

BA.LL.B (HONS.) – IX-SEMESTER

TRADEMARK AND DESIGN

COURSE CODE:

Course Objective: Innovations in diverse areas of technology has led to the growth of importance of Intellectual Property Laws. This course aims to give an overview of the evolution of IPR and different types of IPR such as Trademark and Design. The paper is aimed at discussing the jurisprudence of Trademark and Design as emerging areas of IP and judicial decisions on different forms of IP.

Course Outcomes:

1. To understand the jurisprudential and theoretical ideology behind the concepts of Trademark and Design Laws
2. To recognise the economic importance of Trademark and Designs
3. To understand the origin and development of IPRs and acquaint with various international conventions relating to IPR
4. To analyse various forms of IP and its interface with technological developments
5. To interpret and analyse various judicial decisions concerning Trademark and Designs.

UNIT-I: Introduction Trademarks, Evolution of Trademark in India, Justification, International Treaties: Paris Convention, Madrid Agreement and Protocol, NICE Agreement, Trademark Law Treaty, Singapore Law Treaty, TRIPS, Kinds of Trademarks: Registered and Unregistered Trademarks, Conventional & Non-Conventional Trademarks, Service Mark, Collective Marks, Certification Marks, Well Known Trademarks

UNIT-II: Registration of Trademarks, Pre-requisites, Absolute and Relative Grounds for Refusal of Registration, Concept of Deceptive Similarity and its Applicability in Registration, Procedure for Registration, National and International Registration, Commercial Exploitation of Trademarks and IPAB,

UNIT-III: Rights of Proprietor, Assignment, Licensing and Transmission of Trademark, IPAB, Penalties for infringement, Infringement and Passing off, Infringement, Goodwill and Passing off, Remedies, Trademark Issues in Cyberspace

UNIT-IV: Industrial Designs, Introduction, Evolution, Justification, International Treaties, Paris Convention, Hague Agreement, Locarno Agreement, TRIPS, Industrial Design Act, 2000, Interface between Design, Copyrights and Trademarks

UNIT-V: Semiconductor and Layout Designs, Introduction, Evolution, Justification, International Treaties: Washington Treaty, TRIPS, The Semiconductor Integrated Circuits Layout-Designs Act, 2000, Penalties for infringement

Text Books:

1. K C Kailasam and Ramu Vedaraman, Law of Trademarks including International Registration under Madrid Protocol and Geographical Indications, Lexis Nexis, 2013
2. A. K. Bansal, Law of Trademark in India, Thomson & Reuter, 2014
3. Ashwani Kumar Bansal, Design Law, Universal Law Publishing Company, 2012

Reference Books:

1. Tapan Kumar (Ed.), WTO, TRIPS and GIs, New Century Publications, 2014
2. Dev Gangjee, Relocating the Law of GI, Cambridge University Press, 2012
3. K C Kailasam and Ramu Vedaraman, Law of Trademarks including International Registration under Madrid Protocol and Geographical Indications, Lexis Nexis, 2013
4. David T Keeling, David Llewelyn, Kerley's law of Trade Marks and Trade Names, Sweet and Maxwell, 15th Edition, 2014
5. Narayanan, Trade Marks and Passing Off, Eastern Law House, 2004
6. Ananth Padmanabhan, Intellectual Property Rights Infringement and Remedies, Lexis Nexis, 2012
7. Christopher Wadlow, The Law of Passing Off: Unfair Competition by Misrepresentation, Sweet and Maxwell, 2011
8. David Lindsay, International Domain Name Laws, Hart Publishing, 2007.