

Paper V: IPR-II-Law of Patent and Copyright Trade Secrets/Designs
Paper Code: M 205 (2017-18)

Law of Patent [Min 2 topics +4 small]

Unit I: Law of Patent (The Patents Act, 1970 wef 1972)

- Concepts of patent, meaning, nature and kinds of patent.
- Procedure for filing application of patents, specifications, Inventions, Sec 3, scrutiny
- Drafting of claims, Opposition, Grant
- government use of invention, and revocation for non-working, grounds of revocation of a patent.
- patent of addition, compulsory licences, licences of right
- International patents, PCT
- Enforcement of patent, Infringement of patent, remedies for infringement, threat of infringement
- Patents Amendments in 1999 and 2002 and 2005
- Rights and obligations of a patentee, assignment and surrender, notion of abuse of patent rights.
- Patent and Micro - Organism
- Advanced Readings: Patent and Computer Programmes

Unit II: International Protection of Patents.

- Parallel Imports and Exhaustion International conventions and agreements for the protection of patents.
- WTO/TRIPS obligation. Art 27, 30
- Advanced Readings: Biopiracy, Biotechnology patents
- Advanced Readings: Sui generis Protection of plant varieties and farmers rights
- Advanced Readings: Convention on Biological Diversity, Protection of traditional knowledge, rights of Indigenous People, transfer of technology, Multinational Ownership

Copyright [Min 2 topics +4 small]

Unit III: Law of Copyright (Copyright Act, 1957)

- Subject matter of copyright. Sec 13-16 - Details thereof
- Rights enshrined in copyright owner and licensee. Sec 14
- Literary, computers prog, artistic, films, sound recordings
- Ownership,
- International Conventions and Agreements for the Protection of Copyright- WTO/TRIPS Agreement, The Berne Convention, Universal Copyright Convention, The Rome Convention, WIPO's Copyright Convention and Phonogram Treaty, 1996. Infringement of copyright and remedies assignment, registration and.
- Neighbouring Rights: right of performers, broadcasting organisations, broadcasting rights including satellite and cable distribution.

Unit IV: Law of Designs (The Designs Act, 2000) (1 Unit + 3 small)

- Definitions, basic concepts, functional designs, the rights.
- Registration: procedure,
- Design Copyright, term of design,
- Protection of Designs: Piracy /infringement of design, remedies against infringement.

Unit V: Trade Secrets or Confidential Information (1 Unit + 2 small)

- Legal Position in India : Subject matter of Trade Secret Protection
- Legal Framework for Trade Secret Protection

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