

## BRANCH - VI

### POST-GRADUATE DIPLOMA IN INTELLECTUAL PROPERTY LAWS

#### (P.G.D.I.P.L.)

#### Prescribed Papers-One Year Course

<b>Paper I</b>	<b>:</b>	<b>Introduction to Intellectual Property</b>
<ol style="list-style-type: none"><li>1. Meaning of Intellectual Property</li><li>2. Nature of Intellectual Property</li><li>3. Introduction to the concept of Intellectual Property<ol style="list-style-type: none"><li>a. Concept of Property – Extrapolation to Intellectual Property</li><li>b. Theories Justifying Protection of Property<ol style="list-style-type: none"><li>i. Western Theories</li><li>ii. Marxian Theory</li><li>iii. Indian Theories</li></ol></li></ol></li><li>4. Forms of Intellectual Properties<ol style="list-style-type: none"><li>a. Patents</li><li>b. Copyright</li><li>c. Trademarks</li><li>d. Industrial Designs</li><li>e. Geographical Indications</li><li>f. Protection of New Plant varieties and Farmers' Rights</li><li>g. Protection of Bio-Diversity</li></ol></li><li>5. Commercial Exploitation of Intellectual Property</li></ol>		
<b>Paper II</b>	<b>:</b>	<b>International Protection of Intellectual Property Rights</b>
<ol style="list-style-type: none"><li>1. International Conventions and Covenants for the Protection of Intellectual Property<ol style="list-style-type: none"><li>a. International Protection of Patents<ol style="list-style-type: none"><li>i. The Paris Convention : Exploitation of the Patented Invention</li><li>ii. Patent Co-operation Treaty</li><li>iii. TRIPS Agreement</li><li>iv. PLT</li></ol></li><li>b. International Protection of Copyrights<ol style="list-style-type: none"><li>i. The Berne Convention</li><li>ii. Rome Convention</li><li>iii. TRIPS Agreement</li><li>iv. Universal Copyright Convention</li></ol></li></ol></li></ol>		

- v. WIPO Internet Treaties
  - vi. Pending Issues on the International Agenda
    - 1. Audio-Visual Performers' Right
    - 2. Data Base Treaty
    - 3. Electronic Copyright Management Systems
  - c. International Protection of Trademarks
    - i. The Paris Conventions
    - ii. Madrid Agreement and Protocol
    - iii. TRIPS Agreement
    - iv. Trademark Law Treaty
    - v. Revised Trademark Law Treaty - 2003 work of the WIPO Standing Committee on Trademarks
2. WTO and Intellectual Property Rights, WIPO

**Paper III**

**: Patents**

**(i) Introduction to Patents**

- a. Overview
- b. Historical Development
- c. Concepts
  - 1. Novelty
  - 2. Utility
  - 3. Inventiveness/Non-Obviousness

**(ii) Patentable subject matter**

**Acquisition of Patent Rights**

- ❖ Who may apply?
- ❖ Procedure
- ❖ Patent of Addition
- ❖ Specification
- ❖ Opposition to grant of Patent
- ❖ Register of Patents and Patents Office
- ❖ Compulsory Licenses, Licenses of Right and Revocation for non-working
- ❖ Government use of Inventions

**Infringement of Patents**

- ❖ Who is Infringement?
- ❖ How is Infringement determined?
- ❖ Who is an 'Infringer'?
- ❖ Direct, contributory and induced

- ❖ Defences to Infringement

### **Remedies**

- ❖ Action for informant of Patents
- ❖ Relief under Patent Law
- ❖ Appeals against order of Central Government and Controller
- ❖ Patent Agents

### **Compulsory Licensing**

### **Modification of Granted Patents**

- ❖ Reissue
- ❖ Disclaimer
- ❖ Re-Examination

### **Commercialization of Inventions**

- ❖ What is a Licence?
- ❖ Term of a Licence Agreement
- ❖ Assignment of Patents

### **Pharmaceutical Protection**

- ❖ Patents act with special reference to Pharmaceutical Industry
- ❖ Product Patents and Process Patents – Reverse Engineering
- ❖ Trips Obligations

**Paper IV**

**: Copyright**

#### 1. Introduction to Copyright

- Overview
- History
- Concepts:-
  - Idea – Expression Dichotomy
  - Originally
  - Fixation

#### 2. Words protected under Copyright Law

- Literary Works
- Dramatic Works
- Musical Works
- Artistic Works
- Sound Recordings
- Cinematography Films

g. Computer Software

3. Authorship and Ownership

- a. Author
- b. Contract of Service – Work for Hire

4. Right conferred on Copyright Owner

- a. To reproduce
- b. To Communicate the work in the Public
- c. To issue copies to the public
- d. To make any adaptation of the work
- e. To translate the work
- f. To include in any cinematograph work
- g. To assign and Licence

5. Moral Rights

6. Performers' Rights and Broadcasting Rights

7. Infringement of Copyright

- a. Test for determining Infringement
- b. Copyright Society

8. Remedies

- a. Remedies against Infringement
- b. Remedies for breach of confidence

9. Defences

- a. Fair Use
- b. Other Defences

**Paper V**

**: Trademarks**

**1. Overview of Trademarks:**

- a. Historical Development of the concept of Trademark
- b. Function of Trademark

**2. Meaning and content of Trademarks:**

- a. Spectrum of distinctiveness – Inherent and acquired distinctiveness
- b. Marks that constitute e Trademarks
- c. Well-known Trademarks, Certification Trademarks, collective marks, associated marks
- d. Shape of Goods, packaging and combination of colours as Trademarks

- 3. Registration of Trademarks**
  - a. Application – Intent of Use
  - b. Opposition
  - c. Registration
  - d.
- 4. Grounds for refusal of Registration:**
  - a. Absolute Grounds
  - b. Relative Grounds
- 5. Rights of Registered Trademark Owners:**
- 6. Assignment and Licencing of Trademarks**
- 7. Infringement of Trademarks:**
  - a. Infringement, threat and trade libel of Trademarks
  - b. Likelihood of Confusion
  - c. Dilution of Trademarks
- 8. Remedies:**
  - a. Action for infringement
  - b. Appeals before High Court
  - c. Trademark Agents
- 9. Passing Off:**
  - a. Introduction
  - b. Elements of passing off: reputation, misrepresentation, damages
  - c. Defences
  - d. Overlapping, Intellectual Property Rights
- 10. Remedies for Infringement and Passing Off:**
  - a. Civil Remedies
  - b. Criminal Remedies
- 11. Domain name: Issues and Concerns**
  - a. Importance of Domain Names
  - b. Interface with Trademark Law
  - c. Dispute Resolution Policy

**Paper VI**

**: Project Work**

A Project Work on a topic around 50 pages neatly typewritten and spiraled.

**Books Prescribed:**

1.	Narayanan P.	:	Intellectual Property Rights
2.	Reddy G.B.	:	Intellectual Property Rights & Other Law
3.	Pearson, Hillary E. and Miller, Clifford G.	:	Commercial Exploitation of Intellectual Property
4.	Ramappa T.	:	Intellectual Property Rights Under WTO - Tasks before India
5.	Watal	:	Intellectual Property Rights in the WTO
6.	Narayanan	:	Patent Law
7.	Rajiv Jain & Rakhee Biswas	:	Law of Patents: Procedure and Practice
8.	Lal	:	Copy Right
9.	Narayanan P.	:	Copy Right and Industrial Designs
10.	Narayanan P.	:	Trademark and Passing Off

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