

COURSE-III: OPTIONAL-III:
INTELLECTUAL PROPERTY RIGHTS-I

Objectives :

Intellectual Property Law has assumed a great importance in recent times as a result of the recognition that "knowledge is property". The creations of the human brain as IP are required to be understood and protected. The syllabi encompassing all relevant IP legislations in India with a view to understand and adjust with changing needs of the society because creative work is useful to society and law relating to innovation/creativity i.e. Intellectual Property is one of the fastest growing subjects all over the globe because of its significance and importance in the present era. Disseminate information on national and international IPR issues. The course is designed with a view to create IPR consciousness; and familiarize the learners about the documentation and administrative procedures relating to IPR in India. The subject Intellectual Property Law divided into two Papers namely Paper - I and Paper - II of 100 marks each.

Course contents:

UNIT I

Introductory Aspects: Overview of the concept of property; Industrial property and non-industrial property; Historical background of IPR; Importance of human creativity in present scenario; Different forms of IP and its conceptual analysis.

Patents: Introduction and overview of patent protection; History of Patent protections; What is patent and definition of patent; Object of patent; Scope and salient features of patent; How to obtain patent; Product patent and Process patent; Specification - Provisional and complete specification; Procedure for patent applications; Register of patents and Patent Office; Rights and obligations of patentee; Transfer of Patent Rights; Government use of inventions; Biotech patents and patentability of life forms; Infringement of Patents; Offences and Penalties.

UNIT II

Trade Marks: Introduction and overview of trade mark; Evolution of trade mark law; Object of trade mark; Features of good trade mark; Different forms of trade mark; Trade mark registry and register of trademarks; Property in a trade mark; Registrable and non- registrable marks; Basic principles of registration of trade mark; Deceptive similarity; Assignment and transmission; Rectification of register; Infringement of trade mark; Passing off; Domain name protection and registration; Offences and penalties.

UNIT III

Introduction and overview of Cyber Intellectual Property; Intellectual property and cyberspace; Emergence of cyber-crime; Grant in software patent and Copyright in software; Software piracy; Trademarks issues related to Internet (Domain name); Data protection in cyberspace; E-commerce and E-contract; Salient features of Information Technology Act; IPR provisions in IT Act; Internet policy of Government of India.

UNIT IV

Geographical Indications: Introduction and overview of geographical indications; Meaning and scope of geographical indications; Important geographical indications of India and their features; Salient features of the Protection of Geographical Indications Act; Protection of geographical indications; Misleading use of geographical indications; Registration of geographical indications; Right to use geographical indications; Infringement; Remedies against infringement; Role and functions of Registrar of Geographical indication; Conflict between Trade mark and geographical indications.

UNIT V

International Convention and Treaties: Paris Convention: Background; Salient features of Paris Convention; Governing rules of Paris Convention; Patent Cooperation Treaty: Background; Objectives of PCT; Salient features of PCT; Madrid Convention: Salient features; International registration of marks; World Intellectual Property Organisation: Background; Salient features WIPO; Organisation of WIPO.

Prescribed Books:

1. Narayan.S, Intellectual Property Law in India, (Hyderabad: Gogia Law Agency, 2005)
2. Cornish, William - Intellectual Property: Patents, Copyright, Trademark and Allied Rights, 2nd Edition, (London: Sweet & Maxwell, 1998).

Reference Books:

1. Prabuddha Ganguli - Intellectual Property Rights: Unleashed the knowledge economy (Tata Mc Graw Hill Publishing Co., 2001)
2. Copinger & Skone James, Nicholas et (al) Caddick – Copyright, 16th Edition, (U.K: Sweet & Maxwell, 2013)
3. Unni - Trade Mark and Emerging concepts of Cyber Property Rights (Kolkata: Eastern Law House, 2002)
4. Rodney Ryder - Intellectual Property and the Internet (Jain Book Agency: 2002)
5. Rahul Matthan - The law relating to Computers and the Internet, (Butterworths India Ltd, 2005)
6. Elizabeth Verkey - Law of Plant Varieties Protection, 1st Edition, (Eastern Book Co., 2007)
7. Pavan Duggal - Cyber Law: The Indian Perspective, (Saakshar Law Publications, 2002)

8. D. P. Mittal - Law of Information Technology, (Cyber Law) (Taxman Allied Services, 2000)