INTELLECTUAL PROPERTY RIGHTS

1 Introduction to Intellectual Property Rights
   ➢ History and International Regime: Pre- TRIPs and post TRIPs
   ➢ Justification and Rationale
   ➢ Balancing Rights of the IPR Holder and the Society
   ➢ Enforcement of IPRs
   ➢ Exhaustion of IPRs
   ➢ IPR and Human Rights
   ➢ Interface between IPR and Competition Law

2. Law of Copyright and Design
   ➢ Copyright
     ▪ Meaning, Nature, Justification, Registration
     ▪ History and International Treaties
     ▪ Idea/expression Dichotomy; Copyright in Concept Notes
     ▪ Moral Rights
     ▪ Rights of Performers, Rights of Broadcasting Organizations etc.,
     ▪ Modes of Transfer
     ▪ Infringement: Civil and Criminal Remedies
     ▪ Border Protection Measures
     ▪ Fair Dealing
     ▪ Copyright in Database, Software and Digital Works
     ▪ Folklore and Cultural Expressions

   ➢ Industrial Design and Layout Designs of Integrated Circuit
     ▪ Meaning, Scope and Registration
     ▪ History, International Developments
     ▪ Designs v/s Copyright and Trademark
     ▪ Infringement and Remedies

3. Law of Patent and Undisclosed Information
   ➢ Patent
     ▪ Scope, Objectives and Justification
     ▪ History and International Treaties
     ▪ Patentability Criteria
     ▪ Patentable and Non- patentable inventions
     ▪ Registration, Ownership, Rights of Patente, Transfer of technology
     ▪ Working of Patents and Compulsory licensing
     ▪ Infringement
     ▪ Impact of TRIPs and TRIPs Flexibilities
• Pharma patents *vis a vis* Public Health Issues
• Patent *vis-a-vis* Copyright: Software and Computer Programmes
• Utility Patent

**Undisclosed Information**

• Rationale and Subject matter of Confidential Information
• TRIPS Regime
• Trade Secrets *v.* other forms of protection
• Techniques of Secrecy Protection (*India and International level*)

4. Law of Trademark and Geographical Indication

**Trademark**

• Justification, History, and International Treaties
• Registration (*India and International level*) and Scope of Protection
• Kinds: Conventional and Non-conventional
• Licensing and Assignments
• Passing off, Infringement and Remedies
• Character Merchandising
• Comparative Advertisement and Disparagement
• Interplay of Unfair Competition and Trademark Law

**Geographical Indication**

• National and International Perspective
• Meaning, Nature and Justification
• Geographical Indication *v.* other forms of IPRs
• Registration, Infringement and remedies
• TRIPS and Concerns for developing countries

5. Intellectual Property in the Digital Age

• Impact of internet: Issues for Developing Countries
• WIPO Digital Agenda: WCT and WPPT
• Protection of Trademark: Use of trademarks as Meta tags, Domain name dispute resolution
• Protection of Copyright: Liability of ISPs, Rights of Performers and Digital Broadcasters, Licensing and Rights Management


• TRIPS, International Institutions and Treaties
• Different *sui generis* approaches
• Advantages and options for developing countries
• Role of Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore
• *Sui generis* protection for plant and genetic resources
Protection of new varieties of plants, UPOV; Protection of Plant Varieties and Farmers Rights Act, 2001
Protection of Traditional Knowledge and Indigenous Knowledge
Concepts of benefit sharing, prior informed consent etc.; Biological Diversity Act, 2002
Administration and Enforcement of *sui generis* rights

**Suggested Readings**

**BOOKS**


**ARTICLES**


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*Suggested Readings are not exhaustive. Need to be supplemented with additional readings.*

Note: This is a draft syllabus, which is to be approved by the Competent Authority.