

4. INTELLECTUAL PROPERTY RIGHTS

Module I (12 Hours)

Introduction

Intellectual property: meaning, nature and significance, need for Intellectual Property Right (IPR), IPR in India – Genesis and development, IPR in abroad, Examples:-Biotechnology Research and Intellectual Property Rights Management.

What is a patent, What can be protected by a patent, Why should I apply for a patent? Patent Law, Patentability requirements, Non-Patentable subject matters, Layout of the Patents. Procedure for domestic and international filing of applications, Restoration, Surrender and Revocations of Patents, Rights of Patentee and Working of Patent, Licensing and Enforcing Intellectual Property.

Module II (10 Hours)

Copyrights

Copyright: meaning, scope; What is covered by copyright? How long does copyright last? Why protect copyright? Related rights, Rights covered by copyright. Ownership: Duration, Division, Transfer and Termination of Transfers.

Module III (10 Hours)

Infringement and Remedies

Literal and non-literal infringement, Role of claims, Doctrines on infringement: Equivalent doctrine, Pith and Marrow doctrine, Comparative test. Defenses: Gillette Defense, General grounds, Patents granted with conditions, Parallel import. Remedies: Civil, Administrative.

Module IV (8 Hours)

State Law: Trade Secret, Contract, Misappropriation, Right of Publicity

Trademarks, Trade Secret - Overview, Requirements, Misappropriation of Trade Secret, Departing Employees, Remedies, Criminal Liability, Misappropriation, Clickwrap Agreements, Idea Submissions; Right of Publicity, Federal Pre-emption, Review.

Text and Reference Books:

1. W. R. Cornish and D. Llewellyn, Intellectual Property: Patents, Copyrights, Trade Marks and Allied Rights, Sweet & Maxwell.
2. Lionel Bently and Brad Sherman, Intellectual Property Law, Oxford University Press.
3. P. Narayanan, Intellectual Property Law, Eastern Law House
4. B. L. Wadehra, Law Relating to Intellectual Property, Universal Law Publishing Co.
5. V. K. Ahuja, Law Relating to Intellectual Property Rights, LexisNexis.
6. Ajit Parulekar and Sarita D'Souza, Indian Patents Law – Legal & Business Implications;Macmillan India Ltd, 2006
7. P. Narayanan; Law of Copyright and Industrial Designs; Eastern law House, Delhi, 2010.

Reference

1. The Copyright Act, 1957
2. The Patent Act, 1970

3. The Trade Marks Act, 1999
4. The Designs Act, 2000
5. The Geographical Indication of Goods Act, 1999
6. The Protection of Plant Varieties and Farmers' Rights