

**UNIVERSITY COLLEGE OF LAW
KAKATIYA UNIVERSITY, WARANGAL, TELANGANA**

BRANCH: INTELLECTUAL PROPERTY LAWS

(Offered by Affiliated Private law Colleges)

SYLLABUS (WITH EFFECT FROM 2020-2021)

LL.M (Regular) II Year: Semester – IV

Paper – I

LAW RELATING TO TRADE MARKS

Theory

5 Hours/Per Week

Marks: 100 (External – 80; Internal – 20)

UNIT – I: History and Evolution - Paris Convention - Madrid Agreement - Madrid Protocol - TRIPs Agreement - Trademark Law Treaty - Purpose of Trademarks - What is Trademark? - Definition, Function, Kinds and use - Economic and Social Justification for Trademarks - Overview of general types of laws applicable to trademarks/ service marks Globally - Passing Off - Laws relating to Passing off - Passing off action.

UNIT – II: The Trademarks Act, 1999 - Registration of Trademarks -Principle for Registration of Trademarks - Essential conditions for registration of TMs - Characteristics of a good TM Rights Conferred by Registration of Trademarks - Procedure for Registration of TMs in India and abroad - Deceptive Similarity - Licensing of trademarks - Assignment and Transmission of Trademarks - Limitations on Licensing – Invalidity - What marks are not registerable - Cancellation of Registration.

UNIT – III: Rights of Proprietors and registered users etc of TMs - Transfer of TMs - Infringement - Infringement of Trademarks - Action for Infringements - Offences and Penalties - Unfair Competition Law - Remedies And Enforcement - Types of Relief - Civil, Criminal and Administrative - Procedure for Litigation - Authorities under the Act-their powers, functions and jurisdiction

UNIT – IV: New Challenges - Trademarks in cyberspace - Domain names - Cyber squatting - Meta tagging - Review alternative dispute resolution procedure such as the Uniform Domain - Resolution Policy (UDRP) and other similar procedures - Concept of Well-known Trademarks - Comparative Analysis of European and Indian Trademarks Law.

Select Bibliography:

1. Eric M. Dobrusin, Esq. Katherine E. White: Intellectual Property Litigation, Pretrial practice, 2nd Edn., 2005, Wolters Kluwer, Bedfordshire, UK.
2. R.S. Bhalla: The Institution of Property – Legally, Historically and Philosophically Regarded, 1984, EBC, Delhi.
3. WIPO, Background reading on Intellectual Property Rights, 1988.
4. G.B. Reddy: Intellectual Property Rights and the Law, 5th Edn, 2005, Gogia Law Agency.
5. P. Narayana: Trade Mark, Trade name and passing off (Vol. I & II), 1997, Eastern Law House, Kolkata.
6. Unni. V.K. Trade Marks & the Emerging Concepts of Cyber Property Rights, 2002, Eastern Law House, Kolkata.

PAPER – II
INDUSTRIAL DESIGNS AND GEOGRAPHICAL INDICATIONS

Theory

5 Hours/Per Week

Marks: 100 (External – 80; Internal – 20)

Unit – I:

Historical Background – Introduction - Industrial Designs before TRIPs Agreement - Industrial Designs after TRIPs Agreement - Concept of Industrial Designs-meaning, definition and nature, subject-matter of design protection - Emerging Issues - International Reciprocal Arrangement.

Unit-II:

The Designs Act, 2000 - Registration - Registration of Designs - Essential conditions for registration of designs-Rights of design holders - Copyright in Registered Designs - Refusal to Register Designs – Infringement and Remedies - Piracy of Registered Designs – Remedies – Administrative, Civil and Criminal – Power and Duties of Controller-Layout Designs-The Semiconductor Integrated Circuits Layout Designs Act, 2000.

Unit III:

Geographical Indication - Historical Background – Introduction - International Evolution of Geographical Indication - Indication of Source - Paris Convention - Madrid Agreement - Lisbon Agreement – NAFTA – TRIPs - Emerging Issues - Genericide of Geographical Indication -TRIPs Article 23 Controversy

Unit-IV:

Geographical Indication of Goods (Registration and Protection) Act, 1999 Registration - Registration of Geographical Indication - Effect of Registration – Rights of Stakeholders-Infringement and Remedies - Infringement and Passing off of Geographical Indication - Remedies and Procedure - Comparative Analysis - Comparative Analysis of Geographical Indication Law in India and France.

Select Bibliography:

1. Narayanan P., Trademarks & Passing off, Eastern Law House, 6th edition, 2006.
2. Gravis Daniel, The TRIPs Agreement: Drafting History and Analysis, 2nd edition, Sweet & Maxwell.
3. Nair. R. Latha, Geographical Indications: A Search for Identity, Lexis Nexis, Butterworth, 2005
4. Guide to the International Registration of Industrial Designs under the Hague Agreement, WIPO.
5. R. Basant (1998), “Intellectual Property Rights: A Note”, IIMA, Mimeo.
6. R A Mashelkar “Intellectual Property Rights and the Third World”.CSIR, New Delhi
7. S. Khoury (1998), "Valuing Intellectual Properties", in P.H. Sullivan (1998), Profiting from Intellectual Capital: Extracting value from Innovation, John Wiley & Sons.

PAPER – III

INTELLECTUAL PROPERTY RIGHTS AND EMERGING TRENDS

Theory

5 Hours/Per Week

Marks: 100 (External – 80; Internal – 20)

UNIT – I: Globalisation of IPRs - TRIPS Agreement - Its Origin – Negotiation - Content and its impact on Developing Countries - Views of third world countries on IPR- Contrast of views - between developed and developing countries –Areas of conflicts- Recent development

UNIT – II: Protection of New Varieties of Plants- Rights of Protection - Objectives - International Treaties - Period of Protection - Position in India -The Protection of Plant Varieties and Farmers Rights Act, 2001 - Protection of Traditional Knowledge – Objectives and Strategies - Protection in India – International Treaties – Biodiversity and its importance - The Convention on Biological Diversity – International protocols - Bio-piracy- Biological Diversity Act, 2002.

UNIT – III: Emerging Trends in Patenting Patentability of Micro-organisms- Budapest Treaty- Deposit of Micro-organisms – Mode of Protection- National regimes and micro-organism - Intellectual Property Protection of Computer Software - Copyright Protection - Limitation of Copyright Protection of Software - Patentability of Software - Intellectual Property Protection in Cyberspace – Information Technology Act, 2000.

UNIT – IV: Copyright and the Internet: Computer program, Computer program language - Electronic Signatures, Online works, Online music etc - Emerging Patent Trends - Patent protection for Computer programs, Business - Methods, biotechnology Patents - Copyright and Distance Education - The United States TEACH ACT and DMCA (The Digital Millennium Copyright Act) and the Higher Education - The Copyright Education Programs - Purpose of teaching Copyright - Development of effective copyright program - Copyright and the Dissemination of Information in Higher Education.- Copyright Infringement and Plagiarism

Select Bibliography:

1. G.B.Reddy : Intellectual Property rights and the Law ,Gogia Law.
2. Vikas Vashishth: Law and practice of Intellectual Property (1999),Bharat Law House, Delhi.
3. W.R.Cornish :Pera and Materials on Intellectual Property (1999),Sweet & Maxwell.
4. Granville Williams :Learning the Law.
5. P.Narayana :Intellectual Property Law, Eastern Law House, Kolkata.
6. Pola Koteswara Rao: Supreme court and Parliament –Right to Property and Economic justice, 2002, Law Book Agency, Hyderabad.
7. Prabhuddha Ganguli: Intellectual Property Rights-Unleashing Knowledge Economy,2001,Tata-Mcgraw Hill, New Delhi.
8. Shahid Alikhan & Raghunath Mashelkar: Intellectual Property and Competitive Strategies in the 21st Century, 2004, Kluwer Law International, London.
9. N.S.GopalaKrishnan: Intellectual Property and Criminal Law, 1994, National Law School of India University, Bangalore.
10. Subbaram.N.S: What everyone should know about patents.
11. S.K.Verma : Intellectual Property Rights, ILI, New Delhi.

PAPER-IV
DISSERTATION

Marks: 150 (Internal – 130; Viva-Voce – 20)

Allotment and Nature of Topics of Dissertation

1. Students shall submit their three (3) research topics, along with two to three pages synopsis, in order of preference to the Principal of the college in the first week of the beginning of the IV semester. Principal shall, in consultation with the Departmental Committee, allot the topic and guide to the students by the III week of the IV semester.

2. (a) The topic shall relate to student's specialization and a specific area of enquiry. (b) The topic would be so delimited that the student is required to go beyond the standard text-books and to consult the reference material or conduct field study for preparing his/her Dissertation. As far possible the contents of the Dissertation shall be the following, depending upon the nature of the topic assigned: (i) Collection of relevant material-Judicial, Legislative, Juristic, comparative and international and/or otherwise. (ii) Critical analysis and appreciation of this material. (iii) Proper citation of necessary reference consulted and relied upon. (iv) Empirical data when the Dissertation is non-doctrinal (field visit).

3. (a) The students shall prepare three typed copies of Dissertation and submit to the Principal of the college. (b) No candidate shall be allowed to publish the Dissertation, submitted to the University without prior written sanction of University.

4. The Dissertation shall run into minimum of 150 pages.

5. Students shall have to submit their Dissertation/Thesis on or before the last working day of the IV Semester. Dissertation submitted afterward will not be evaluated for/during that academic year and they have to submit the thesis along with the next batch. A Record shall be maintained by the students in which the summary of study and the progress made by them shall be entered once in every 15 days and it is to be signed by the guide in approval of the same and the thesis shall correspond with the such notes/record.