

## M.Com. 106 Intellectual Property Laws and Laws Regulating to Copyrights & Design

Unit No.	Unit Title	Contents
1	Intellectual Property	Intellectual Property Rights (IPR): Origin and Concept, Commercial and cultural dimensions, types of IPR, International Conventions and Organizations; WTO,WIPO, GATT, TRIPS Paris Convention, PCT, Budapest Treaty
2	Patents	<p><b>Patents:</b> Definition, concept, types, patentable &amp; non- patentable inventions, Applications for patents, complete procedure for obtaining patents. (Chapters 1 to 8 of Patents Act,1970 as amended), Patents of Additions, surrender &amp; revocation of patents. Working of Patents, Compulsory licenses and revocation, use of patents for government purposes and acquisition of patents, Infringement of patents - acts of Infringement and defenses, remedies for Infringement - suits, appeals.</p> <p>Offenses and penalties [Chapters 16 to 20 of Patents Act,1970 as amended]</p> <p>Patents Offices, establishment, Controller of Patents: functions and powers, Patent Agents, International arrangement [Chapters 14 &amp; 21, 22 of the Act ], Issues and concerns in patent regime</p> <p>Important Judgments To Be Studied:</p> <p><b>1) <i>Bajaj Auto Limited v. TVS Motor Company Limited</i> JT 2009 (12) SC 103</b></p> <p><b>2) <i>Novartis v. Union of India</i> (2013) 6 SCC 1</b></p> <p><b>3) <i>Dr Snehlata C. Gupte v. Union of India &amp; Ors</i>[W.P. (C) No 3516 and 3517 of 2007] Delhi HC</b></p> <p><b>4) <i>Bayer Corporation v. Union of India</i> 162(2009) DLT 371</b></p>
3	Trade Marks	<p><b>Trade Marks:</b> Definition, concept, types, Registration of Trade Marks - Procedure, duration, effect.</p> <p>Appellate Board - Establishment, Composition, qualifications, procedure and powers, disposal of appeals.</p> <p>Assignments and Transmission of Trade Marks, Provisions relating to collective &amp; certification Trade Marks, textile goods, Infringement of Trade Marks and remedies, Offenses and Penalties.</p>

		<p>Important Judgments To Be Studied :</p> <p>1) <i>The Coca-Cola Company v. Bisleri International Pvt. Ltd</i> Manu/DE/2698/2009  2) <i>Clinique Laboratories LLC and Anr. v. Gufic Limited and Anr.</i> MANU/DE/0797/2009  3) <b><i>Yahoo!, Inc. v. Akash Arora &amp; Anr</i>[1999 (19) PTC 201 (Del)]</b>  4) <b><i>Cadila Health Care v. Cadila Pharmaceutica Ltd.</i>[2001 PTC (SC) 561]</b></p>
4	Biodiversity Act, 2002	<p>Important relevant definitions of the terms like Biodiversity, Biological Resources, Benefit Claims, Commercial Utilization, Fair &amp; Equitable Benefit Sharing, Sustainable Use—Regulation of Access to Biodiversity [ Ss 3 to 7], Functions &amp; Powers of National Biodiversity Authority &amp; State Biodiversity Board [ Ss 18 to 25]</p>
5	<b>The Copyright Act, 1957</b>	<p>Copyright: Concept and Evolution, Scope and Characteristics of Copyright – Object of Copyright – Works in which Copyright Subsists – Qualification for Copyright Subsistence – Author and Ownership of Copyright- Rights of the Copyright Owner – International Copyright (Ss – 40-43).  Term of Copyright (Sections 22 to 29, 37(2), 38(2) – Assignment/ License of Copyright (Sections 18 to 21, 30 To 32) – Registration of Copyright (Sections 44 to 50-A along with rule 16 of chapter VI of Copyright Rules, 1958).  Infringement of Copyright - acts which constitute Infringement, acts not Constituting Infringement etc. (Sections 51 to 53 A) – Offences and Penalties,  Copyright Societies: Functions and Rights  Important Judicial Decisions to be studied :</p> <p>1) <i>The Chancellor, Masters &amp; Scholars of the University of Oxford &amp; Ors. v. Rameshwari Photocopy Services &amp; Ors.</i> [DU Photocopying Case] CS (OS)--2439/2012. Delhi High Court  2) <i>Twentieth Century Fox Film Corp v. MCA Inc. and Ors</i> [715 F.2d 1327 (9th Cir. 1983)]  3) <i>R. G. Anand v. Deluxe Films</i> [AIR (1978) SC 1613]  4) <i>Apple Computer, Inc. v. Microsoft Corporation &amp; Hewlett-Packard Co.</i> [35 F.3d 1435 (9th Cir.1994)]</p>

6	The Designs Act,2000	<p>Industrial Designs: Introduction, Meaning and Scope – Register ability of a Design, who can file an Application for Registration of a Design (Sections 3 to 10) – Copyright in Registered Designs (Sections 11 to 20) – Infringement (Piracy) of Copyright in Design (Sec. 22) – Defences which may be set up by the Defendant.</p> <p>Important Judicial Decisions to be studied :</p> <p>1) <i>Micolube India Limited v. Rakesh Kumar</i> 2013 1AD (Delhi) 542; MIPR 2012 (2) 200</p> <p>2) <i>Reckitt Benckiser India Ltd. v. Wyeth Ltd.</i> AIR 2013 Delhi 101;2013 (54) PTC 90 (Del) (FB)</p> <p>3) <a href="#"><i>Gopal Glass Works Limited v. Assistant Controller of Patents &amp; Designs &amp; Ors.</i></a> 2006 (3) CHN 188</p> <p>4) <i>Atul Narsibhai Patel v. The Assistant Controller of Patents And Designs And Others.,</i> Calcutta High Court AID No. 3 of 2013 Decided on 17.01. 2017</p>	<ul style="list-style-type: none"> <li>• Introducing students with conceptual framework and scope of Designs.</li> <li>• Making them aware of various legal provisions of Designs Act along with few relevant decisions of the Courts.</li> </ul>
7	The Geographical Indications of Goods (Registration and Protection), Act, 1999	<p>Geographical Indications: Introduction, Meaning and Content –</p> <p>Legislative framework :</p> <p>The Geographical Indications of Goods (Registration &amp; Protection) Act, 1999 and the Geographical Indications of Goods (Registration &amp; Protection) Rules, 2002.</p> <p>Procedure for Registrations – Duration, Renewal, Restoration (Section 11 to 18) – Rights Conferred by Registration – Infringement and its Remedies (Section 20-24) – Penalties for Infringement (Section 37 to 54) – Authorities: Registrar, Appellate Board – Certificate of Validity – Powers of Central Government.</p>	<ul style="list-style-type: none"> <li>• Acquainting students with conceptual framework and scope of Geographical indications of goods.</li> <li>• Making them aware of various legal provisions of The Geographical Indications of Goods (Registration and Protection), Act, 1999 along with relevant rules.</li> </ul>
8	Protection of Plant Varieties and Farmers Rights Act-2001	<p>Introduction, Objective and Scope of the PPVFR Act, 2001 - Definitions [Plant, Propagating Material, Seed, Germ Plasma, Plant Variety, New Plant Variety, Farmer Etc.] Procedure of Registration, Who may apply? - What can be registered? – What Cannot be Registered - Acceptances and Opposition of Application – Rights and Privileges of Breeders and Researchers – Compulsory License – Period of Validity of Registration – Surrender and Revocation of Certificate – Infringement of Rights and its Remedies - Offences and Penalties – Authorities for Administration</p>	<ul style="list-style-type: none"> <li>• Making students understand with the concept and scope of Plant Varieties and Farmers Rights.</li> <li>• Making them aware of various legal provisions of The Protection of Plant Varieties and Farmers Rights Act, 2001 along with relevant rules.</li> </ul>

**\*All Acts are to be studied with recent amendments**

**Reference Books:**

Sr. No.	Title of the Book	Author/s	Publication	Place
1.	Intellectual Property Law	P. Narayan	Eastern Law House.	New Delhi
2.	Text book on Intellectual Property Rights	N.K. Acharya	Asia Law House	Hyderabad
3.	Law Relating to Intellectual Property	Dr. B.L. Waderha	Universal Law Publishing Co.	New Delhi
4.	Intellectual Property Rights, (2011)	Dr. Sreenivasulu N. S.	Regal Publications	New Delhi
5.	Intellectual Property Law in India (2006)	Justice P. S. Narayana	Goigia Law Agency	Hyderabad
6.	Law of Intellectual Property	Dr. S. R. Mynei	Asia Law House	Hyderabad
7.	Intellectual Property Rights – Heritage, Science & Society Under International Treaties	A. Subbian	Deep & Deep Publications Pvt. Ltd	New Delhi
8.	Intellectual Property Laws	Bextly & Sherman,	Asia Law House	Hyderabad
9	Intellectual Property Law	P. Narayan	Eastern Law House	New Delhi
10	Text book on Intellectual Property Rights.	N.K. Acharya	Asia Law House,	Hyderabad
11	Law Relating to Intellectual Property	Dr. B.L. Waderha	Universal Law Publishing Co	
12	Intellectual Property Rights, (2011)	Dr. Sreenivasulu N. S.,	Regal Publications,	New Delhi
13	Intellectual Property Law in India (2006)	Justice P. S. Narayana	Goigia Law Agency,	Hyderabad.
14	Universal's "Intellectual Property Laws" (Bare Acts)		Universal Law Publishing Co. Pvt. Ltd.	
15	Law of Intellectual Property	Dr. S. R. Mynei	Asia Law House,	Hyderabad (2011).
16	Intellectual Property Rights – Heritage, Science & Society Under International Treaties	A. Subbian	Deep & Deep Publications Pvt. Ltd.,	New Delhi

**Important Websites Reference:**

CIPAM Website- <http://cipam.gov.in/>

DIPP Website- <http://dipp.nic.in/>

CGPTDM Website- [www.ipindia.nic.in/](http://www.ipindia.nic.in/)

Start-Up India Action Plan- <http://startupindia.gov.in/uploads/pdf/Action%20Plan.pdf>

TKDL- <http://www.tkd.res.in/tkd/langdefault/common/Home.asp?GL=Eng>

WIPO Website- <http://www.wipo.int/about-ip/en/>