



தமிழ்நாடு டாக்டர் அம்பேத்கர் சட்டப் பல்கலைக்கழகம்
The Tamil Nadu Dr. Ambedkar Law University



SCHOOL OF EXCELLENCE IN LAW

LL.M CBCS PATTERN

CURRICULUM

FROM ACADEMIC YEAR 2024 – 2025

BRANCH – III

**DEPARTMENT OF INTELLECTUAL
PROPERTY LAW**

DEPARTMENT OF INTELLECTUAL PROPERTY LAW

The Department of Intellectual Property Law of the Tamil Nadu Dr.Ambedkar Law University, Chennai was established in the year 2005, as the III branch of specialized study in the University. The LL.M in intellectual property is designed to equip the students with an advanced knowledge and understanding of intellectual property law and policy. During the course of study, the students will have the opportunity to undertake in-depth study of a range of contemporary issues in intellectual property law, and develop further critical understanding and research skills through Skill Enhancement Course and dissertation on intellectual property issue. The course is more practical oriented students in the final year visit any of the place of GI Tag and study the nature of the GI good. The department celebrates World IP Day on April 26, by organizing seminar or workshop by inviting eminent personalities in the IP field.

Intellectual property is everywhere today. The global use of intellectual property has been on the rise in the last decade and it is now an important concern in both developed and developing economies, intellectual property protection has increasingly been associated with the aims of promoting economic growth, innovation and creativity. On the one hand, IP- intensive industries are seen to make a significant contribution to GDP and national employment and bring other socio –economic benefits. On the other, tension remain between intellectual property rights and development of information and communication technologies, access to medicines and education, and the right to freedom of expressions and the right to privacy etc.

Intellectual Property Law is facing unprecedented challenges, evolving issues like cloud computing and biotechnological inventions, big data and traditional knowledge raise questions related to the continuous need to define an optimal interface between law and technology. Similarly, IP law has become a crucial factor in economic, scientific and societal/moral decisions. In view of the above objective the syllabus is thoroughly revised and the revamped syllabus will be effective from the academic year 2020-21 and further revised on 2023-24 academic year, the course will expose to a broad range of perspectives on intellectual property law, practice and policy. It covers substantive law on all major intellectual property rights, including copyright, trademark, designs, patents and common law protection of intellectual property rights. It also examines these rights within the international intellectual property treaty framework and system. This is achieved through a combination of substantive law, judicial precedents and doctrines, customary law and practices, and practical approaches envisaged in 6 Specialized Core Papers, 3 Discipline Specific Elective Papers and 2 Generic Elective Papers which will be studied over 4 Semesters in 2 Years (CBCS System).

The ever- increasing role and impact of intellectual property law and policy makes specialized knowledge of this course a valuable asset for those: Intending to enter legal practice and specialize in intellectual property law; Seeking to work in areas such as the creative industries, cultural industries, manufacturing industries, pharmaceuticals, life sciences, computing, information and communication technologies, etc. with a focus on intellectual property; Intending to take up a policy making role in relation to knowledge-intensive sectors; Looking to undertake further post graduate study in the area of intellectual property law or pursue a research or academic career.

The curriculum was designed in such a manner to equip the students with the latest development and challenges in IP law. The teaching pedagogy will be enriched by case study session as well as exercise in writing research paper.

THE TAMIL NADU DR.AMBEDKAR LAW UNIVERSITY

BRANCH – III

DEPARTMENT OF INTELLECTUAL PROPERTY LAW

LL.M. (CBCS) SYLLABUS

HARD CORE COURSES – 06

1. Law of Intellectual Property: Evolutionary Perspective.
2. Copyright Law: Policy and Governance.
3. Patent Law: Comparative Jurisprudence.
4. Trademark Law: Policy and Governance.
5. Intellectual Property Litigation: Theory and Practice.
6. Science, Technology and Intellectual Property Rights: Law and Policy.

DISCIPLINE ELECTIVE COURSES – 03

7. Law and Policy Perspectives of Pharmaceutical Drugs and Intellectual Property.
8. Intellectual Property Rights and Competition Law.
9. Law and Policy Perspective of Cultural Property, Intangible Cultural Heritage and Intellectual Property.

ELECTIVE COURSES – 02

10. Intellectual Property Rights and Human Rights: National and International Perspectives.
11. TRIPS Agreement and Patent Law.

DEPARTMENT OF INTELLECTUAL PROPERTY LAW
SUBJECTS IN SEMESTERS

First Semester	1. Legal Education and Research Methodology (Common Paper-I) 2. Judicial Process (Common Paper-II) 3. Law of Intellectual Property: Evolutionary Perspective (Core Course-I) 4. Copyright Law: Policy and Governance (Core Course-II) 5. Intellectual Property Rights and Human Rights: National and International Perspectives (Elective Course-I) 6. Value Added Course – 1 : Communication Skills
Second Semester	1. Constitutional Law: The New Challenges (Common Paper-III) 2. Law and Social Transformation in India (Common Paper-IV) 3. Patent Law: Comparative Jurisprudence (Core Course-III) 4. Law and Policy Perspectives of Pharmaceutical Drugs and Intellectual Property (Discipline Elective Course-I) 5. Ability Enhancement Paper-I 6. Value Added Course – 2 : Personality Development & Soft Skills
Third Semester	1. Trademark Law: Policy and Governance (Core Course-IV) 2. Intellectual Property Litigation: Theory and Practice (Core Course-V) 3. Intellectual Property Rights and Competition Law (Discipline Elective Course-II) 4. TRIPS Agreement and Patent Law (Elective Course-II) 5. Ability Enhancement Paper-II
Fourth Semester	1. Science, Technology and Intellectual Property Rights: Law and Policy (Core Course-VI) 2. Law and Policy Perspective of Cultural Property, Intangible Cultural Heritage and Intellectual Property (Discipline Elective Course-III) 3. Dissertation

PAPER - I
**LAW OF INTELLECTUAL PROPERTY: EVOLUTIONARY
PERSPECTIVE**

(Specialized Core Paper)

OBJECTIVE OF THE COURSE

This Course is designed to give an overview of the evolution of IPR. The paper is aimed at discussing the jurisprudence of IP. It shall be a detailed study of the concept of property and its relation with intellectual property.

With this objective the course is designed to:

- *Understand the jurisprudential and theoretical ideology behind the concept of IPRs*
- *Understand the origin and developments of IPRs*
- *Acquaint with various international conventions relating to IPR*
- *Study the contemporary issues concerning IP.*

COURSE OUTLINE

MODULE I - INTRODUCTION TO INTELLECTUAL PROPERTY

- a) Nature and Concept of Intellectual Property
- b) Types of Intellectual Property
- c) Nature of Intellectual Property Rights-Monopolistic perspective, Economic Perspective, Public Welfare Perspective

MODULE II - ORIGIN AND DEVELOPMENT

- a) Historical Development of IPRs
- b) IPRs: From National to International Character
- c) Sources of IPR-Custom, Treaties, Judicial Decision, Juristic Writings, General Principles of Law, Resolutions of International Organizations

MODULE III - IP JURISPRUDENCE

- a) Concept of Property: An Overview
- b) Theoretical justification for protection of IP – Western theories- Marxian theory – Indian theories on private property and IP

- c) Constitutional values and protection of private property and IP

MODULE IV - ECONOMIC DEVELOPMENT AND IP

- a) IP and transfer of technology & Foreign Direct Investment
- b) IP and competition
- c) Indian economy and IP protection

MODULE V - INTELLECTUAL PROPERTY RIGHTS: INTERNATIONAL PERSPECTIVE

- a) International Law and Intellectual Property Rights - Significance of Legal Protection
- b) IPR and International Institutions – WIPO, WTO, TRIPS , UNESCO– protection of folklore/cultural expressions
- c) Basic Principles-National treatment, MFN, Exhaustion of rights, Territoriality and extraterritoriality, Human Rights and Sustainable Development-policies.

MODULE VI - INTELLECTUAL PROPERTY: NATIONAL PERSPECTIVES

- a) Evolution and development of IPR in India
- b) Copyright Act - Patent Act- Trade Mark Act
- c) An overview of role of Judiciary

MODULE VII - INTELLECTUAL PROPERTY: CONTEMPORARY TRENDS

- a) IP and Cyber Technology
- b) IP and Biotechnology
- c) IPR and Cultural Relativism with reference to Traditional Knowledge

MODULE VIII - IPR: SPECIFIC ASPECTS OF HUMAN RIGHTS

- a) Right to Privacy and Confidentiality
- b) Regulations of environmental hazards and human right issues in IP protection
- c) IPR and Socio, Economic and Cultural Rights – Conflicts and Convergence

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RECOMMENDED READING:

BOOKS

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3. John Locke, Two Treatises on Government, Industrial Systems Research, (1970)
4. G.W.F. Hegel, The Philosophy of Rights, Cosimo Inc., (2008)
5. Karl Marx – Private Property and Communism, Hackett Publishing Co., (1844); Wage, Labour and Capital, Kessinger Publications, (1847); The Alienation of Labour, (Nicholas Beams), University of Tasmania, (1844)

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2. Keith E. Maskus & J. H. Reichman, The Globalization of Private Knowledge Goods and the Privatization of Global Public Goods, 7 J. Int'l Econ. L. 279 (2004)
3. Pamela Samuelson, The US Digital Agenda at WIPO, 37 Va. J. Int'l L. 369 (1997)
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3. Kerly's Law of Trademarks and Trade Names, Sweet & Maxwell, (latest edition)
4. Silke von Lewinski (ed.) Indigenous Heritage and Intellectual Property: Genetic Resources, Traditional Knowledge and Folklore, Kluwer International, (2008)
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8. Cornish & Llewellyn-Intellectual Property, Thomson, Sweet & Maxwell
9. Catherine Colston- Principles of Intellectual Property Law, Cavendish Publication Ltd.
10. Frederick M. Abbot(Ed) - International Intellectual property in an Integrated World Economy, Wolters Kluwer.

JOURNALS/ARTICLES

1. Melvyn J. Simburg and et al., International Intellectual Property (2005) 39 International Lawyers, pp. 333-350.
2. Battling HIV -AIDS: A Decision Makers Guide to the Procurement of Medicines and Related Supplies, Y. Tayler, Ed., World Bank 2004
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4. Quaker United Nations Office (QUNO) Geneva Quaker International affairs Programme (QIAP) Ottawa.
5. John Barton, New Trends in Technology Transfer: Implications for National and International Policy, ICTSD Intellectual Property and Sustainable Development Series, Issue Paper No 18, Feb 2007
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1. Donaldson v. Becket, 98 ER 257
2. Darcy v Allein, 1WPC 1; Moore K B 671
3. Ishwarlal Giridharilal Parekh v State of Maharastra, AIR (1969) SC 40
4. The Secretary of State v Vira Rayan (1885) ILR 9 Mad 175
5. Kameshwar Singh v State of Bihar AIR (1951) Pat 91
6. Shankari Prasad Singh Deo v Union of India AIR (1951) SC 455
7. State of West Bengal v Mrs Bella Banerjee AIR (1954) SC 170
8. State of West Bengal v Subodh Gopal Bose AIR (1954) SC 92
9. Dwarkadas Shrinivas v The Sholapur and Weaving Co Ltd. AIR (1954) SC 119
10. R C Cooper v Union of India AIR (1970) SC 564

11. Kesavananda v State of Kerala AIR (1973) SC 1461
12. Millar v Taylor 98 ER 201
13. Darcy v Allein; Moore KB 671
14. Clothworkers of Ipswich, Godbolt's Reports KB 252
15. Liardet v Johnson, 18 L.Q.R.280, 285
16. Blanchard v Hill 26 ER 692
17. Millionton v Fox 107 ER 834
18. Perry v Truefitt 40 ER 956
19. Croft v Day 49 ER 994
20. The Leather Cloth Co Ltd v The American Leather Cloth Co Ltd. 11 ER 1435

LEARNING OUTCOMES

After successful completion, students will have the knowledge and skills to:

- *Learn the general principles in introduction of IPRs*
- *Explain origin and development of IPRs*
- *Understand the theoretical and ideological approaches to IP*
- *Learn the international conventions and other documents pertaining to IPRs.*

PAPER - II

COPYRIGHT LAW: POLICY AND GOVERNANCE

(Specialized Core Paper)

OBJECTIVE OF THE COURSE

Copyright is a bundle of exclusive rights encouraging authors, composers, artists and designers who create original works by rewarding them with the exclusive right for a limited period to exploit the work. With the rapid technological development in the field of printing, communication, entertainment and information technology, the importance of copyright has increased enormously. The course examines the significant role played by this mechanism to achieve the balance between the public and private interest.

With this objective the course is designed to:

- *Understand the historical perspective of the copyright law and the role played by copyright to enhance the cultural heritage.*
- *Discuss the concept of neighbouring rights within the copyright system.*
- *Analyse the infringement of the copyright owners in the digital environment*
- *Discuss the copyright in the registered design and also the meaning of design, layout design and integrated circuit.*

COURSE OUTLINE

MODULE I - INTRODUCTION TO COPYRIGHT AND NEIGHBOURING RIGHTS

- a) Historical origin of Law of Copyright and Neighbouring rights
- b) Development of International Conventions/Treaties on Copyright and Neighbouring rights
- c) Historical Development of Law of Copyright and Neighbouring Rights in India-with reference to Legislative and Judicial Perspectives.

MODULE II - SUBJECT MATTER OF COPYRIGHT AND RIGHTS OF COPYRIGHT OWNER

- a) Concept of Originality-Idea/Expression dichotomy in Copyright law – Fixation and other doctrinal requirement.
- b) Works covered under Copyright

- c) Economic and Moral Rights- Co-existence of rights

MODULE III - OWNERSHIP AND ASSIGNMENT OF COPYRIGHT

- a) First owner of copyright, Joint Authorship.
- b) Assignment and Licensing of Copyright
- c) Common Law –Civil Law Percepts of Copyright (Course of employment).

MODULE IV - NEIGHBOURING RIGHTS

- a) Significance and Importance of Neighbouring rights-Types of neighbouring rights
- b) Performers and Broadcasting rights- National and International Perspectives
- c) Beijing Treaty on Audiovisual Performance

MODULE V - COPYRIGHT INFRINGEMENT AND REMEDIES

- a) Elements of infringement of Copyright- Secondary liability of infringement of copyright
- b) Limitation and exceptions to the protection of copyright
- c) Remedies for infringement- Civil remedies, Criminal Remedies and Administrative Remedies

MODULE VI - COPYRIGHT IN CYBERSPACE

- a) Protection of Computer Programme- Database Protection
- b) Copyright in Internet-Multimedia and Copyright Issues- ISP Liability.
- c) Protection of technological measures-Anti-Circumvention Law

MODULE VII - EMERGING ISSUES IN COPYRIGHT

- a) Copyright Concerns on Live Streaming
- b) Anti-trust law and Copyright misuse
- c) Jurisdictional issues-Choice of Court, Choice of Law, Recognition and Enforcement of Foreign Judgment.

MODULE VIII - COPYRIGHT IN REGISTERED DESIGN

- a) Origin and development of Industrial Design, Layout Designs and Integrated Circuit
- b) Meaning and definition of Industrial Design, Layout Designs and Integrated Circuit - overlapping of Design protection under different IP laws.
- c) Piracy of registered design.

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2. Dr. Mathew Thomas, Understanding Intellectual Property, Eastern Book Company, Lucknow (2016).
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2. Dana R Levin, The Future of Copyright Infringement: Metro-Goldwyn- Mayer Studios, Inc. v. Grokster, Ltd., (2006) 21 Journal of Civil Rights and Economic Development.
3. Jessica Litman, Digital Copyright: Protecting Intellectual Property on the Internet, (2001)
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7. Ann Bartow, Educational Fair Use in Copyright: Reclaiming the Right to Photocopy Freely, (1998) U Pitt L Rev. 149.
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9. Eugen Ulmer, Rome Convention for the Protection of Performers, Producer of Phonograms and Broadcasting Organizations, (1963) 10 BULL CR SOC 90, 165, 219, Parts I, II & III.
10. Herbert T Silverberg, Authors and Performers rights, (1958) Law & Contem Probs 125.

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1. Eastern Book Company v D B Modak (2008)
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3. Anil Gupta v Kunal Dasgupta (2002)

4. Baker v Selden (1880)
5. Computer Associates International Inc v Altai Inc (1992)
6. Ananda Expanded Italics, Re (2002)
7. Star India (p) Ltd v Leo Burnett (India) (P) Ltd (2003)
8. Escorts Construction Equipment Ltd v Action Construction Equipment (P) Ltd (1999)
9. Amar Nath Seghal v Union of India (2005)
10. ESPN Star Sports v Global Broadcast News Ltd (2008)
11. Indian Performing Rights Society Ltd v Eastern India Motion Picture Assn. (1977)
12. John Willey and Sons Inc v Prabhat Chander Kumar Jain (2010)
13. Najma Heptula v Orient Longman Ltd. (1989)
14. Syndicate of Press of University of Cambridge v B D Bhandari (2005)
15. Entertainment Network (India) P Ltd v Super Cassette Industries Ltd (2008)
16. Zee Telefilms Ltd v Sundial Communications (P) Ltd. (2003)
17. Feist Publications Inc v Rural Telephone Service Co (1992)
18. Metro Goldwyn Mayer Studios v Grokster Ltd. (2005)
19. Religious Technology Center v Netcom On Line Communication Services, Inc (1995)
20. A & M Records Inc v Napster (1992)

LEARNING OUTCOMES

After completion of the course students will be able to-

- *Understand the object of copyright in encouraging the intellectual creation thereby contributes to the social, economic and cultural development.*
- *Explore the global importance of copyright in the light of International instruments.*
- *Analyse critically the various opportunities available to the creators to exploit their works in the digital age.*
- *Examine the threats posed by the constant development of technology to the rights of the copyright owners.*
- *Understand the copyright in design and overlap in the protection of design under the Copyright Act and Designs Act.*

PAPER - III

PATENT LAW: COMPARATIVE JURISPRUDENCE

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

A patent is an exclusive monopoly right granted by the state to the person who invents new and useful product or technology. Initially patents were granted only to inanimate subject-matter which satisfies the patentability criteria. Due to the modern development of science and technology the concept of invention in patent has new dimensions. This course is designed to give an overview of patents, the registration procedure and the practice adopted with respect to this Intellectual Property across the globe. The recent trends and development that had taken place in the field of patent shall be specifically focused.

With this objective the course is designed to:

- *Understand the concept of Patent and its historical perspective both national and international.*
- *Study the procedural aspects of Patents.*
- *Understand the relation between patents and plant varieties protection and impact of patents in sustainable development of bio industry.*
- *Study the Impact of patents on Modern Technology and thereby analyzing the issues associated with.*

COURSE OUTLINE

MODULE I - HISTORY OF PATENTS

- a) History of Patent Law-National and International
- b) Study of Treaties and Conventions on Patent at International Levels
- c) International Patent System and its impact on National System.

MODULE II - PATENTABILITY CRITERIA

- a) Patentable Subject Matter- Concept of Invention and its new dimensions.
- b) Patentability Criteria
- c) Role of Judiciary in determining patentable subject matter

MODULE III - PATENT PROSECUTION

- a) Procedure for registration of invention- National and International application
- b) Specification and Claim- Disclosure Requirement.

- c) Rights of Patentee- Assignment and License of Patent

MODULE IV - ENFORCING PATENT RIGHTS

- a) Claim Interpretation-Interpretive Methodology and sources of Evidence
- b) Infringement- Doctrines of Infringement-The Literal Rule, Doctrine of Equivalence /Pith and Marrow and Patent Misuse Doctrine.
- c) Jurisdiction-Remedies

MODULE V - PROTECTION OF PLANT VARIETY AND FARMERS' RIGHT

- a) Significance and need for protection of Plant Variety.
- b) International Legal framework- UPOV Convention- International treaty on plant genetic resources for food and agriculture- TRIPS- Convention on Biological Diversity.
- c) Protection of Plant Varieties& Farmers Right Act 2001- An Overview

MODULE VI - PATENT SYSTEM AND SUSTAINABLE DEVELOPMENT

- a) Patent on Genetically Modified Organisms,
- b) Patent on terminator technology and its adverse consequences.
- c) GURT (genetic use restriction technology)-Conservation and Sustainable Use of Biological Diversity.

MODULE VII - PATENT AND NEW TECHNOLOGY

- a) Software Patents- Business Method Patents & Standard Essential Patents.
- b) Bio tech patents- Patenting of Human genes- legal, ethical and Social Issues
- c) Patent on Artificial Intelligence.

MODULE VIII - EMERGING ISSUES IN PATENTS

- a) Patent pooling- Patent thickets- Patent trolls
- b) Patents and Anti-competitive practices
- c) Anti-commons: Balance of Private and Public Interest in technological age.

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6. Bilski v. Kappos, 177 Fed 2d 792
7. Alice Corp v. CLS Bank (2014)
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11. Improver Corp. v Remington Consumer Products Ltd. (1990) FSR 181
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LEARNING OUTCOMES

After completion of the course students will be able to –

- *Develop a clear understanding about the requirements in relation to patentable subject matter and the criteria for the grant of patents and also expose them to the challenges in relation to specific fields such as biotechnology, computer software and pharmaceuticals.*
- *Will expose students to the procedural aspects of patent acquisition, both national and international.*
- *Will also familiarize the students with the system of maintenance of patent by the right holder and also the practical aspects of transfer of rights.*
- *Develop a wide understanding of patents in modern technology and its impacts.*

PAPER - IV
TRADEMARK LAW: POLICY AND GOVERNANCE

(Specialized Core Paper)

OBJECTIVE OF THE COURSE

This course is designed to give an overview trademarks and trademark law and practice in countries around the world with special reference to India. The recent trends and the development that had taken place in the field of trademarks shall be specifically focused upon. It shall be a detailed study across the historical, philosophical and legal aspects.

With this Objective the Course is designed to:

- *To understand the evolution and growth of trademark law*
- *To understand the importance of trademark and emerging issues*
- *To analyse the status of trademarks in cyberspace.*
- *To study the conflict between trademark and geographical indication and need for separate protection of GI.*

COURSE OUTLINE

MODULE I - LAW OF TRADE MARK

- a) Historical development of the concept of trademark and trademark law-National and International aspects of introduction to trademarks
- b) Trademark law within the larger scheme of IPL- Kinds of trademarks-Need for protection of Trademarks- Economic and social justification of Trademarks
- c) International legal instruments on trademarks.

MODULE II - REGISTRATION OF TRADEMARKS

- a) Grounds of refusal of registration- deceptive similarity.
- b) Procedure for registration of trademarks- National and International application
- c) Assignment and transmission of Trademarks-limitation on Licensing

MODULE III - TRADE MARK INFRINGEMENT

- a) Infringement of Trademarks- Trademark Dilution- Passing off action and its development in India

- b) Defenses to Trademark infringement- Doctrine of Exhaustion- Fair use
- c) Remedies- Civil, Criminal and Administrative remedies-unfair Competition Law

MODULE IV - TRADEMARK IN COUNTERFEIT GOODS

- a) Meaning of Counterfeit goods- Counterfeit mark- Counterfeiting remedies
- b) The International Anti-counterfeiting coalition
- c) Exhaustion of Rights-Online Trade and Measures against Counterfeit goods

MODULE V - TRADEMARK ISSUES IN CYBERSPACE

- a) Domain Names Disputes - Metatagging-Key Word advertisements
- b) ICANN-Uniform Domain Resolution Policy (UDRP) - Role of National Courts
- c) Consideration on Jurisdiction-interplay with National Laws and judgments- Jurisdiction of National Courts and Choice of Law.

MODULE VI - TRADE MARK AND GEOGRAPHICAL INDICATIONS

- a) Conflict between Trademark and geographical indications
- b) Need for protecting Geographical Indication
- c) International Protection of Geographical Indication

MODULE VII - LAW OF GEOGRAPHICAL INDICATIONS

- a) Historical background of Geographical indication in India
- b) Definition of GI-Procedure for registration- Part A & B registration
- c) Infringement, penalties and Remedies

MODULE VIII- EMERGING ISSUES

- a) National borders limits on Trademark Rights- Well known Mark
- b) Protection of Nonverbal Marks
- c) Character merchandising- Disparagement and comparative Advertisements-Parallel importation-Right of publicity- celebrity right.

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18. ITC Ltd v Registrar of Trademark (1968)
19. Amritdhara Pharmacy v Satya Deo Gupta (1963)
20. Jolen Inc v Shoban Lal (2001)

LEARNING OUTCOMES

After completion of the course students will be able to-

- *Develop a clear understanding of the Law of Trademark and Law of Geographical Indication*
- *Analyse the trademark issues in cyberspace*
- *Understand the various kinds of infringements and remedies for infringement*
- *Examine the Uniform Dispute Resolution Policy in resolving the Trademark issues in Cyberspace*
- *Understand the emerging issues in trademark law such as Character merchandising, Ambush Marketing, Right to privacy and celebrity right*

PAPER - V
INTELLECTUAL PROPERTY LITIGATION: THEORY AND PRACTICE

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

This course is intended to teach the application of law in terms of court's principles and procedures exclusively for deciding intellectual property cases. Most significantly, in deciding Intellectual property cases both Supreme Court and High Courts in India are apparently following foreign judgments in many occasions. Intellectual property laws confer monopoly to the owners of intellectual property so the enforcement of intellectual property rights is getting more crucial.

The main objective of the course is to-

- *Impart practical perspective of IPR enforcement mechanism by discussing various tests, rules and procedures laid down by the courts in case of infringement of IPRs.*
- *Teach international and cross border litigations of intellectual property rights.*
- *Study various doctrines evolved by the judiciary in the enforcement of IP*
- *Study the dispute settlement mechanism of WTO.*

COURSE OUTLINE

MODULE I - LITIGATION RELATING TO COPYRIGHT

- a) Copyright infringement-Direct infringement and indirect infringement
- b) Online Copyright Piracy- liability of internet service provider- Anti Circumvention Law.
- c) Exception to Copyrighted work-Exhaustion of Copyrighted work

MODULE II - LITIGATION RELATING TO PATENT AND TRADE SECRET

- a) Claim interpretation or Construction- Infringement of Patent- Literal infringement- Doctrine of Equivalents/Doctrine of Pith and Marrow
- b) Limitation and exception-Doctrine of First Sale-parallel import
- c) Infringement of trade secrets- breach of trust- Springboard doctrine.

MODULE III - LITIGATION RELATING TO INDUSTRIAL DESIGN AND THE SEMICONDUCTOR INTEGRATED CREDIT LAYOUT DESIGN

- a) Definition of Design-prohibition of registration of design –copyright onregistration
- b) Piracy of registered design
- c) Infringement of layout design of Integrated Circuit-Reverse Engineering of layout design.

MODULE IV - LITIGATION RELATING TO TRADE MARKS

- a) Infringement of trademark-Deceptive similarity-Polaroid Factors
- b) Concept of Dilution- New trends in Passing off.
- c) Fair use of trademark- Doctrine of exhaustion of right in trademark.

MODULE V - LITIGATION RELATING TO GEOGRAPHICAL INDICATIONS

- a) Definition of Geographical indication-Prohibition of registration of certain geographical indication
- b) Registered proprietor and Authorised user-rights conferred by registration.
- c) Infringement of registered GI--special provisions relating to trademark and prior user-

MODULE VI - LITIGATION RELATING TO PLANT VARIETIES

- a) Definition of variety- Registerable varieties -rights of breeder, farmers and researchers.
- b) Infringement –protection of innocent infringement by farmers,
- c) Access to biological diversity-sustainable use of diversity - Transfer of technology and equitable sharing of benefits.

MODULE VII - ENFORCEMENT OF IPR UNDER TRIPS AGREEMENT

- a) Prior to TRIPS Agreement –Berne Convention and Paris Convention- reference to International Court of justice
- b) Enforcement, Acquisition and Maintenance of Rights under TRIPS Agreement
- c) Dispute settlement mechanism –XXII and XXIII of GATT 1994- - Dispute Settlement Understanding (DSU).

MODULE VIII - CROSS-BORDER IPR LITIGATIONS

- a) Private International Law and Intellectual property law
- b) Hague Convention on Choice of Court and Choice of law- Recognition and enforcement of foreign judgment.
- c) Cross-border Intellectual property disputes in digital environment

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LEARNING OUTCOMES

After completion of the course students will be able to –

- *Learn the practical application IP Laws*
- *Examine different rules and tests laid down by the courts in different jurisdictions*
- *Understand the interpretation of IP Laws*
- *Discuss and learn about cross border IP litigations*
- *Learn international IP enforcement mechanisms*

PAPER - VI
SCIENCE, TECHNOLOGY AND INTELLECTUAL PROPERTY
RIGHTS: LAW AND POLICY

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

The protection of Intellectual Property is of high priority in the modern times due to the rapid advancement in science and technology, especially in the field of Information and Communications, Biotechnology, Pharmaceutical drugs etc. These technologies are expensive to develop but at the same time they are vulnerable to infringement. The revolution in the technologies leads to the new Intellectual Property regime in order to incentivize the innovations and simultaneously ensuring the technology transfer. This course will focus on the significance of Intellectual Property Rights in achieving the myriad benefits from the science and technological innovations.

With this Objective the Course is designed to

- *Analyse the nature of the Intellectual Property system and their implications for the science and technology.*
- *Understand the necessity of effective Intellectual Property protection in the new trends of innovation.*
- *Examine the difficulty in the assertion of Intellectual Property Rights in the new technologies through the traditional enforcement mechanisms.*
- *Review the current Intellectual Property mechanisms to protect the emerging technologies at the national and international levels.*

COURSE OUTLINE

MODULE I - INTRODUCTION

- a) Development in Science and Technology
- b) Impact of Science and technology on human rights and preservation of human health
- c) Nature of Intellectual Property Rights-effectiveness in protecting the new technologies-Broadening the scope of IP regime

MODULE II - IPR AND BIOTECHNOLOGY

- a) Meaning of Biotechnology-Different Generation of biotechnology.
- b) Evolution of Biotech Patent Law- Product of nature doctrine

- c) Microorganism as a patentable subject matter-Gene patent.

MODULE III - AGRICULTURAL BIOTECHNOLOGY

- a) Green Technology-Bio safety and biodiversity-conservation of biological diversity.
- b) Impact of biotechnology on biological diversity
- c) Legal regulation of biological diversity and Farmers' Right

MODULE IV - BIO –SAFETY CONCERNS IN BIOTECHNOLOGY

- a) Cartagena protocol on bio-safety and WTO
- b) Bio safety clearing house, precautionary principle
- c) Genetically modified organisms (GMO) and Living Modified Organisms (LMO), concerns in trade in GMO/LMO

MODULE V - IPR AND PHARMACEUTICALS

- a) Role of IPR in development and access to Pharmaceutical drugs
- b) Patent Linkage
- c) Data Exclusivity

MODULE VI - IPR AND COMPUTER PROGRAMME

- a) Copyright Protection of Computer programme
- b) Software Patent-Patentability of computer related invention
- c) Business method Patent

MODULE VII - IPR ISSUES IN CYBERSPACE

- a) Copyright Issues in Cyberspace
- b) Secondary Liability of Technology providers-ISP Liability
- c) Trademark Issues in Cyberspace

MODULE VIII - NEW ISSUES AND CHALLENGES

- a) Database Protection and Right to privacy
- b) Artificial Intelligence – Big Data Analytics
- c) Block Chain Technology and IP

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LEARNING OUTCOMES

After the completion of the course, students will be able to-

- *Analyse the impact of new technologies in balancing the objective behind the Intellectual Property system*
- *Understand the importance of strong Intellectual Property rights in facilitating the economic growth and industrialization.*
- *Appreciate the re-evaluation of current Intellectual Property system to accommodate the imperative of new emerging technologies*
- *Examine the role of International Organisations in the technology transfer to developing and least developed countries.*

PAPER- VII

LAW AND POLICY PERSPECTIVES OF PHARMACEUTICAL DRUGS AND INTELLECTUAL PROPERTY

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

Technological developments are the order of today's world. It is undoubtedly the obligation of every State to create an environment which fosters such innovations through intellectual property which includes patent system. At the same time access to these innovations is a more important interest that the law needs to protect. The attempt of this course is to expose the students to the nuances of the IP law regime. This will be done through the exploration of what gets protected under the IP regime and the scope of such protection. One of the major areas of concern raised because of patent is access to medicines. This course focuses on this issue how the law has to be constructed to ensure there is adequate access to medicinal products and devices.

With this objective the course is designed to:

- *Understand the concept of Pharmaceutical patents*
- *Study the need of global drug market and competitive policies*
- *Understand WTO and Public Health against monopolies*
- *Study the economic aspects of cosmetic patents.*
- *Discuss the linking of generic drug market approval to the status of patent*

COURSE OUTLINE

MODULE I-DRUGS AND TRIPS AGREEMENT

- a) New Drug –Generic Drug-Bio Availability-Bio equivalent-API-Formulation
- b) TRIPS and pharmaceutical drugs - Product Patent- transitional arrangements – exclusive marketing rights (EMR)
- c) Notion of Inventions- Application of patentable standard in pharmaceutical inventions - Test of inventive steps –TRIPS flexibilities- Doha Declaration-

MODULE II – PATENT LIMITATIONS

- a) Ever greening of patent - Compulsory Licensing – Art 31bis-Government Use

- b) Bolar Exception- parallel import- IP waiver – COVID -19 Pandemic and preparedness
- c) Intellectual Property and competition law- Misuse of IPR-Reverse payment settlement

MODULE III: DRUGS AND COSMETICS ACT

- a) DCA & DCR- Market approval of drugs- New Drug and Clinical Trial Rules
- b) Powers and Function of Drug Controller General of India (DCGI).
- c) Food Drug Cosmetic Act- Hatch Waxman Act (Drug Price Competition and Patent Term Restoration Act) –Patent Term Restoration-Non-Patent Exclusivity-NDA-IND-ANDA- Orange Book

MODULE III - TEST DATA AND PHARMACEUTICAL INDUSTRIES

- a) Protection of Test Data-Paris Convention, TRIPS Agreement –Trade secret- Data Exclusivity in US and EU;
- b) Protection of test data in India- test data requirement under Drugs and Cosmetics Act 1940
- c) Protection of test data and pharmaceutical industry-unfair commercial use and compulsory licensing.

MODULE IV - TRIPS PLUS AND PATENT LINKAGE SYSTEM

- a) Patent Linkage system-market approval of generic drug.
- b) Hatch Waxman Act -EU Directive on Medicinal Product.
- c) Enforcement of patent through Drug and Cosmetics Act- *Federal Trade Agreements*-Bipartisan Congressional Trade Priorities and Accountability Act 2015.

MODULE V – ORPHAN DRUG, BIOLOGICS AND DRUG PRICING

- a) Orphan Drug- Rare Disease-Orphan Drug Act-IND Rewrite – EU Regulation on Orphan Medicinal Product- Rare Disease Policy
- b) Biologics- Follow on Biologics- Interchangeable and Bio Similar – Biologics Price Competition and Innovation Act-Guidelines on Bio similar 2016
- c) Essential Commodities Act and Pharmaceutical Sector- Drug Price Control Order-

Market Based and Cost based pricing- National Pharmaceutical Pricing Authority-
National Listing of Essential Medicines (NLEM)

MODULE VI - INTELLECTUAL PROPERTY, HUMAN RIGHTS AND ACCESS TO MEDICINES

- a) Pandemics and Global Burden diseases - International Human Rights regime and access to drugs - Health as a human right - Art.27. 2 of UDHR
- b) Gene Patenting-Gene Editing –CRISPR Cas9- Oviedo Convention –Germline
- c) Human Right to Health vs. Patent Right - Access to Medicines in third world nations.

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LEARNING OUTCOMES

After completion of the course students will be able to –

- *Explore the need of Pharma Patents and Public Health in compliance with International Legislation*
- *Understand the need for streamlined regulation in pharma patents industry*
- *Study the role of WTO, TRIPS in balancing patent industry and public health.*
- *Examine the Judicial Pronouncements in Compulsory Licensing.*
- *Study the Human Rights Approach in drug and cosmetic industries.*
- *Examine the Patent Linkage between the Drug Regulatory Authority and Patent Controller while granting approval of generic drug.*

PAPER - VIII

INTELLECTUAL PROPERTY RIGHTS AND COMPETITION LAW

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

Intellectual Property Rights promote innovation by granting exclusionary rights and protection to the creators. Competition law addresses the threats posed by anti-competitive practices in order to sustain competitive market. The intersection of Intellectual property rights and competition law appears when the Intellectual property owners exploit their rights in an inappropriate manner thereby causing harm to the consumers and competitors. This course will focus on the conflict which arises between IPR and Competition law and to analyse how the system co-exist so as to attain the same objective.

With this Objective the Course is designed to:

- *Understand the importance of competition law in protecting the consumers and ensuring competition in market thereby preventing market distortions.*
- *Discuss the vital interplay between Intellectual Property Law and Competition Law*
- *Critically analyse the various IPR related competition cases in India and other jurisdictions*

COURSE OUTLINE

MODULE I – BASIC CONCEPTS OF COMPETITION LAW

- a) Philosophy and objective of Competition Law
- b) Models of Competitive Markets- Different Types of Economic Efficiencies
- c) Interface between Intellectual Property and Competition law

MODULE II - COMPETITION LAW

- a) Competition Act, 2002-Anti-Competitive Agreements-Abuse of dominant.
- b) U.S Antitrust Law-Sherman Act, 1890 - Clayton Act, 1914- Federal Trade Commission Act, 1914-Deceptive trade practices
- c) European Union- Article: 81 of EC treaty- Article: 82

MODULE III –ANTI-COMPETITIVE AGREEMENTS

- a) Meaning- Vertical and Horizontal Agreements
- b) Assessment through Appreciable Adverse Effect on Competition in the Market

- c) Determination of Relevant Market-mechanism within IP regime to prevent anti-competitive agreements.

MODULE IV –ABUSE OF DOMINANCE

- a) Dominance in the Market- Identification of Relevant Market-
- b) Abusive Conducts under Competition regime
- c) Dominance and relation with IP- mechanism within IP regime to mitigate abuse of dominance

MODULE V – COMBINATIONS

- a) Merger, Acquisition, Amalgamation and Takeover
- b) Horizontal, Vertical and Conglomerate Mergers
- c) Regulations within Competition Regime- Mechanisms within IP regime- Impact on Public interest

MODULE VI –ENFORCEMENT AGENCIES

- a) Role of CCI in adjudicating disputes
- b) Comparison with other jurisdictions
- c) Adequacy of mechanism within IP Laws –Competition adjudication policy and its implications for IPR.

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15. Filmtec Corp v Hydranautics
16. International Salt Co v United States
17. Digidyne Corp. v Data General Corp.
18. Standard Oil Co v United States
19. Image Technical Serv. V Eastman Kodak
20. Intergraph Corp v Intel Corp.

LEARNING OUTCOMES

After the completion of the course, the students will be able to-

- *Understand the basic philosophy of competition regime and IP regime*
- *Appreciate how the basic anti-competitive practices operate*
- *Analyse how the anti-competitive practice work within the IP regime.*

Understand the functioning of the different agencies that ensures this balance

PAPER - IX
LAW AND POLICY PERSPECTIVE OF CULTURAL
PROPERTY, INTANGIBLE CULTURAL HERITAGE AND
INTELLECTUAL PROPERTY
(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

The course is designed to understand the notion of property in particular cultural property and intellectual property, their relation to intangible cultural heritage/ traditional knowledge and how these notions of property are employed in rights discourses by governments and indigenous and local communities around the world.

With this objective the course is designed to:

- *Understand the concept of intangible cultural heritage and the need to safeguard the ICH*
- *Study the role of UNESCO, WIPO, UNDP, UNCTAD and UNEP in protecting ICH*
- *Study the role of indigenous and local community in protecting ICH*
- *Understand the relationship between Intangible cultural heritage/traditional knowledge, cultural property and intellectual property*

COURSE OUTLINE

MODULE I - INTRODUCTION TO CULTURE AND CULTURAL HERITAGE

- a) The Indian Culture- an Historical and Constitutional Perspective – India and Its Cultural Heritage- Inscribed in the World Heritage List.
- b) Culture and Cultural Relativism
- c) Culture Right and Human Rights

MODULE II - INTERNATIONAL ORGANIZATIONS IN PROTECTING INTANGIBLE CULTURAL HERITAGE

- a) UNESCO, its World Heritage Committee and its advisory bodies
- b) WIPO – IGC on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore- UNEP- UN Declaration on the Rights of Indigenous Peoples 2007

- c) UNESCO- WIPO joint effort in protecting traditional knowledge- Tunis Model Law on Copyright

MODULE III - UNESCO AND ICH

- a) UNESCO- Conventions and cultural diversity
- b) Meaning and Scope of Intangible Cultural Heritage
- c) Definition of World Heritage- Inscription of properties in the World Heritage List.

MODULE IV - PROTECTION OF TRADITIONAL KNOWLEDGE

- a) TK- Definition, Characteristic and Holders/Owners-Community interest- Need for protection.
- b) International development of traditional knowledge protection – CBD – FAO International Treaty on Plant Genetic Resources –developments in WIPO on traditional knowledge
- c) IP protection of TK- Positive and Defensive protection- Protection of TK in India- Documentation of Traditional Knowledge - Traditional Knowledge Digital Library “TKDL” -AYUSH Systems of Medicines.

MODULE V - PROTECTION OF TRADITIONAL CULTURAL EXPRESSION/FOLKLORE

- a) Traditional Cultural Expression/Folklore-definition characteristic and Publicdomain.
- b) A Legal and Cultural Protection of TCE/Folklore
- c) International Treaties and Convention for Protection of Culture, Folklore and CulturalDiversity.

MODULE VI - PROTECTION OF GENETIC RESOURCES AND ASSOCIATED TRADITIONAL KNOWLEDGE

- a) Genetic Resources and associated TK as property - common heritage of mankind- CBD - permanent sovereignty- nature of ownership of GR and TK in CBD, and Nagoya Protocol (PIC & BS)- Interface between IPR and GR –TRIPS –CBD conflict and proposed solution
- b) Role of Indigenous and local Communities-Benefit Sharing – Bonn Guidelines, Nagoya Protocol, Cartagena Protocol, FAO, ITPGRFA and Indian Law
- c) WIPO Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge
- d) Marine Genetic Resources and IP- Biological Diversity of Areas Beyond National

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LEARNING OUTCOMES

After completion of the course students will be able to –

- *Appreciate the need and relevance of safeguarding Intangible cultural heritage*
- *Understand the role of indigenous people and effort made by them in the participation of the various forum and committees*
- *Study the role of various international organizations in protecting ICH namely- UNESCO, WIPO, UNDP, UNCTAD, FAO and UNEP*
- *Examine the role of WIPO in protecting and recognizing the Traditional Knowledge, Traditional Cultural Expression/Folklore Expression and Genetic Resources*
- *Explore various Conventions and Declaration by various organization in protecting the Intangible Cultural Heritage /Traditional knowledge.*

PAPER - X
INTELLECTUAL PROPERTY RIGHTS AND HUMAN RIGHTS:
NATIONAL AND INTERNATIONAL PERSPECTIVES

(Generic Elective Paper)

OBJECTIVE OF THE COURSE

The relationship between intellectual property rights and human rights is one of the emerging areas in academic interest. The importance of the subject has been accentuated by the still largely unexplored links between certain human rights and a variety of issues such as indigenous peoples' rights, the rights of the blind and the visually impaired, biodiversity, open source developments, creative commons licensing, free speech and the access to knowledge. These links have generated a heated, contemporary and vital debate both from the theoretical and practical point of view. The object of the course is to explore the international, regional and national legal frameworks in protecting the human rights under the intellectual property laws.

After undergoing the course the student will be able to understand the

- *Relationship between the IP and human rights which include cultural heritage, traditional knowledge, right to health, science and technology and non- discrimination.*
- *Various international instruments in protecting the human rights of the individual*
- *The extent to which IPR have been recognized in the HR regime i.e., right to property.*

COURSE OUTLINE

MODULE I - INTRODUCTION TO IP AND HR

- a) Historical isolation of the human rights and intellectual property regimes
- b) Jurisprudential aspects and Constitutional aspects of IP and Human rights - Protection of Human Rights Act.
- c) Expanding Intersection of the Human Rights and Intellectual property regime.

MODULE II - INTERNATIONAL INSTRUMENTS RELATING TO IP AND HR

- a) International Instruments relating to HR- Universal Declaration of Human Rights (UDHR)

- b) International Instruments relating to IP -Rise of TRIPS Plus Treaties and Doha Declaration on Public Health
- c) WIPO -IGC on Traditional Knowledge and Folklore – CBD, FAO-ITPGR.

MODULE III - INTERFACE BETWEEN HUMAN RIGHTS AND INTELLECTUAL PROPERTY

- a) Intellectual Property and Right to health
- b) Biotechnology and Human Rights
- c) The Human Right to food, Plant Genetic Resources and Intellectual Property

MODULE IV - CREATORS' RIGHT AND FREEDOM OF EXPRESSION

- a) Creators' right and the Human Right of Property
- b) Right to privacy and Freedom of expression- Fair Use Doctrine.
- c) Right to Education and Copyright in Learning Material - the rights of the blind and the visually impaired.

MODULE V - INDIGENOUS PEOPLES' RIGHTS AND INTELLECTUAL PROPERTY

- a) International Human Right Law relating to Indigenous People-- United Nations Declaration for the Right of Indigenous People (UNDRIP).
- b) IP protection of Traditional Knowledge and Traditional Cultural Expression/Folklore
- c) Individual and Collective interest in Indigenous Cultural Productions

MODULE VI - NEW DEVELOPMENTS IN HUMAN RIGHTS

- a) IPR and Socio, Economic and Cultural Rights – Conflicts and Convergences
- b) Right to Privacy and Confidentiality - Corporation's Right to Privacy
- c) Green Technology and transfer of technology- Right to safe and clean Environment

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LEARNING OUTCOMES

After completion of the course the students will be able to:

- *Study the special characteristics of Intellectual Property and Human Rights.*
- *Examine the basic principles and sources of International Intellectual Property law and Human Rights.*
- *Analyse science, technology and society influence the change in the Intellectual property law and Policy.*
- *Understand the interconnection and relationship between Intellectual Property and Human Rights.*
- *Have an improved ability to argue, analyses and evaluate complicated international legal issues of Intellectual Property from a Human Rights perspective.*

PAPER - XI
TRIPS AGREEMENT AND PATENT LAW
(Generic Elective Paper)

OBJECTIVES OF THE COURSE

Every country make laws based on their social, political and economic conditions and patent law was no different until TRIPS. However, TRIPS Agreement tried to create a uniform patent environment throughout the world. Member countries were forced to amend their patent laws in order to make them compatible with TRIPS Agreement. The course tries to analyse the changes brought by TRIPS Agreement on the Indian Patent Act, 1970 and its impact on various sectors in India including public health. The course also looks into the historical and political factors that contributed to the signing of TRIPS within WTO.

With this objective the course is designed to:

- *Understand the concept of patent and its historical perspective both national and international.*
- *Analyse the changes introduced by the TRIPS Agreement on the Indian Patent Act and its impact on various sector like software, biotechnology and pharmaceutical*
- *Study how the law tries to balance the needs of private and public interest*
- *Study the TRIPS plus and its impact on various sector in India including public health*

COURSE OUTLINE

MODULE I: ORIGIN AND DEVELOPMENT OF PATENT LAW

- a) Introduction to patent law – historical development – purpose and form of early patents – Statute of monopolies – transformation to the modern patent law – theoretical justification for patent protection
- b) General principles – test of patentability – novelty, inventive step and industrial application –What are not Inventions?
- c) Specification and Claim- Disclosure Requirement

MODULE II – INTERNATIONAL PATENT SYSTEM

- a) Development of international patent system and its necessity – historical development of Paris Convention – basic principles of Paris Convention
- b) TRIPS Agreement and patent system - GATT, WIPO and the need for TRIPS – lobbying

Changes from Paris convention - patentable subject matter – Impact of TRIPS on pharmaceuticals including modern biologics and agriculture

- c) Patents and the Convention on Biological Diversity

MODULE III – PHARMACEUTICAL PATENTS

- a) TRIPS on Pharmaceutical –Product patents- Transitional Arrangements-Exclusive Marketing Rights
- b) TRIPS Flexibilities- Compulsory License- Ever greening of patent –Experimental use, Bolar Exception –Parallel Import- Government Use
- c) TRIPS Plus and Patent Linkage – Hatch Waxman Act- NDA & ANDA

MODULE IV – BIOTECHNOLOGICAL PATENTS

- a) TRIPS and Biotechnology- Microorganism as a patentable subject matter
- b) Product of nature doctrine- Gene Patenting- gene editing –Biologics and Biosimilar – CRISPR Cas9
- c) Protection of plant variety- *Sui generis* Protection- DUSN –New Variety, Extant Variety and Farmers Variety –Farmers Right

MODULE V –SOFTWARE PATENTS

- a) Development of patent protection of computer program in the US–algorithm as patentable subject matter- patenting of business method
- b) Computer programme *per se*- patenting of Computer related inventions
- c) Technical effect and Hardware Combination-development of AI

MODULE VI-PATENT INFRINGEMENT

- a) Claim Interpretation-Interpretive Methodology and sources of Evidence
- b) Infringement- Doctrines of Infringement-The Literal Rule, Doctrine of Equivalence /Pith and Marrow and Patent Misuse Doctrine.
- c) Jurisdiction-Remedies

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16. Dimminaco A G v Controller of Patents and Designs
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18. Pozzoli SPA v. BDMOSA (2007)
19. Diamond v Chakrabarty 1980
20. F Hoffmann La Roche Ltd v Cipla Ltd (2012)

LEARNING OUTCOMES

After completion of the course students will be able to –

- *Understand the evolution of patent system historically in different countries*
- *Understand the evolution of the international patent system*
- *Understand the importance of TRIPS Agreement in relation to patents*
- *Examine the changes brought in the domestic law pursuant to TRIPS*
- *To understand how India has used the TRIPS flexibilities in its patent system*
- *Evaluate the TRIPS plus Agreements*

To look at the patent system through the lens of transformation occurring in the changing technological, economic and social contexts.
