

SUBJECT : INTELLECTUAL PROPERTY LAW (H. C. - 3)
SUBJECT CODE: HXI

Objectives of the Course:

The new trends in international trade ushered in by the WTO and the TRIPS Agreement demand for a serious rethinking on teaching intellectual property Laws. The new economic policies, it is assumed, will facilitate the free movement of capital, technology and goods based on new technology across the borders to promote international trade. This is expected to bring in new technology for the industrial and economic development India. It is also expected that there is going to be more investment on the research and development by the local industries to face the new international competition. This demands India to afford better protection for the intellectual Property based on the TRIPS Agreement.

This course is intended to introduce the different categories of IP, the minimum standard to identify the items of protection. Exposing the students the procedural requirements for the acquisition of IPR and also address the International filing system Bundle of rights conferred to the right holder and remedies available in the case of infringement are also examined.

UNIT – I : Intellectual Property

- Meaning and concept of intellectual Property and the need for protection
- The world Intellectual property Organisation (WIPO) Convention
- Origin and functions of World Trade Organisation (WTO)
- Trade Related Intellectual property Rights (TRIPS) Agreement of WTO and its effects on Intellectual Property law in India; Dispute Settlement Mechanism.

UNIT – II : Patents

- The Patents Act O(1970), object definitions, salient features, patentable and non- patentable inventions, product and process patents
- Persons entitled to apply for patents, provisional and complete specifications, priority dates, of claims, opposition to grant of patent, anticipation, provisions for secrecy of certain inventions.
- Patent office and power of Controller
- Grant and sealing of patents, rights of patentees, rights of co-owners of patents, term of patent, patents of addition, assignment and transmission, register of patents.
- Amendment of applications and specifications, restoration of lapsed patents, rights of patentees of lapsed patents, which have been restored, surrender and revocation of patents

- Compulsory licences, exclusive marketing rights, licences of right, use of invocation of patents purposes of government, acquisition of inventions by Central Government
- Remedies for infringement of patents
- Patent agents, scientific advisers, international arrangements
- International Law
- Right of plant breeders and farmers
- National Law on Biological Diversity

Unit – III : Trade Marks

- The Trade Mark Act (1999), object, definitions, salient features, marks registrable and non – registrable, conditions for registration, absolute and relative grounds for refusal of registration, procedure for and duration of registration, effects of registration.
- Powers and functions of Registrar
- Distinctiveness, deceptive similarity, concurrent registration, rectification and correction of register
- Assignment and transmission
- Use of trademarks and registered users, collective marks, registration of certification marks, trade mark agents
- Appellate board
- Infringement action, passing off action
- International treaties
- Geographical Indication of goods (Registrations and protection) Act (1999), objects, definitions, conditions for registration, prohibition of registration of certain geographical indications procedure for and duration of registration effects of registration special provisions relating to trademark and prior users, remedies for infringement , international Law

UNIT – IV : Copyright

- The Copyright Act (1957) and recent amendments: works in which copyright subsists; meaning of copyright ; ownership and rights of the owner; assignment; term of copyright
- Powers and functions of the copyright board
- Registration of copyright; compulsory licences; licence to produce and publish translations; copyright societies
- Rights of broadcasting organisations and of performers
- International copyright
- Acts constituting & not constituting infringement; remedies for infringement

UNIT – V : Industrial Designs

- The designs Act.2000; definitions, registration of designs, copyright in registered designs, piracy of registered designs, remedies, powers and duties of Controller, International Law.
- Semi conductor integrated circuit layout – Design Act – 2000

Statutory Materials:

The Patents Act, 1970
The Trade Marks Act, 1999
The Copyright Act 1957
The Designs Act, 2000

- International Covenants

Books Prescribed:

1. P. Narayanan – Intellectual Property Law (1999) (Eastern Law House, Calcutta)
2. Dr. B.L. Wadehra – Law relating to patents, trademarks, copyright, design and geographical indications (Universal Law Publishing Co – Ltd., New Delhi)
3. Dr. S.R. Myneni – Law of Intellectual Property (Asia Law House, Hyderabad)
4. P.S. Narayana – Intellectual Property Law in India (Gogia Law Agency, Hyderabad)
5. Vikas Vashisht – Law and practice of Intellectual Property in India (Bharat Law House, New Delhi)

Books for Reference :

1. W.R. Cornish – Intellectual Property, Patents, Copyright, trademarks and allied rights (1999) (Sweet & Maxwell, London)
2. Arad Sherman and Lionel Bently – The Making of Modern Intellectual Property Law (Cambridge University Press)
3. David I. Bainbridge – International Property (Pitman Publishing)
4. Allison Coleman – The Legal Protection of Trade Secrets (Sweet 7 Maxwell)
5. W.R. Cornish – Cases and Materials on Intellectual Property (Sweet & Maxwell)
