

UNIVERSITY OF MUMBAI



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DEPARTMENT OF LAW

**Post Graduate
Diploma in Intellectual
Property Rights**

**Ordinances, Regulations,
Scheme of Papers and
Syllabus for the
Post-Graduate Diploma in
Intellectual
Property Rights**

(with effect from the
academic year 2019-2020)



INTRODUCTION

The Department of Law was established in November 1959 for the purpose of imparting post-graduate legal education and encouraging legal research, the need for which was felt long ago as Mumbai is the commercial capital of India and the importance of the study of Law and legal research cannot be over emphasized. The Department provides for course leading to the L.L.M. and Ph.D. Degree and the following Post Graduate Diploma Courses.

- 1) Post Graduate Diploma Course in Intellectual Property Rights
- 2) Post Graduate Diploma in Alternative Dispute Resolution (ADR)
- 3) Post Graduate Diploma in Securities Law
- 4) Post Graduate Diploma in Cyber Law and Information Technology

O. 5554 Title of the Course : **Post-Graduate Diploma in Intellectual Property Law.**

O. 5555 Eligibility : Graduate from any faculty from a recognized University.

R. 5240 Duration of the Course : One Academic Year

R. 5241 Fees Structure : Rs. 8700/- per year

Examination : To be held at the end of every Academic Year.

Number of Papers : Four Theory Papers and One Paper on Practical Training.

Paper – I Introduction to Legal Concepts and Legal Systems

- Paper – II** Law of Trade Marks
Paper – III Law of Copy Rights
Paper – IV Law of Patents
Paper – V Practical Training and Project Work

No student will be allowed to appear for the examination unless he/she has attended 75% of the total number of Lectures/Seminars/Practicals conducted for the course.

Each Paper will be of 100 Marks

R. 5242 Intake Capacity -- : 50.

Weekly Lectures : Lectures for Eight Hours every week.

R. 5243 Teacher Qualification : Post Graduate in Law or Graduate in Law with five to ten years teaching experience or five to ten years professional/service experience in the subject of IPR

R. 5244 Standard of Passing :

- a) To pass the Diploma examination a student must obtain 45% of marks in each paper and 50% in aggregate.
- b) Candidate who secures 50% to 59% marks in aggregate shall be declared to have passed the examination in the Second Class.
- c) Candidate who secures an aggregate of 60% and above marks on the whole shall be declared to have passed the Examination in the First Class.
- d) In addition to (a) (b) and (c) above, a candidate who secures 70% and above marks on the whole shall be declared to have passed the Examination with Distinction.

**POST GRADUATE DIPLOMA COURSE IN
INTELLECTUAL PROPERTY LAW**

Paper – I – Introduction to Legal Concepts & Legal Systems.

Working knowledge of Concepts and practice relating to :-

(1) Sources of Law

Constitution
Statutory
Common Law
International treaties & Laws
Customary
Equity

(2) Natural & Legal persons

Individuals - Citizens
Association of persons
Partnership
H.U.F.
Co-owners
Trusts - Private
 Public
Formation - dissolution
Registration - Partnership ... - Trust ...
Dissolution

Legal Entities

Companies
Statutory corporations
Registered Societies
Registration - Memorandum - Articles
Management - vesting of property Winding up Liquidation

(3) Property

Movable - immovable - tangible - intangible
Ownership - Possession

Legal/equitable rights
 Statutory rights
 Creation / acquisition - abandonment
 Holding - enjoyment - maintenance
 Monopoly rights
 Transfer - assignment - sale - gift - succession
 extinguishment abandonment
 Renewal

- (4) **Contracts**
 Offer Proposal - acceptance - consideration, damages
 Creation - continuation - obligations
 Agency - licence - power of attorney
 Franchise agreements
- (5) **Torts**
 Infringement / passing off / deception, standard of care, negligence, strict-liability.
- (6) **Jurisdiction**
 Civil - criminal - international
 Arbitration
 Registration - disputes
 Courts.
- (7) International Instruments & Organisations Over view of IPR & Cyber Law.

Paper II - Law of Trade Marks

Evolution and Development of Intellectual Property Rights. National and International Law of Trade Marks including Passing Off; Unfair Competition; Law of Domain Names; and the Geographical Indications of Goods (Registration and Protection) Act; International Conventions relating to Trade Marks, TRIPs, Law relating to marks & emblems of trade. Search importance of procedures for Trade Marks registration. (III) Examination of trade mark application,

opposition, etc., Rights of registered Trade Mark owners - Civil and Criminal Remedies, Infringement proceeding and Defenses - passing off and infringement, Remedies in Trade Mark proceedings -Anton pillar order, miscellaneous proceedings ratification, Trafficking in Trade Mark, Yardstick for Damages, public interest in Trade marks laws Domain name issues and concerns.

Reference

1. The Trade Marks Act, 1999 & Rules.
2. Geographical Indications of Goods (Registration and Protection) Act.
3. Kerly's Law of Trade Marks and Trade Names, Thomas A. Balanco White and Robin Jacob (Sweet & Maxwell).
4. The Modern Law of Trade Marks by Christopher Morcom, Ashley Roughton and James Graham, 1st edition; 1999 edition (Butterworths).
5. K.S. Shavaksha on Trade and Merchandise Marks Act, 1958 3rd Edition (1999 edition) Butterworths, India.
6. McCarthy on Trade Marks and Unfair Competition (1999 Edition) (West Group, U.S.A.).
7. Intellectual Property by W.R. Cornish (Sweet & Maxwell).
8. Narayanan on Trade Marks and Passing Off - Fourth Edition.

Paper III - Law of Copyright :

- (I) Evolution and Development of Copy Rights.
- (II) Introduction to law of copy rights meaning and content, Diversity in copy right, its History - Test of originality, exercise of ownership Rights, Rights of copy right holder - Tests of determining infringement, Infringement and remedies, Copy Rights and Computer Software. The administration of Copy Right System in India, International Copy Rights Law.

(III) Law of Copyright including Cable, Broadcasting; Satellite; Copyright infringement on the internet, WCT, WPPT, Law relating to Industrial designs, Layout designs in Integrated Circuits, Treaty on Intellectual Property in respect of integrated circuits, Washington, D.C. 1989. International Conventions relating to Copyright, including the TRIPs Agreement.

- 1) Evolution and development of Copy Rights Law.
 - National Law
 - International Law
- 2) Rights of Copy Rights Owners
 - Economic Rights
 - Moral Rights
- 3) Copy Rights & Public interest
 - Duration of Copy Rights
 - Permitted uses
 - Compulsory licences
- 4) Remedies for infringement of Copy Rights
 - Civil remedies
 - Administrative remedies
 - Criminal remedies
- 5) Neighbouring rights
 - Reformers Rights
 - Rights of Producers of Phonogears
 - Of phonograms
 - Rights of broadcasting organisations
- 6) Copy rights & Technological development
 - International convention on Copy rights
 - Future of Copy Rights in India.

Reference :

1. The Copyright Act, 1957.
2. Copinger and Skone James on Copyright, (Sweet & Maxwell).
3. The Modern Law of Copyright and Designs by Hugh Laddie, Peter Prescott and Mary Vitoria (Butter-worths).

4. Nimmer on Copyright in 10 volumes (edition 2000) Mathew Bender.

Paper IV—Law of Patents

Patent Co-operation Treaties; TRIPs, The Protection of Plant Varieties and Farmer's Rights Act 2000, International Treaties, Patent and Pharmaceuticals Patent and Public Interest, Infringement of Patents History of Indian Patent System. Conditions for a valid patent concepts like Novelty, utility, non-obviousness subject matter patentable under the statute.

Application procedure - mandatory forms - check list in preparing applications - provisional and complete specification, provisional and complete specification - concept of priority, Examination of patent application - first examination report, opposition to grant of patents/sealing of patents / Renewal of Patents/life span etc; Infringement of patents misc. proceedings, Revocation, compulsory licensing, Nationalization in public interest, Rights of patente inventions.

Designs Act, Trade Secrets & Confidential Information

Reference :

1. The Patents Act, 1970 & Rules
2. Terrell on Law of Patents by Simon Thorley, Richard Miller, Guy Burkill and Colin Birss (Sweet & Maxwell).
3. Patent Law by P. Narayanan.
4. Patent Co-operation Treaty Handbook by Chartered Institute of Patent. Agents (Sweet & Maxwell)
5. Patent for Inventions and the Protection of Industrial Designs By Thomas A. Balanco White, 1974 Edition (Stevens & Sons).
6. Patent for invention and the Protection of Industrial Designs - 5th Edition (1983) by T.A. Balanco White (Stevens & Sons).
7. The Protection of Plant Varieties and Farmers' Rights Act.

Paper – V – Practical Training and Project Work

Visit to : (Diary to be signed by the concerned officer in charge)

- Patent Office
- Trade Mark Office
- Copyright Board/Society
- 2 weeks at IP Lawyers – office for observing and recording Court cases.
- 2 weeks Opposition Proceedings Patents/Trade marks.
- A Project on contemporary issues vis a vis IP (15000 words.)

Note : All research projects, dissertations & other research assignments are required to be in accordance with the circular of the University of Mumbai dated 15th June 2018, no. Exam./Thesis/Uni/VCD/947 of 2018 and University Grants Commission (Promotion of Academic Integrity & Prevention of Plagiarism in Higher Educational Institutions) Regulation 2018.

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PROPERTY RIGHTS**

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