVALUATION METHOD

As the course is practical based, hence the students will be assessed through weekly evaluation of their research by the course instructor requiring the students to submit and present seminar paper and moot court practical at the end of the semester.

Seminar Paper: 90 marks

Moot Court: 100 marks

Weekly evaluation: 10 marks

5. DETAILED STRUCTURE OF THE COURSE (SPECIFYING COURSE MODULES AND SUB-MODULES)

MODULE I: The Biological Diversity Act, 2002

- Outline of the Biological Diversity Act, 2002 – key definitions, objective and scope
- Conservation and Sustainable Use of Biodiversity – Overview of:
 - i. CBD (Convention on Biological Diversity)
 - ii. Access and Benefit Sharing (ABS) mechanisms

- Functions and Powers of National Biodiversity Authority, State Biodiversity Board, Biodiversity Management Committees
- Interface between Biodiversity and Patents
- Case-studies on Bio-piracy (Neem, Turmeric and Basmati)

MODULE II: Traditional Knowledge and Traditional Cultural Expressions

- Meaning of Traditional Knowledge & Traditional Cultural Expressions
- Role of Indigenous and Local Communities - Benefit Sharing
- Protection Mechanism of TK & TCEs – Overview of:
 - i. WIPO Inter-Governmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge, and Folklore (IGC);
 - ii. UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (2003); and
 - iii. Traditional Knowledge Digital Library (TKDL)
- Interface between TK, Biodiversity and patent regime
- TCEs and Copyrights' connection

6. PRESCRIBED READINGS

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

Books

1. Law relating to Intellectual Property Rights by V.K. Ahuja
2. Legal Protection for Traditional Knowledge: Towards A New Law for Indigenous Intellectual Property by Anindya Bhukta
3. Traditional Cultural Expressions and the Law in India by Pinaki P Baruah and Debasis Poddar
4. Traditional Knowledge in Modern India: Preservation, Promotion, Ethical Access and Benefit Sharing Mechanisms by Nirmal Sengupta
5. Biotechnology and Intellectual Property Rights: Legal and Social Implications by Kshitij Kumar Singh
6. The Protection of Traditional Knowledge on Genetic Resources by Frantzeska Papadopoulou
7. Intellectual Property, Biodiversity, and Sustainable Development: Resolving the difficult issues by Martin Khor
8. Traditional Knowledge, Traditional Cultural Expressions and Intellectual

Property Law in the Asia Pacific Region by Christoph Antons (ed.)

Further Readings:

1. Inter- Governmental Committee on Traditional Knowledge, Traditional Cultural Expression and Genetic Resources, available at: <https://www.wipo.int/tk/en/igc/>
2. Convention on Biological Diversity, 1992 and International Treaty on Plant Genetic Resources for food and Agriculture, 2002
3. UNESCO/WIPO Model Provisions for Protection of Folklore/ Cultural Expressions.
4. Documents of Inter-Governmental Committee, WIPO on TK & TCE protection, WIPO, Geneva