

LL.M. (Intellectual Property Rights)

Objectives

“Knowledge is Power” – the adage is more relevant today than at any other time in the past; and it will be still more relevant in the years to come as we move more and more towards knowledge-based economy. 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 has led more recently 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 New IPR regime that has come into being seems to have a vital linkage with the revolution in New Generic Technologies (NGT), Information and Communication Technology (ICT) and Biotechnology in particular.

The present program has been designed keeping in view the above opportunities and challenges to give in-depth knowledge of IPR to the students pursuing LL.M. two year program. Apart from the IPR the course has also taken care of the basic fundamentals of Law other than IPR to understand the legal system and its administration not only at the national but also international level.

To make the LL.M. program research oriented entire Semester IV has been devoted to towards practical oriented understanding of Law in general and IPR Law in particular.

The present program will cater the needs of the various stakeholders of IPR such as Lawyers, Judges and Industry.

Semester - I

LAW 401 Legal Theories

4 Credits

1. **Analytical Legal Positivism**
 - 1.1 Analytical School
 - 1.1.1 Jermy Bentham
 - 1.1.2 John Austin
2. **The Pure Theory**
 - 2.1 Hans Kelsen
 - 2.1.1 The Basic Norm
 - 2.1.2 Implication of Pure Theory
 - 2.1.3 Contribution of Kelsen
3. **Sociological School**
 - 3.1 The Social Origin of Laws & Legal Institution
 - 3.2 Impact of Laws on Society
 - 3.3 The Task of Law in Society
 - 3.3.1 Roscoe Pound
 - 3.3.2 Social Engineering
4. **American Realism**
 - 4.1 Justice Holmes
 - 4.2 Carl. N. Llewellyn
5. **Natural Law**
 - 5.1 The Greek Period
 - 5.2 The Roman Period
 - 5.3 The Medieval Period
 - 5.4 Revival of Natural Law Theories

References :

1. Bodenheimer, Jurisprudence – The Philosophy and Method of Law (1996) Universal, Delhi
2. Fitzgerald, (ed.) Salmond on Jurisprudence (1999) Tripathi, Bombay.
3. W. Friedmann, Legal Theory (1999) Universal, New Delhi.
4. Paton G. W., Jurisprudence (1972) Oxford, ELBS.
5. Dias, Jurisprudence (1994 First Indian re-print), Adithya Books, New Delhi.
6. Roscoe Pond, Introduction to the Philosophy of Law (1998 re-print) Universal, New Delhi.
7. Hart, H.L.A., The Concepts of Law (1970) Oxford, ELBS
8. Lloyds Introduction to Jurisprudence, Sweet and Maxwell.

- 1** **“State”: Need for Widening the Definition in the Wake of Liberalization**
- 2.** **Right to Equality: Privatization and Its Impact on Affirmative Action**
- 3.** **Freedom of Press and Challenges of New Scientific Development**
 - 3.1 Freedom of speech and right to broadcast and telecast
 - 3.2 Access to information
 - 3.3 Right to strikes, hartal and bandh
- 4.** **Emerging Regime of New Rights and Remedies**
 - 4.1 Reading Directive Principles and Fundamental Duties into Fundamental Rights
 - 4.1.1 Compensation jurisprudence
 - 4.1.2 Right to education
 - 4.1.2.1 Commercialisation of education and its impact
 - 4.1.2.2 Brain-drain by foreign education market
- 5.** **Secularism, Religious Fanaticism and Federalism**
 - 5.1 Allocation and share of resources - distribution of grants in aid
 - 5.1.1 The inter-state disputes on resources
 - 5.2 Directions of the centre to the State under Article 356 and 365
 - 5.3 Special status of certain States
 - 5.3.1 Tribal Areas, Scheduled Areas
- 6.** **Separation of Powers: Stresses and Strain**
 - 6.1 Judicial activism and judicial restraint
 - 6.2 PIL: implementation
 - 6.3 Judicial independence
 - 6.4 Appointment, transfer and removal of judges
 - 6.5 Accountability: executive and judiciary
 - 6.6 Tribunals

References :

1. H.M. Sheervai, Indian Constitution of Law (three Volumes)
2. M.P. Jain, Constitution Law of India (2008), Tripathi, Bombay
3. D. D. Baus Commentaries of Indian Constitution
4. Latest Judgments of Supreme Court

- 1. Introduction**
 - 1.1 Nature of International Law
 - 1.2 Basis of International Law
 - 1.3 Evolution and Development of International Law
 - 1.4 Codification of International Law

- 2. Sources of International Law**
 - 2.1 General
 - 2.2 Custom
 - 2.3 Treaties
 - 2.4 The General Principles of Law
 - 2.5 Judicial Decisions
 - 2.6 Juristic Work on International Law
 - 2.7 General Assembly Resolutions and Declarations

- 3. Relation between International Law and Municipal Law**
 - 3.1 Theories on Relationship
 - 3.2 Theories on the Application of International Law within Municipal Law

 - 3.3 Municipal Law before International Tribunals
 - 3.4 International Law within Municipal Sphere

- 4. Subjects of International Law**
 - 4.1 State as a Subject
 - 4.2 Public International Organizations
 - 4.3 Individual as Subject of International Law

- 5. Law and Practice of Treaties**
 - 5.1 The Treaty Making Process
 - 5.2 Treaties and Third Parties
 - 5.3 Treaty Interpretation
 - 5.4 Amendment and Modification of Treaties

References:

1. Akehurst's Modern Introduction to International Law, Ed. By Peter Malanczuk, 7th Edition, (Revised)
2. Alina Kacxorowska, Public International Law 150 Leading Cases, Old Bailey Press, 2002.
3. Bowett D.W., The Law of International Institutions, 4th Edition, 2003, Universal.
4. Brownlie, Ian (2003) Principles of Public International Law, Oxford University Press, 6th Edition.
5. David D. Caron, Cases & Materials on International Law.
6. Oppenheim, International Law (Vol. I & II)
7. Starke J.G., Introduction to International Law.
8. M.P. Tandon, Public International Law, 16th Edition, (2005), Allahabad Law Agency.

- 1. Introduction to Intellectual Property**
 - 1.1 Concept of Intellectual Property
 - 1.2 Kinds of Intellectual Property
 - 1.3 Economic importance of Intellectual Property

- 2. Philosophical Justification of Intellectual Property Western Theories on Private and IP**
 - 2.1 Locke's Labour Theory of Property
 - 2.2 Hegel's Personality Theory of Property
 - 2.3 Marxian Theory on Private Property and IP.

- 3. Indian Theory on Private Property**
 - 3.1 Constitutional Aspects of Property
 - 3.2 Constitutional Protection of Property and IP

- 4. International Scenario**

Introduction to the leading international instruments concerning intellectual property rights: the Berne Convention, Universal Copyright Convention, the Paris Convention, TRIPS, the World Intellectual Property Rights Organization (WIPO) and the UNESCO

- 5. Economic Development and IPR Protection**

1. An Introduction to Trademarks

- 1.1 Historical development of the concept of trademark and trademark law-National and International -- Introduction to Trademarks
- 1.2 Need for Protection of Trademarks
- 1.3 Kinds of Trademarks
- 1.4 International Legal Instruments on Trademarks
- 1.5 Well known Trademark

2. Registration of Trademarks

- 2.1 Grounds of refusal of registration
 - 2.1.1 Absolute grounds
 - 2.1.2 Relative grounds.
- 2.2 Procedure for registration of Trademarks:
 - 2.2.1 Application.-intent to use
 - 2.2.2 Opposition
 - 2.2.3 Registration

3. Rights of Registered trademark owners.

- 3.1 Assignment and licensing of Trademarks

4. Infringement of Trademarks

- 4.1 Passing Off
- 4.2 Defences.
- 4.3 Remedies for Infringement and Passing Off
 - 4.3.1 Civil remedies.
 - 4.3.2 Criminal remedies.

5. Geographical Indications

- 5.1 Concept of Appellations of Origin, Indication of Source and geographical Indication
- 5.2 International Convention/agreements
- 5.3 The Geographical Indications of Goods (Registration and Protection) Act, 2000
- 5.4 Procedure for Registration, Duration of Protection and Renewal Infringement, Penalties and Remedies

References :

- 1. W.R. Cornish, Intellectual Property, Sweet & Maxwell, London (2000)
- 2. Kerly's Law of Trade Marks and Trade Names, 14th Edition, Thomson, Sweet & Maxwell.
- 3. A. K. BanSal, Law of Trade Marks in India (2009 Edition) Institution of Constitutional and Parliamentary Studies and Centre for Law, Intellectual Property and Trade, New Delhi.
- 4. Christoher Wadlow, The Law of Passing Off, 1995
- 5. Marsha A. Echols, Geographical Indications for Food Products, International Legal and Regulatory Perspectives (2008), Wolters Kluwer.
- 6. N.S. Gopalakrishnan & T.G. Agitha, Principles of Intellectual Property (2009), Eastern Book Company, Lucknow

1. Introduction to Patents

- 1.1 Overview
- 1.2 Historical development
- 1.3 Concepts:
 - 1.3.1 Novelty
 - 1.3.2 Utility
 - 1.3.3 Inventiveness/Non-obviousness

2. Patentable subject-matter

- 2.1 Patent Act 1970 – amendments of 1999, 2000, 2002 and 2005
- 2.2 Pharmaceutical products and process and patent protection
- 2.3 Software Patents
- 2.4 Business Method
- 2.5 Protection of Plant Varieties and Farmers' Rights Act, 2001
- 2.6 Patenting of Micro-organism

3. Procedure for Obtaining of Patents

- 3.1 Contents of a Patent Application.
- 3.2 Specification:
 - 3.2.1 Provisional
 - 3.2.2 Complete
- 3.3 Disclosure aspects
- 3.4 Claims
 - 3.4.1 Principal
 - 3.4.2 Dependant
 - 3.4.3 Omnibus
- 3.5 Examination of application.
- 3.6 Opposition of Application
- 3.7 Sealing of Patents

4. Working of Patents – Compulsory License

- 4.1 Commercialization of Inventions
 - 4.1.1 Licence- Terms of License Agreement
 - 4.1.2 Assignment of patents
- 4.2 Revocation of Patents.

5. Infringement

- 5.1 What Is Infringement?
 - 5.1.1 How Is Infringement Determined?
 - 5.1.2 Who Is an Infringer?
 - 5.1.3 Direct, Contributory, and Induced
- 5.2 Defences to Infringement
 - 5.2.1 Research exemption
 - 5.2.2 invalidity
 - 5.2.3 misuse
 - 5.2.4 failure to mark
 - 5.2.5 laches and estoppel, and first sale doctrine.

References:

1. W.R. Cornish, Intellectual Property, Sweet & Maxwell, London (2000)
2. Terrell On Patent, 2000
3. P. Narayana, Patent Law, Wadhwa Publication.
4. Merges, Patent Law and Policy: Cases and Materials, 1996
5. Brian C. Reid, A Practical Guide to Patent Law, 2nd Edition, 1993
6. Brinkhof (Edited), Patent Cases, Wolters Kluwer
7. Prof. Willem Hoyng & Frank Eijsvogels, Global Patent Litigation, Strategy and Practice, Wolters Kluwer
8. Gregory Stobbs, Software Patents Worldwide, Wolters Kluwer
9. Feroz Ali Khader, The Law of Patents – with a special Focus on Pharmaceuticals in India, LexisNexis Butterworths Wadhwa, Nagpur.
10. Sookman, Computer Law, 1996
11. N.S. Gopalakrishnan & T.G. Agitha, Principles of Intellectual Property (2009), Eastern Book Company, Lucknow

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Semester - II

LAW 407 Judicial Process

4 Credits

1. Nature of Judicial Process

- 1.1 Judicial process as an instrument of social ordering
- 1.2 Judicial process and creativity in law - common law model – Legal Reasoning and growth of law - change and stability
- 1.3 The tools and techniques of judicial creativity and precedent
- 1.4 Legal development and creativity through legal reasoning under statutory and codified systems

2. Special Dimension of Judicial Process in Constitutional Adjudications

- 2.1 Notions of judicial review
- 2.2 'Role' in constitutional adjudication - various theories of judicial role
- 2.3 Tools and techniques in policy - making and creativity in constitutional adjudication
- 2.4 Varieties of judicial and juristic activism
- 2.5 Problems of accountability and judicial law-making

3. Judicial Process in India

- 3.1 Indian debate on the role of judges and on judges and on the notion of judicial review
- 3.2 The "independence" of judiciary and the "political" nature of judicial process
- 3.3 Judicial activism and creativity of the Supreme Court the tools and techniques of creativity
- 3.4 Judicial process in pursuit of constitutional goals and values- new dimensions of judicial activism and structural challenges
- 3.5 Institutional liability of courts and judicial activism-scope and limits

4. The Concepts of Justice

- 4.1 The concept of justice or Dharma in Indian thought
- 4.2 Dharma as the foundation of legal ordering in Indian thought
- 4.3 The concept and various theories of justice the western thought
- 4.4 Various theoretical bases of justice : the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition

5. Relation between Law and Justice

- 5.1 Equivalence Theories - Justice as nothing more than the positive law of the stronger class
- 5.2 Dependency theories - for its realisation justice depends on law, but justice is not the same as law
- 5.3 The independence of justice theories - means to end relationship of law and justice - the relationship in the context of the Indian constitutional ordering.
- 5.4 Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

References:

1. Julius Stone, The Province and Function of Law, Part II, Chs.1,8-16(2000), Universal, New Delhi
2. Cardozo, The Nature of Judicial Process (1995), Universal, New Delhi
3. Henry J. Abraham, The Judicial Processes (1998), Oxford
4. Julius Stone, Precedent and the Law: Dynamics of Common Law Growth(1985), Butterworth
5. W. Friedmann, Legal Theory (1960), Stevens, London
6. Bodenheimer, Jurisprudence - The Philosophy and Method of the Law (1997), Universal, New Delhi
7. Julius Stone, Legal System and Lawyers' Reasonings (1999), Universal, New Delhi
8. Upendra Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow
9. Rajeev Dhavan, The Supreme Court of India - A Socio-Legal Critique of Its Juristic Techniques (1977), Tripathi, Bombay
10. John Rawls, A Theory of Justice (2000), Universal, New Delhi
11. Edward H. Levi, An Introduction to Legal Reasoning (1970), University of Chicago

1. Law and Social Change

- 1.1 Laws as an instrument of social change
- 1.2 Law as the product of traditions and culture. Criticism and evaluation in the light of Colonization and the introduction of common law system and institutions in India and its impact on further, development of law and legal institutions in India.

2. Law and Its Inter-relationships with Religion, Language, Community and Regionalism

- 2.1 Religion, Language, community and regionalism as divisive factors
- 2.2 Responses of law to :
 - (a) Religion - through secularism
 - (b) Language - through constitutional guarantees
 - (c) Community - through non-discrimination
 - (d) Regionalism - through unity
 - (e) Non- discrimination and protective discrimination (reservation)

3. Women, Children and the Law :

- 3.1 Crimes against women
- 3.2 Gender injustice and its various forms
- 3.3 Women's Commission
- 3.4 Empowerment of women: Constitutional and other legal provisions
- 3.5 Child labour
- 3.6 Sexual exploitation
- 3.7 Adoption and related problems
- 3.8 Children and education

4. Modernizations and the Law

- 4.1 Modernization as a value: Constitutional perspectives reflected in the fundamental duties
- 4.2 Modernization of social instructions through law
 - 4.2.1 Reform of family law
 - 4.2.2 Agrarian reform - Industrialisation of agriculture
 - 4.2.3 Industrial reform: Free enterprise v. State regulation
Industrialisation v. environment protection
- 4.3 Reform of court processes
 - 4.3.1 Criminal law: Plea bargaining; compounding and payment of compensation to victims
 - 4.3.2 Civil law: (ADR) Confrontation v. consensus; meditation and conciliation; Lok Adalat
 - 4.3.3 Prison reforms
- 4.4 Democratic decentralization and local self-government

5. Alternative Approaches to Law

- 5.1 The jurisprudence of Sarvodaya - Gandhiji, Vinoba Bhave; Jayaprakash Narayan -Surrender of dacoits; concept of gram nyalalayayas
- 5.2 Socialist thought on law and justice; an enquiry through constitutional debates on the right to property
- 5.3 Indian Marxist critique of law and justice
- 5.4 Naxalite movement: causes and cure

References:

1. Marc Galanter (ed.), Law and Society in Modern India (1997), Oxford
2. Robert Lingat, The Classical Law of India (1998), Oxford
3. U. Baxi, The Crisis of the Indian Legal System (1982), Vikas, New Delhi
4. U. Baxi (ed.), Law and Poverty Critical Essays (1988), Tripathi, Bombay
Manushi A, Journal about Women and Society
5. Duncan Derret, The State, Religion and Law in India (1999), Oxford University Press, New Delhi
6. H. M. Seervai, Constitutional Law of India (1996), Tripathi
7. D. D. Basu, Shorter Constitution of India (1996), Prentice-Hall of India (P) Ltd., New Delhi
8. Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (2000), Armor Publications, Delhi
9. Savitri Gunasekhare, Children, Law and Justice (1997), Sage
10. Indian Law Institute, Law and Social Change: Indo-American Reflection (1988), Tripathi
11. J. B. Kripalani, Gandhi: His Life and Thought (1970), Ministry of Information and Broadcasting,
12. Government of India
13. M. P. Jain, Outlines of Indian Legal History (1993), Tripathi, Bombay
14. Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford

1. Research Methods

- 1.1 Socio-legal research
- 1.2 Doctrinal and non-doctrinal
- 1.3 Relevance of empirical research
- 1.4 Induction and deduction

2. Identification of Problem of Research

- 2.1 What is a research problem ?
- 2.2 Survey of available literature and bibliographical research
- 2.3 Legislative materials including subordinate legislation notification and policy statements
- 2.4 Decisional materials including foreign decisions; methods of discovering the "rule of the case" tracing the history of important cases and ensuring that these have not been over-ruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof.
- 2.5 Juristic writings - a survey of juristic literature relevant to select problems in India and foreign periodicals
- 2.6 Compilation of list of reports or special studies conducted relevant to the problem

3. Preparation of the Research Design

- 3.1 Formulation of the Research problem
- 3.2 Devising tools and techniques for collection of data : Methodology
- 3.3.1 Methods for the collection of statutory and case materials and juristic literature
- 3.3.2 Use of historical and comparative research materials
- 3.3.3 Use of observation studies
- 3.3.4 Use of questionnaires/ interview
- 3.3.5 Use of case studies
- 3.3.6 Sampling procedures- design of sample, types of sampling to be adopted
- 3.3.7 Use of scaling techniques
- 3.3.8 Jurimetrics

4. Classification and tabulation of data

- 4.1 Rules for tabulation
- 4.2 Explanation of tabulated data
- 4.3 Analysis of data

5 Computerized Research - A study of legal research programmes such as Lexis and West law coding

References:

1. M. O. Price, H. Bitner and Bysiewicz, Effective legal Research (1978)
2. Pauline V. Young, Scientific Social Survey and Research (1962)
3. William J. Grade and Paul K. Hatt, Methods in Social Research, Mc
Graw - Hill Book Company, London.
4. H. M. Hyman, Interviewing in Social Research (1965)
5. Payne, The Art of Asking Questions (1965)
6. Erwin C. Surrency, B. Fieff and J. Crea, A Guide to Research (1959)
7. Morris L. Cohan, Legal Research in Nutshell (1996), West Publishing Co.
8. Havard Law Review Association, Uniform System of Citations
9. ILI Publication, Legal Research and Methodology

- 1. Introduction to Copyright**
 - 2.1 overview
 - 2.2 Concepts:
 - 2.2.1 Idea- Expression dichotomy.
 - 2.2.2 Originality.
 - 2.2.3 Fixation.

- 2. Works protected under Copyright law**
 - 2.1 Literary Works, including Computer Software
 - 2.2 Dramatic Works
 - 2.3 Musical Works.
 - 2.4 Artistic Works
 - 2.5 Sound Recordings
 - 2.6 Cinematograph Films

- 3. Authorship and ownership**
 - 3.1 author.
 - 3.2 Contract of service-work for hire
 - 3.3 Joint authorship

- 4. Rights conferred on copyright owners**
 - 4.1 To reproduce
 - 4.2 To communicate the work in the public
 - 4.3 To issue copies to the public
 - 4.4 To make any adaptation of the work
 - 4.5 To include in any cinematograph work.
 - 4.6 To assign and license
 - 4.7 Moral Rights

- 5. Related Rights**
 - 5.1 Performers Rights
 - 5.2 Producer of Phonograms Rights
 - 5.3 Broadcasting Rights

References:

1. Whale on Copyright, 1996
2. W.R. Cornish, Intellectual Property, Sweet & Maxwell, London (2000)
3. Prof. Bernt Hugenholtz & Dr. Lucie Guibault (Edited), Kluwer Copyrights Cases, Wolters Kluwer
4. N.S. Gopalakrishnan & T.G. Agitha, Principles of Intellectual Property (2009), Eastern Book Company, Lucknow

LAW 411E Industrial Design, Semiconductor Lay-out Design 4 Credits

- 1. Need for Protection of Industrial Designs**
 - 1.1 Introduction
 - 1.2 Justification for Protecting Design
- 2. Subject Matter of Protection and Requirements**
 - 2.1 Copyright on Registered Design
 - 2.2 Industrial and International Exhibition
- 3. The Designs Act, 2000**
 - 3.1 Procedure for obtaining Design Protection
 - 3.2 Revocation, Infringement and Remedies
- 4. The Semiconductor Integrated Circuits Layout-Design Act, 2000**
 - 4.1 Conditions and Procedure for Registration
 - 4.2 Duration and Effect of Registration
- 5. Assignment and Transmission and use of Lay-out Design**
 - 5.1 Assignability and Transmissibility of Registered Lay-out Design
 - 5.2 Registration of Assignments and Transmissions
 - 5.3 Registered Users
 - 5.4 Rights of Registered user to take proceedings against infringement
 - 5.5 Offences and Penalties for Infringement

References :

1. N.S. Gopalakrishnan & T.G. Agitha, Principles of Intellectual Property (2009), Eastern Book Company, Lucknow

1. Information and Technology Act, 2000

- 1.1 Introduction
- 1.2 Digital Signature
- 1.3 Regulation of Certifying Authority
- 1.4 Digital Signature Certificates
- 1.5 Cyber Regulations Appellate Tribunal
- 1.6 Offences

2. Internet and the Protection of Software Copyright

- 2.1 Open Source
- 2.2 Reverse Engineering

3. Trademark Issues in Cyber Space

- 3.1 Domain Name
- 3.2 The ICANN Uniform Domain Name Dispute Resolution Policy

4. Regulation of Converging Technologies

- 4.1 What is Converging?
- 4.2 Internet Policy Direction
- 4.3 The Problem of Regulation Convergence Technology
- 4.4 Options for Regulatory Development

5. Cyber Crimes and Intellectual Property Rights

- 5.1 Introduction
- 5.2 Essential Ingredients of Crime
- 5.3 Types of Internet Crimes
- 5.4 Cyber Crime and IPR

References:

- 1. Nandan Kamath, Law Relating to Computers Internet & E-Commerce, 2nd Edition, Universal Law Publishing Co.Pvt.Ltd.
- 2. David Lindsay, International Domain Name Law ICANN at the UDRP, (2007) Hart Publishing, Oxford and Portland, Oregon.

LL.M. (Intellectual Property Rights)

Semester - III

LAW 501E Law of Contract

4 Credits

1. Fundamentals of Contract

- 1.1 Agreement
- 1.2 Offer & Acceptance
- 1.3 Consideration
- 1.4 Capacity
- 1.5 Consent
- 1.6 Legality of Object

2. Types of Contract

- 2.1 Void Contract
- 2.2 Voidable Contract
- 2.3 Illegal Contract

3. Discharge of Contract

- 3.1 Performance
- 3.2 Non-performance
- 3.3 Breach

4. Licensing Agreement

- 4.1 Benefit of Licensing
- 4.2 Licensing of the Basic Intellectual Property
 - 4.2.1 Patent
 - 4.2.2. Trademark
 - 4.2.3 Copyright
 - 4.2.4 Industrial Design

5. Licensing and the Transfer of Technology

- 5.1 Introduction
- 5.2 The Commercial Transfer and Acquisition of Technology
- 5.3 Negotiation of Licensing Agreements
- 5.4 Remuneration

References:

- 1. Adam Liberman, Peter Chrocziel & Russell E. Levine (Edited), International Licensing and Technology Transfer: Practice and the Law (2008), Wolters Kluwer

1. International Treaties on Patent

- 1.1 Paris Convention
- 1.2 Patent Co-operation Treaty
- 1.3 Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure

2. International Treaties on Trademark

- 2.1 Paris Convention
- 2.2 Madrid Agreement Concerning the International Registration of Marks & Protocol.

3. International Treaties on Copyright and Related Rights

- 3.1 Berne Convention
- 3.2 Universal Copyright Convention
- 3.3 WIPO Copyright Treaty
- 3.4 Rome Convention
- 3.5 WIPO Performance and Producers of Phonogram Treaty

4. Industrial Design and Integrated Circuit

- 4.1 Paris Convention
- 4.2 Hague Agreement
- 4.3 Locarno Agreement

5. Treaty on World Intellectual Property Organization

- 5.1 History
- 5.2 Mission and Activities
- 5.3 Structure
- 5.4 Administration

References:

- 1. Alfredo Ilardi and Michael Blakeney (Edited), International Encyclopedia of Intellectual Property Treaties (2004), Oxford University Press.
- 2. International Legal Instruments of Intellectual Property Rights Law (1998), (Vol. I & II) NLSIU, Bangalore.
- 3. WIPO, Reading Materials on Intellectual Property

- 1. GATT and WTO**
 - 1.1 Rounds of GATT
 - 1.2 Drunkel Proposal
 - 1.3 Formation of WTO
 - 1.4 Structure of WTO
 - 1.5 Agreements in WTO
- 2. WTO and Economic Development**
- 3. TRIPs Agreement and Its relation with other International IPR Treaties**
 - 3.1 Paris Convention
 - 3.2 Berne Convention
 - 3.3 Rome Convention
- 4. TRIPs Agreement**
 - 4.1 General Provisions and Basic Principles
 - 4.2 Minimum Standard
 - 4.3 Enforcement of IPR
 - 4.4 Dispute Prevention and Settlement
- 5. TRIPs and Environment**
 - 5.1 TRIPs and Biodiversity
 - 5.2 TRIPs and Protection of Plants Varieties
 - 5.3 TRIPs and Biotechnology

References :

1. Daniel Gervais (edited), Intellectual Property, Trade and Development (2007), Oxford University Press.
2. Peter – Tobias Stoll, Jan Busche and Katrin Arend (Edited), WTO-Trade related Aspects of Intellectual Property Rights (2009) (Vol. 7), Martinus Nijhoff Publishers.
3. A.H. Qureshi, Interpreting WTO Agreements, Cambridge.
4. Carlos M. Correa, Oxford Commentaries on The GATT.WTO Agreements (2007), Oxford University Press.

- 1. Biotechnology and Law**
 - 1.1 Evolution of Biotechnology
 - 1.2 Techniques Involved in Biotechnology
 - 1.3 Applications of Biotechnology
 - 1.4 Rationale for Intellectual Property Protection

- 2. Patenting Biological Invention**
 - 2.1 Concept of Novelty in Biotechnological Inventions
 - 2.2 Concept of Inventive Step in Biotechnological Inventions
 - 2.3 Microorganisms as Biotechnological Inventions

- 3. Plant Varieties Protection**
 - 3.1 Justification for Protection
 - 3.2 Plant Protection Varieties in India

- 4. Food Security, Genetic Engineering and Biotechnology**

- 5. Biotechnology and International Treaties**
 - 5.1 UPOV
 - 5.2 Convention on Biological Diversity
 - 5.3 TRIPs
 - 5.4 ITPGRFA

References:

1. William H. Lesser and Robert T. Masson, An Economic Analysis of the Plant Variety Protection Act, 1983
2. Pat Roy Mooney, The Law of the Seed: Another Development and Plant Genetic Resources, Development Dialogue, 1983
3. Iver P. Cooper, Biotechnology and the Law, 1996
4. Francesco Franioni and Tullio Scovazz (Edited), Biotechnology and International Law, (2006), Hart Publishing, Oxford and Portland, Oregon
5. Francesco Franioni (Edited), Biotechnologies and International Human Rights 2006), Hart Publishing, Oxford and Portland, Oregon
6. Dr. T. Ramakrishan (Edited), Biotechnology and Intellectual Property Rights (2003), CIPRA, NLSIU, Bangalore.

- 1. Intellectual Property Rights and Human Rights**
 - 1.1 Right to Health as Basic Human Rights and IPR
 - 1.2 Right to Food as Basic Human Rights and IPR

- 2. Protection of Traditional Knowledge and IPR**
 - 2.1 Concept of Traditional Knowledge
 - 2.2 Issues Concerning Traditional Knowledge
 - 2.3 Bio-Prospecting & Bio-Piracy
 - 2.4 Need for A Sui Generis Regime
 - 2.5 Traditional Knowledge Digital Library

- 3. Biodiversity and IPR**
 - 3.1 Biodiversity and Sustainable Development
 - 3.2 Genetic Resources and Biotechnology
 - 3.3 Benefit Sharing
 - 3.4 Bonn Guidelines

- 4. IPR and Transfer of Technology**
 - 4.1 Transfer of Technology and Economic Development
 - 4.2 Issues and Concerns of Developing Countries

- 5. Biotechnology and Bioethical Implication of IPR**
 - 5.1 Moral Issues in Patenting Biotechnological Inventions
 - 5.2 Human Genomes

References:

1. Silke von Lewinski (Edited), Indigenous Heritage and Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore, 2nd Edition, (2008), Wolters Kluwer.
2. Paul L.C. Torremans (edited), Intellectual Property and Human Rights, Enhanced edition of Copyright and Human Rights, (2008), Wolters Kluwer.

- 1. Enforcement of Industrial Property in General**
 - 1.1 Civil Court Procedures
 - 1.2 Criminal Actions: Counterfeiting
- 2. Enforcement of Patent Rights**
 - 2.1 Assessing the Scope of Patent Rights
 - 2.2 Evaluating Validity and Infringement of a Patent
 - 2.3 The Cost of Patent Litigation
- 3. Enforcement of Copyright and related Rights**
 - 3.1 Introduction
 - 3.2 Provisions on Enforcement of Rights in International Copyright and Related Rights Conventions
 - 3.3 Evolution of International Standards for the Enforcement of Rights
 - 3.4 National Legislation Concerning Enforcement of Rights
 - 3.5 Border Measures
 - 3.6 Anti-Piracy Measures for Phonograms, Audiovisual Works and Computer Programs
 - 3.7 Reasons for Taking Action Against Piracy
 - 3.8 Anti-piracy Measures
- 4. Activities within WIPO concerning enforcement and enforcement provisions of the TRIPs Agreement**
- 5. Intellectual Property Litigation**
 - 5.1 Introduction
 - 5.2 Review of Industrial Property Office Decisions
 - 5.3 Pre-Grant Appeals
 - 5.4 Post-Grant Appeals
 - 5.5 Infringement Actions

References:

1. Butterworths Patent Litigation: Enforcing a Global Patent Portfolio, 1995.
2. Ownership and Enforcement of Intellectual Property Rights (2003), CIPRA, NLSIU, Bangalore
3. Alfredo Ilardi and Michael Blakeney (Edited), International Encyclopedia of Intellectual Property Treaties (2004), Oxford University Press.
4. Christopher Heath and Laurence Petit (eds.), Patent Enforcement Worldwide, A Survey of 15 Countries, Hart Publishing, Oxford and Portland, Oregon.
5. N.S. Gopalakrishnan & T.G. Agitha, Principles of Intellectual Property (2009), Eastern Book Company, Lucknow

LAW 507PR Class room Teaching**4 Credits**

Each student will be assign two topics in advance to deliver class room teaching. Each class will be of 45 minutes by selecting any methods of teaching relating to Law and shall be assessed according to his/her performance.

LAW 508PR Doctrinal Research**4 Credits**

Each student has to submit a doctrinal research on the basis of the doctrinal research method taught in the legal research methodology by collecting secondary data from various sources collating with legal issues.

LAW 509PR Non-Doctrinal**4 Credits**

Each student has to submit a doctrinal research on the basis of the doctrinal research method taught in the legal research methodology by collecting primary data from various sources collating with legal issues.

LAW 510PR Clinical Research Report**4 Credits**

As a part of clinical research each student has to visit for a week to different Legal Institutions to understand the functioning of these institutions and its relation with the society at large and has to submit a report for evaluation.

LAW 511PT Dissertation and Submission of Thesis**4 Credits**

To make the LL.M. program in IPR research oriented every student has to carry out Dissertation work selecting any topic from the subjects taught in the last three semesters applying Legal Research Methodology which is to be submitted for evaluation internally externally has to appear for viva-voce.