



Progressive Education Society's

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Syllabus

Diploma Course in Intellectual Property Rights Law

(From 2004-2005)

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**University of Pune, Rules for D.I.P.R.
(With effect from 2004-2005)**

Eligibility for Admission - To be eligible for admission, the candidate must be a graduate of any faculty either of this university or of any other university, whose degrees are recognized as equivalent to the corresponding degrees of this university.

Duration of the Course - Duration of the course shall be one academic year commencing from June only.

Medium of Instruction - The medium of Instruction at the diploma course in Intellectual Property Rights Law shall be English.

Examination - The examination shall be held at the end of the every academic year, on the dates to be announced by the University. Second held examination may be held in case of students who have failed.

Standard of Passing or exemption -

- a) Each paper shall carry 100 marks
- b) The standard of passing for the Diploma Course in Intellectual Property Rights Law is 35 % marks in individual paper / subject and 50 % marks in aggregate. The candidate obtaining between 50 % & 54 % marks will be declared to have passed in SECOND CLASS. The candidate obtaining between 60 % & 69 % marks will be declared to have passed in FIRST CLASS. The candidate 70 % marks and above will be declared to have passed in FIRST CLASS WITH DISTINCTION.
- c) Candidate who obtains at least 50 % of the full marks in a paper shall at his option, be exempted from that paper at subsequent examination. He / She shall, however, have to pass in the remaining paper or papers in accordance with standard of passing laid above; such exemption is for six years only.

The aims of the course are: -

- To impart systematic knowledge of the basic notations of the intellectual property laws in the overall context of WTO / TRIPS rules on intellectual property rights.
- To enhance the professional competence & operational efficiency of the students in the fields of intellectual property law; and
- To acquaint students with the importance and main functions of the intellectual property rights in the national and international context.

The course will cover important international conventions on intellectual property rights – Paris Convention, Berne Convention, Rome Convention, Madrid Agreement, WTO / TRIPS Agreement as well as the Indian Law of patents, copyrights and neighboring rights trademarks; industrial designs etc.

Paper I – Patent Law

The subject will be discussed in the context of the Indian Patent Law – the patents Act, 1970, the patents (amendment) Act, 2002; International Treaties / Conventions: Paris Convention, PCT and the TRIPS Agreements; Important regional arrangements.

It will deal with:

- Historical and economic background of the Indian Patent System in the global context.
- Patentable subject matters – issue of discovery, computer software, aesthetic, animals and plants.
- Inventions specifically excluded from penetrability – public order, morality, animals and plants.
- Patent ability criteria novelty, non – obviousness or inventive step and Industrial applicability or usefulness.
- Procedure of filling patent applications, patent specification, ownership & assignment.
- Content of patents rights.
- Patents granting procedure.
- Revocation, patent infringement and remedies including execution of judgments.
- Utility models, short – term patents or petty patents.
- Concept of Intellectual Property.
- Nature of Intellectual Property.
- Commercial exploitation of Intellectual Property.
- Enforcement of rights and remedies against Infringement.
- Intellectual Property and economic development.
- International character of Intellectual Property.

References will also be made to important Indian court cases on the subject.

Paper II – Copyright and Neighboring Rights

The paper will relate to the Copyright Act, 1957 (as amended in 1999); Berne Convention, Universal copyright Convention. Rome Convention, WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, 1996 and the TRIPS Agreement. The paper will cover:

- Historical & economic background.
- Copyrightable works, literary, artistic, scientific works, computer software, works of applied art etc.
- Content of right including exception (for example, fair use): Rights accorded & there contents – moral rights, economic rights & there limitations.
- Ownership & transfer of copyright, duration of rights, renewal & termination & data based protection.
- Neighboring rights – the rights of performing artist, phonogram producers & broadcasting organizations.
- Folklore & folk rights.

- Broadcasting rights including satellite & cable distributions.
- Infringement actions, defences & relief's including execution of Judgment

Paper III – Trade Mark

This paper will be discussed in the context of the Trade and Merchandise Marks Act, 1958; Trade Marks Act, 1999: the Paris Convention; Madrid Agreement; Nice Agreement and the TRIPS Agreement. It will deal with:

- Historical & economic background of Trade Marks.
- Kinds of marks eg. Trade Marks, service and Collective Marks, Associated Marks, Certification Marks.
- What can be protected as a mark? Protection requirement content of the right including the issue of exhaustion of rights.
- Trade names & appellations of origin.
- Assignment & licensing & other forms of exploitation.
- Infringement, right of goodwill, passing off, filching of trade secrets, and execution of judgments.
- Domain names and effects of new technology (Internet) on enforcement of trade and service and service marks.

Paper IV – Industrial Designs, Geographical Indications and layout designs of Intergrated Circuits

The paper will relate to the Designs Act, 2000, the Geographical Indications of Goods (Registration and protection) Act, 2000. The Semiconductor Integrated Circuits Layout – Design Act, 2000 and the TRIPS Agreement.

- Economic background of designs.
- Subject matter of protection; relationship with copyright protection.
- Requirements to qualify as an industrial design i.e. pattern, shape ornamentation articles, appeal to eye, novelty originality, intention to multiply industrially.
- Aesthetic design and functional design.
- Procedure for obtaining designs protection & keeping its enforceability.
- Infringement and revocation.
- Remedies.
- International arrangements.

Geographical Indications:

- Definition of geographical indications.
- Conditions and procedure for registration.

- Duration and effect of registration.
- Offences, Penalties and Procedure for seeking relief.

Layout – Designs of integrated circuits:

- Conditions and procedure for registration.
- Duration and effect of registration.
- Registered users, assignment and transmission.

Paper V – Dissertation or Research work

The paper will relate to the Dissertation or Research work or Project work or Important decisions of supreme court and Vivo-voce.

- Distribution of Marks:-
Journal – 80 Marks
Viva-Voce – 20 Marks

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Readings:

1. Anderfelt, U.H. – International Patent Legislation & Developing Countries, 1971.
2. Bainbridge, D.J. – Intellectual Property 1992.
3. Bodenhausen, G.H. – Guide to the Application of the Paris Convention.
4. Cornish, W.R. – Intellectual Property: Patents, Copyright, Trademarks & Allied Rights.
5. Jhala, H.M. – Intellectual Property & Competition Law in India, with special reference to patents, trademarks, copyrights & know – how contracts 1985.
6. Merges, R.P. & Others – Intellectual Property in the new technological age, 1997.
7. Mittal, D.P. – Indian Patent Law.
8. Narayana, P. – Intellectual Property Law.
9. Philips, J. & Firth, Alison – Introduction to Intellectual Property Law.
10. Sterling, J.A.L. – Intellectual Property Rights in Social Recordings, Films & Video: Protection of Phonographic & Cinematographic recordings & work in National and International Law, 1992.
11. Vashishth, V. – Law & Practice of Intellectual Property in India.
12. Wadhera, B.L. – Law relating to Patents, Trademarks, Copyright Designs & Geographical indications.