

PATENT LAW

UNIT 1:

Origin & development of patents- Theoretical Justification for patent protection- patent law in UK, USA and India – Patent as Monopoly- Economic Benefits of Patent- International Character of Patent including TRIPS Agreement & PCT

UNIT 2:

Concept of Invention-Scope & new face- Patentability Criteria- i.e., Novelty, Inventive Step & Industrial Application- Non patentable Subject Matters- Patent on Software- Patent on Bio-technology-Distinction between Discovery and Invention- Patent on Nano-technology and Space technology.

UNIT 3:

Prosecution for obtaining patent- who can apply- provisional and complete specification- claim and claim interpretation- examination – anticipation- opposition- grant & sealing of patent- patent of addition- amendments- revocation and surrender of patent – rights and obligation of patent – ownership and assignment of licence- compulsory licence- International patent filing.

UNIT 4:

Patent Litigation- What amounts to infringement of patent jurisdiction- Burden of Proof- Remedies including Anton Pillar Order- Defenses – Enforcement.

UNIT 5:

Plant Variety Protection – Plant Patent – Sui generis Protection – Utility patent relating to patent- multiple protection – plant variety protection and Farmers Right Act- Test of Distinctiveness – Novelty – Uniformity – Registration of New Variety – Farmers Variety and extant variety – Farmers Rights- benefit sharing – National Gene Fund – Genetically Modified Seeds, crops and farmers’ interest

BOOKS

1. *Source book on TRIPS Agreement*
2. W.R.Cornish – *Intellectual Property Law*
3. David Bainbridge - *Intellectual Property Law*
4. Dr. Elizabeth Varkey – *Law of Patents*
5. Dr. Elizabeth Varkey – *Law Of Plant Variety Protection*
6. *Terrels On Patent*
7. *Merges Patent Law And Policy: Cases And Materials*
8. *WIPO Reading materials on Intellectual Property*
9. Michael Blakeney- *TRIPS- A concise guide to the TRIPS Agreement*
10. P.Narayanan-*Patent Law*
11. Mare S.Gross.et.al-*Biotechnology and Pharmaceutical Patents*
12. Rajiv Jain, Rakhee Biswas- *Law of Patents*
13. Ashlety Roughton- *The Modern Law Of Patents*
14. Markus Nolff- *TRIPS, PCT & Global Patent Procurement*
15. Janice M. Muller – *Patent Law*
16. Robert C. Kahril- *Patent claim construction*
17. Gregory A. Stabbs – *Software Patent*
18. Patricial Lucia, Cantuaria Marin – *Providing Protection For Plant Genetic Resources*
19. Wester lund – *patents on Biotechnology*

INTERNATIONAL SOURCES

- ❖ Paris Convention
- ❖ PCT
- ❖ European Patent Convention
- ❖ Budapest Treaty
- ❖ TRIPS Agreement
- ❖ Patent Law Treaty

NATIONAL SOURCES

- ❖ Patent Act, 1970
- ❖ Protection of Plant Varieties And Farmers Rights Act, 2001
