

(Optional)

## **Trademarks Law and Geographical Indications**

This course is aimed at exposing the basic concept of trade mark and geographical indication. The standard or test laid down to identify the mark to be protected; the procedural requirement for the acquisition of rights; enforcement of rights in case of infringement; civil criminal and administrative remedies provided under the law will be examined.

Further to examine the goods which can be protected under geographical indication; procedure for registration of geographical indication; right holder of it; enforcement of rights and remedies. This course will focus on the Indian law.

### **1. An Introduction to Trademarks**

- 1.1 Historical development of the concept of trademark and trademark law-National and - Introduction to Trademarks
- 1.2 Need for Protection of Trademarks
- 1.3 Kinds of Trademarks
- 1.4 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 geographical Indication
- 5.2 The Geographical Indications of Goods (Registration and Protection) Act, 2000
- 5.3 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 & Maxweel.
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

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