

BBA.LL.B (HONS.) – IX-SEMESTER

INTELLECTUAL PROPERTY LAW

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. The paper is aimed at discussing the jurisprudence of IP and judicial decisions on different forms of IP.

Course Outcomes:

1. To understand the jurisprudential and theoretical ideology behind the concepts of IPRs
2. To recognise the economic importance of IPRs
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 IPRs

UNIT–I: Introduction to the Concept of Intellectual Property- Importance of human creativity- Types of IPR, Theories of IPR, Historical background – International Conventions of IPRs; WTO, TRIPs; National treatment; Most favored treatment; Dispute settlement mechanisms.

UNIT-II: Patents: Indian Patents Act, 1970 - Patentable Inventions; Procedure to obtain patent; Specification; rights of Patentee; Transfer, Revocation and Surrender of Patents; Infringement of Patents and Remedies for infringement; Government use of Patents for Public purpose.

UNIT-III: Trade Marks: Trade Marks Act, 1999 - Functions of Trademarks; Service marks; Registration of Trademarks; Doctrine of distinctiveness; Infringement of Trademarks; Remedies; Licensing in trademarks – Deceptive Similarity and passing off.

UNIT-IV: Copyright: Copyright Act 1957 - Characteristics; works protected under copyright - Literary works; Dramatic, musical & artistic works; Architecture, cinematograph film & sound recording; Author and ownership of Copyright; Rights conferred by Copyright; Term of Copyright; Infringement and Remedies for Infringement; Performers' Right; Publication.

UNIT-V: Designs: Design Act, 2000 - Registerable designs; Procedure for Registration; Piracy of a design; Geographical Indication; Geographical Indication of Goods (Registration and Protection) Act, 1999 - Infringements and Remedies – The Semiconductor Integrated Circuits Layout Designs Act, 2000; The Plant Varieties and Farmers' Rights Act, 2001; National Register of Plant Varieties; Protection of Traditional Knowledge

Text Books:

1. Bently and Sherman, Intellectual Property Law, Oxford University Press, U.K., 2004
2. Ananth Padmanabhan, Intellectual Property Rights: Infringement and Remedies, LexisNexis, Nagpur, 2012
3. N.S. Gopalakrishnan, Principles of Intellectual Property, EBC, Lucknow, 2014.