



**KLE Technological
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KLE LAW COLLEGE BENGALURU – 91

Constituent College of KLE Technological University, Hubballi

SYLLABUS

2-YEAR LL.M. PROGRAMME

SPECIALISATION - INTELLECTUAL PROPERTY LAW AND INFORMATION TECHNOLOGY LAW

I SEMESTER

2023 - 2024



Principal
KLE Law College
KLE Technological University
Sri M. Vishweshwariah Layout
Bangalore-560 091

Sl. No	Course Name	Course Code
1	JUDICIAL PROCESSES AND LAW MAKING PROCESSES	22LLIC101
2	RESEARCH METHODOLOGY	22LLIC102
3	LEGAL THEORY AND PHILOSOPHY	22LLIC103
4	SPECIALISATION COURSE - 1: LAW OF TRADEMARKS AND GEOGRAPHICAL INDICATION	22LLIT101



JUDICIAL PROCESSES AND LAW MAKING PROCESSES

22LLIC101

Course Description:

The course deals with the concept of Judicial Process and provides an academic exposure to understand the intricacies of the judicial tools and techniques involved in judicial process.

Course Objectives:

1. To study the concept of Judicial Process.
2. To analyse the significance of Judicial Process.
3. To understand the dimensions of Judicial Process.
4. To examine the concept of judicial accountability and judicial activism.
5. To know the process of legislative drafting.

Course Outcomes:

At the end of the course, the students will be able to

1. Explain the nuances of the judicial process and analyse the role of judicial process in bringing about social change and stability.
2. Discuss the role of judicial process in constitutional adjudication
3. Elucidate the importance of judicial review and evaluate the judicial independence in India
4. Analyse the legislative law making process and examine the relation between law and public opinion
5. Compare and contrast the legislative drafting process in India and England

Course Content

Unit – I: Introduction to Judicial Process

- Nature of Judicial Process: Judicial process as an instrument of social ordering;
- Judicial process and creativity in law - common law model.
- Legal Reasoning and growth of law-change and stability; *stare decisis*; the tools and techniques of judicial creativity and precedent; identifying *ratio decidendi* and *obiter dicta*
- Legal development and creativity through legal reasoning under statutory and codified systems

Unit – II: Dimensions of Judicial Process

- Special Dimensions of Judicial Process in Constitutional Adjudications: Notions of judicial review.
- Role in constitutional adjudication - various theories of judicial role.
- Tools and techniques in policy-making and creativity in constitutional adjudication; Variants of judicial and juristic activism.



Unit - III: Judicial Accountability and Judicial Activism

- Problems of accountability and judicial law-making.
- Judicial Process in India: Indian debate on the role of judges and on the notion of judicial review.
- The "independence" of judiciary and the "political" nature of judicial process;
- Judicial activism and creativity of the Supreme Court the tools and techniques of creativity;
- Institutional liability of courts and judicial activism - scope and limits and structural challenges

Unit- IV: Rules of Interpretation

- Legislation as a source of law: its relationship with other sources of law.
- Supreme legislation: law making by Indian Parliament;
- Interaction between law and public opinion;
- Major rules of interpretation of statutes; Literal or Plain Meaning Rule; Golden Rule; Purposive approach: Mischief Rule; Compromise approach.

Unit - V: Legislative Drafting

- Nature of legislative drafting: history in India and England
- Diseases of language.
- Components or parts of legislation and their purposes.
- Role of draftsman: the skills, traits and abilities draftsman's, duties and responsibilities: impact of constitutional values and provisions on legislative drafting, impact of the General Clauses Act upon legislative drafting; steps in legislative drafting, pre-draft preparation; drafting; deliberation with others; post-draft refinement.

Prescribed Books:

1. W. Friedman, Law in a Changing Society, Sweet and Maxwell, South Indian Edn. 2016
2. Julius Stone, The Province and Function of Law, Part II, Chs. 1, 8-16, Universal, New Delhi, 2006.
3. Benjamin Cardozo, The Nature of Judicial Process. Universal, New Delhi, 1995.
4. Henry J. Abraham, The Judicial Process, Oxford, 1998.
5. J. Stone, Precedent and the Law: Dynamics of Common Law Growth Butterworths (1985).
6. W. Friedmann, Legal Theory, Stevens, London 1960.
7. Bodenheimer, Jurisprudence - the Philosophy and Method of the Law, Universal, Delhi 1997
8. C. K. Allen, Law in the Making, Oxford University Press, 7th Edn. 1967
9. C. K. Allen, Law and Orders, Universal Law Publishing, 3rd Edn. 2012.
10. Sir Henry Maine, Ancient Law, Book Jungle, 2008.
11. Rupert Cross, Precedents in English Law, Clarendon Press, 4th Edn. 1991.





12. A.Lakshminath, Judicial Process: Precedent in Indian Law, Eastern Book Company, 4th Edn. 2009.

Reference Books:

1. J.Stone, Legal System and Lawyers' Reasonings, Universal, Delhi 1999.
2. U.Baxi, The Indian Supreme Court and Politics, Eastern, Lucknow 1980.
3. Rajeev Dhavan, The Supreme Court of India - A Socio -Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay.
4. John Rawls, A Theory of Justice (2000), Universal, Delhi
5. Edward H.Levi, An Introduction to Legal Reasoning (1970), University of Chicago.
6. F. C. Cohen, 'Modern Ethics and the Law' (1934) 4 Brooklyn Law Review 33
7. P. Devlin, 'Judges, Government and Politics' (1978) 41 Modern Law Review 501
8. J. Dickinson, 'The Law Behind Law' (1929) 29 Columbia Law Review 285
9. T. K. Vishwanathan, (Ed) G. Rajagopaul's Legislative Drafting: Shaping the Law for the Millennium (Indian Law Institute, 2007)
10. B R Atre, Legislative Drafting: Principles and Techniques (Universal, 2014)
11. Helen Xanthaki, Thornton's legislative Drafting (5th ed); G C Thornton, Legislative Drafting (Butterworths, 1996)
12. Constantin Stefanou and Helen Xanthaki (ed) Drafting Legislation (Ashgate, 2008)
13. Reed Dickerson, Legislative Drafting, (1954) 103(2) University of Pennsylvania Law Review 291
14. Reed Dickerson, Interpretation of Statutes, Little Brown, 1975
15. G P Singh, Statutory Interpretation, Eastern Book Company, 14th Edn, 2018.



RESEARCH METHODOLOGY 22LLIC102

Course Description:

The Research Methodology course offers a comprehensive exploration of legal research methods and methodology, unveiling the intricacies of the research process. In order to familiarise students with the concepts and techniques of legal research, and empowering them to adeptly fulfill their roles as both academics and professionals. Emphasizing on research as a pivotal tool for advancing knowledge and fostering personal growth, the course aims to provide the continuous nature of acquiring new knowledge and uncovering truths. It will also guide students in cultivating critical thinking skills, literature reviews, and formulating research designs within ethical and legal framework.

Course Objectives:

1. To provide the basic insights into research touching upon the reflective thinking and scientific methods of research.
2. To acquaint with the essential attributes of researcher, structuring research design and plagiarism.
3. To identify the different kinds of research, its merits, demerits, suitability and utility
4. To acquaint the students with the non-doctrinal research and tools of data collection.
5. To learn how to develop a research report or research proposal.

Course Outcomes:

At the end of the course, the students will be able to

1. Explain the importance of research, utility of research and use the research language in their academic writings.
2. Practice and inculcate the qualities of researcher and adhere to the ethical and legal requirements of research.
3. Distinguish between different methods and kinds of research and adopt them suitably for carrying out different researches.
4. Use the different tools of data collection.
5. Plan and write the academic research papers, reports and research proposal.

Course Content

Unit– I: Foundations of Research

- Research meaning, objectives, and utility of research.
- Concept of theory, empiricism, deductive and inductive logic.
- Reflective thinking process.
- Characteristics of scientific method
- Understanding the Language of research – Concept, Construct, Definition, Variable. Research Process.

Unit - II: Legal Research and Its Methodologies

- Legal Research: Introduction; Legal Research Methodology, purposes and footsteps;
- Thinking process in legal research: diverse models



- Objectivity, Value neutrality, originality, and ethics in legal research; rules against plagiarism
- Selecting, designing, and building the legal research theme
- Hypothesis: meaning, kinds, formulation and testing
- Introduction to kinds of research.

Unit - III: Doctrinal Legal Research

- Doctrinal legal research as a means of synthesising facts, thoughts and legal principles.
- Analytical legal for expanding the legal world.
- Historical legal research: implications and applications.
- Philosophical research in law: the possibilities.
- Comparative method of legal research: Nature, Process, and Potentiality.

Unit – IV: Non-doctrinal Legal Research

- Non-doctrinal legal research: nature, features and expanding horizons.
- Tools of data collection: observation, interview, case study, questionnaire, survey.
- Qualitative legal research.
- Sampling method: varieties and uses.
- Quantitative legal research.

Unit – V: Dimensions of legal research

- Multi-method Legal Research: Nature, Need, Procedure and Potentiality.
- Policy research in law; Action research in law; methodology.
- Legal writing based on research: Report writing.

Prescribed Books:

1. Bhat Ishwara P., Idea and Methods of Legal Research, (Oxford: Oxford University Press, 2019)

Reference Books:

1. Whitney F.L., The Elements of Research, (rev.edn. Prentice Hall, 1948)
2. Goode, William J. and Hatt Paul K., Methods in Social Research, 1st Ind. Re.pt. (Delhi: Surjeet Publications, 2006)
3. Mike McConville and Wing Hong Chi, Research Methods for Law (Edinburg University Press, 2007)
4. Lee Epstein and Andrew D. Martin An Introduction to Empirical Legal Research (Oxford University Press 2014)
5. SK Verma and Afzal Wani, Legal Research Methodology (Indian Law Institution, Second Edition, 2007)
6. Young, Pauling, V (1973) ,Scientific Social Surveys and Research, Delhi, Prince Hall of India Pvt., Ltd.
7. Upendra Baxi (1975) , Socio –Legal Research on India: A Programschrift, ICSSR 12, Occasional Monograph.
8. CR Kothari, Research Methodology Methods and Techniques, New Age International Publishers, 4th Ed., 2019. References:

9. Jain, S. N., Doctrinal and Non-Doctrinal Legal Research, Journal of the Indian Law Institute, vol. 24, 1982. 2.
Rattan Singh, Legal Research Methodology, LexisNexis, 3rd Ed., 2021
10. Ervin, H. Pollack (1967) – Fundamentals of Legal Research.
11. S.K.Verma and M. Afzal Wani (ed), Legal Research and Methodology, 2nd Edition, ILI Publication (2009)
12. Jonathan Anderson, Poole Millicent E., Thesis and Assignment Writing, John Wiley & Sons Inc. (2002)
13. Lazarsfield, Paul F. (1967)-The Language of Social Research (N.Y. Free Press.)
14. Russel L.Ack;off (1953) The Design of Social Research (University of Chicago Press).



LEGAL THEORY AND PHILOSOPHY 22LLIC103

Course Description:

The course makes the students understand the evolution and development of law across the globe. It gives knowledge regarding various kinds of legal systems and its development in ages. It compares multiple theories of law, which enables students to understand the concept from different perspective and traditions.

Course Objectives:

1. To develop a philosophical and analytical understanding of legal systems.
2. To understand the different theories of law.
3. To understand the different functions of law in various legal systems.
4. To understand the justification of legal system.
5. To explore the comparison between various theories of law and legal system.
6. To understand the law in its social and temporal context.
7. It will also help students to appreciate the limitations of law and theories of justice.

Course Outcomes:

At the end of the course, students will be able to:

1. Trace the origin and development of Natural Law philosophy and its relevance in the modern world.
2. Examine the Positivist theories of law and analyse them, juxtaposing Natural Law theory.
3. Elucidate the theory of law propounded by Sociological and Historical school and evaluate them.
4. Explain the factors responsible for Realist theory of law and Marxian theory of law, and analyse them.
5. Appraise different theories of Justice from ancient time to modern times.

Course Content:

Unit – I: Natural Law Theory

- Introduction, meaning and importance of Legal theory and philosophy,
- Natural Law theory of Law - Ancient Greek Philosophy, Sophists, Medieval Thinkers, Modern Thinkers.

Unit – II: Positivist Theory of Law

- Positivist theory of Law – Jeromy Bentham, John Austin, H L A Hart, Hans Kelsen

Unit – III: Sociological and Historical Theory

- Sociological theory of law – Roscoe Pound
- Historical theory of law – Savigny and Puchta

Unit – IV: Realism and Marks Theory

- Realist theory of Law – American realists
- Marxian theory of law

Unit – V: Theory of Justice

- J S Mill's and Bentham's Utilitarianism
- Rawls' Theory of Justice,
- Amartya Sen's idea of Justice.
- Dworkin's Rights Based Theory of Justice,
- Dharma - A duty based approach to Justice.
- Feminist Theories of Justice.

Prescribed Books:

1. Julius Stone, Province and Functions of Law, Law as Logic Justice and Social Control, 1968, USA Williams S Hein.
2. RWM Dias, Jurisprudence, Fifth Edition 2014 LexisNexis.
3. P J Fitzgerald - Salmond on Jurisprudence, Twelfth edition 2022, Sweet & Maxwell South Asian Edition.
4. Julius Stone - Social Dimensions of Law, Sidney Maitland , Second reprint 2009, Universal Law Publication.
5. Edgar Bodenheimer, Jurisprudence, The Philosophy and Method of the Law, Revised Edn. 1974, Harvard University Press Cambridge.
6. Julius Stone - Legal System and Lawyers Reasoning's, 2nd Printing, 1968 Stanford California University Press, California.

References:

1. Freeman, Michael Lloyd, Introduction to Jurisprudence, London, Sweet & Maxwell Publication 9th Edn 2014
2. Roscoe Pound, Jurisprudence Vol. I to V, West Publishing Co 1959.
3. Roscoe Pound, An Introduction to the Philosophy of Law, Delhi Universal Law 2003.
4. Kelson, The Pure Theory of Law, London University of California Press 2009.
5. D' Entreaves, Natural Law, an introduction to legal philosophy, Taylor & Francis 2017.
6. Robert S Summers, Essays in Legal Philosophy, London Basil Blackwell 1970.
7. Mill, JS, Utilitarianism, Chapters 1 & 2, London Longsman Green and Co 7th Edition 1879.
8. Sen, Amartya, The Idea of Justice, Chapters 2, Harvard University Press 2011.
9. Dworkin, Ronald, Taking Rights Seriously, Harvard University Press 1978.
10. Posner Richard A., The Economics of Justice, Harvard University Press 1981.
11. Cohen, G.A, If You're An Egalitarian How Come You're So Rich? (Revised edition), Harvard University Press. (Excerpts) 2001
12. Okin, Susan Moller. 'Justice and Gender', Vol. 16, No. 1 (Winter, 1987) Philosophy and Public Affairs (Journal)



SPECIALISATION COURSE - 1: LAW OF TRADEMARKS AND GEOGRAPHICAL INDICATION 22LLIT101

Course Description:

The 'intellectual property' (IP) is an intangible property which is the creation of human intellect contributing to the knowledge economy. Intellectual Property Law recognises 'Knowledge as Property' and provides a mechanism for safeguarding, and incentivizing innovation and creativity respectively. The course deals with legal framework protecting trademarks, origin based indigenous products, copyright and industrial designs.

Course Objectives:

- To understand the general principles of IPR
- To analyse the fundamentals concepts and theories of IPR
- To explain the development of international law relating to Trade Marks and Geographical Indications.
- To examine the domestic law relating to Trade Mark and Geographical Indications with reference to prevention of unfair trade practice.

Course Outcomes:

At the end of the course, students will be able to:

- Comprehend and analyse the concept of IPR and justifications for claiming IPRs.
- Explain and analyse the concept of Trademark, Geographical Indication, international legal framework related to Trademark and GI protection.
- Explain the process of registration of Trademark and GI in India and their eligibility for protection.
- Explain and apply the legal principles of Trademarks and GI protection to the real life legal problems.
- Analyse the legal provisions related to the grounds of refusal of registration of trademark.
- Analyse the issues related to infringement of Trademark and GI, difference between passing off and infringement, domain name disputes and cyber-squatting.
- Comprehend the pressing reasons for the introduction of Geographical Indication Act, 1999.
- Analyse the different kinds of unfair trade practices and the provisions in Indian Trademarks Act 1999 and Geographical Indications of Goods (Registration and Protection) Act, 1999.

Course Content:

Unit – I: Theories and Development of Intellectual Property Law

- Concept, Nature, Origin and kinds of Intellectual Property;
- Theories of Intellectual Property Rights;
- Development of Intellectual Property Law;
- Balancing the Protection of IPR and Public Policy Objectives;



- Unfair Trade Practices and IPRs.

Unit - II: Development of Trademarks Law

- Rationale behind the Protection of Trademarks;
- International Treaties and Conventions: Paris Convention (1883), Madrid Agreement and Protocol (1989), NICE Agreement (1957), Trademark Law Treaty (1994), Singapore Law Treaty (2006), TRIPS Agreement (1994) and Minimum International Standards for Trade Marks, Development of Trademarks Legislations in India;
- Origin and development of Trademarks; Definitions; Essentials and functions of Trademarks.

Unit- III: Creation of Trademarks and Registration of Trademarks

- Creation of Trademarks: Distinctiveness, Acquired Distinctiveness and Generic Marks
- Kinds of Marks: Trade Marks, Service Marks, Certification Marks, Collective Marks, Well-known Marks, Common Law Marks, Internet Domain Name
- Classification of Trademarks: Traditional and Non traditional
- Various stages of registration of Trademark
- Grounds for Refusal of Registration, Remedies, Effects of Registration; Vested Rights and Concurrent Registration.
- Trade Dress and Colour combination

Unit- IV: Trademark Transfer and Infringement

- Assignment, Transmission and Licensing of Trade Marks
- Restrictions on Assignment and Transmission; Economic Justification of Trade Mark Licensing - Use of Trademarks by Registered Users - Licence Agreement and its Supremacy;
- Unfair Competition and Trademark Infringement; Infringement of Rights; Infringing and Non-Infringing acts, Doctrine of Deceptive Similarity, Passing off action – Common law remedy; Evidentiary issues in an action of passing off.
- Remedies for Infringement
- Authorities under the Trademarks legislation; Domain Name Disputes and Cyber-squatting.

Unit - V: Introduction to Geographical Indications

- Need for protecting goods of geographical origin; International provisions relating to Geographical Indications; Paris Convention, Madrid Agreement, Lisbon Agreement, TRIPS Agreement
- Geographical Indications of Goods (Registration and Protection) Act, 1999 - Concept and Definitions, Protection and Subject matter of GI, Procedure of Registration of GI, Infringement of GI, Importance of GI for India.
- GIs in Regional Perspective- Benefits of registration- case studies

Prescribed Books:

1. Ashwani Kumar Bansal, Law of Trademarks in India, 1st ed., Commercial Law Publishers Pvt. Ltd. (2003).
2. Vandana Singh, The Law of Geographical Indications, Eastern Law House (2007).
3. Cornish and Llewelyn, Intellectual Property: Patents, Copyrights, Trademarks and Allied Rights, 1st ed., Sweet and Maxwell (2007).
4. Narayanan P.S., Law and Trademarks and Passing Off, 5th Ed. Eastern Law House (2000).
5. V. K. Ahuja, Intellectual Property Rights in India, 1st ed., Volume 1, LexisNexis Butterworth's Wadhva (2009).

Reference Books:

1. Correa M. Carlos, Oxford Commentaries on the GATT/WTO agreements: Trade Related Aspect of Intellectual Property Rights, 1st ed., Oxford Press (2007).
2. Dana Shilling, Essentials of Trademarks and Unfair Competition, 1st ed., Wiley (2006).
3. Deborah E. Bouchoux, Intellectual Property, 1st ed., Thomson Legal Studies (2005).
4. Jeremy Phillip, Trademarks Law: A Practical Anatomy, 1st ed., Oxford Press (2003).
5. K. C. Kailasam and Ramuvedaraman, Law of TradeMarks and Geographical Indications: Law, Practice and Procedure, Second Edition (Reprint), Wadhava Nagpur (2007).
6. Rodney D Ryder, Trademarks Advertising and Brand Protection, 1st ed., MacMillan India Ltd. (2006).
7. UNCTAD-ICTSD, Resource book on TRIPS and Development, Cambridge University Press (2005).



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SYLLABUS

2-YEAR LL.M. PROGRAMME

SPECIALISATION - INTELLECTUAL PROPERTY LAW AND

INFORMATION TECHNOLOGY LAW

III SEMESTER

2023 - 2024




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Sl. No	Course Name	Course Code
1	SPECIALIZATION COURSE – 4: PATENT LAW AND PRACTICE	22LLIT201
2	SPECIALIZATION COURSE – 5: LAW OF DESIGNS, UNDISCLOSED INFORMATION AND PLANT VARIETIES	22LLIT202
3	SPECIALISATION PAPER – 6: INFORMATION TECHNOLOGY LAW AND PRACTICE	22LLIT203
4	SPECIALIZATION PAPER - 7: INTELLECTUAL PROPERTY LAW AND ALLIED LAWS	22LLIT204



SPECIALIZATION COURSE – 4: PATENT LAW AND PRACTICE 22LLIT201

Course Description:

Patents have long been considered as one of the most pivotal aspects of intellectual property law. The course deals with the theoretical and practical aspects of patent law enabling the students to understand the basic concepts, principles, and procedural aspects involved in the grant, and termination of patents.

Course Objectives:

1. To provide an understanding of the patent system, values, and essentials of a patent.
2. To familiarize with the procedures involved in the grant of a patent.
3. To provide an understanding of the patent registration process.
4. To provide an understanding of patent specification and construction of claims.
5. To provide an understanding of the enforcement process.

Course Outcomes:

At the end of the course, students will be able to:

1. Analyze the law relating to patentable and non-patentable inventions at both international and national levels.
2. Analyze the law relating to the patent grant procedure in India and within the patent cooperation treaty.
3. Analyze the strategies of patent search and the practice of the grant of patents.
4. Draft patent specifications and construct patent claims.
5. Analyze the provisions relating to the infringement of patents and remedies for such infringement.

Course Content:

Unit – I: Overview of the Patent System

- Jurisprudential justifications of the patent system.
- Need, development, and essentials of the patent system in India
- Overview of The Indian Patents Act, 1970 with The Patent (Amendment) Act, 2005 (Patentability Criteria and Subject matter)
- Public Health and Intellectual Property Rights
- International treaties and conventions relating to patents

Unit – II: Patent Law in India and Types of Patents

- Priority dates and the difference between the date of application and the date of Priority.
- Pre-grant and post-grant oppositions
- Publication, examination, and grant of patents
- Rights of patentee



- Anticipation, surrender, revocation of patents
- Protection of inventions
- Licence and assignment
- Compulsory licensing
- Trade secrets and know-how, petty patents, design patents in the USA, plant patents.

Unit – III: Patent Registration and Grant of Patent

- Patent registration process under Indian Law: Term and other criteria
- Patent search: Prior art searches, patent information and databases, search methods/tools, advantages of patent search, procedures for grant of patent applications
- Types of patent applications, contents of patent application, provisional and complete specifications
- The Patent Cooperation Treaty, 1970.
- Patent Offices: Procedures, various forms and fees

Unit – IV: Patents Specifications

- Patent specifications – Provisions of India, the USA, EU, and PCT applications
- Physical requirements of the specification and their function
- Principles of construction of specification and claims
- Practical Workout: Specification and claims

Unit – V: Infringement and Remedies

- Infringement and remedies: Literal infringement, infringement by equivalents, Doctrine of equivalents, defences to infringement
- Jurisdiction of the courts
- Burden of proof
- Principles for grant of injunction – *ex-parte* injunction
- Damages and account of profits

Prescribed Books:

1. K.C.Kankanala, A.K.Narasani and V.Radhakrishnan, Indian Patent Law and Practice, Oxford University Press, (2012).
2. W.R. Cornish & D. Llewellyn, Intellectual Property: Patents, Copyright, Trademarks & Allied Rights, Sweet & Maxwell (2010).
3. David Bainbridge, Intellectual Property, Pearson, 6th Ed., (2006).
4. DP Mittal, Indian Patents Law and Procedure, Taxmann Allied Services, (2002).

References:

1. V K Ahuja, Intellectual Property Rights in India, Lexis Nexis Butterworth's Wadhwa, Vol 1 & 2, 1st Ed., (2009).
2. Catherine Calstone and Kirsty Middleton, Modern Intellectual Property Law, Cavendish Publishing Pvt. Ltd., 2nd Ed., (2005).
3. Kahrl Robert C., Patent Claim Construction, Wolters Kluwer-Aspen Publishers (2001).
4. Merges, Robert. Menell, Peter and Lemley, Mark, Intellectual Property in the New Technological Age, Aspen Publishers, Inc. (2008).



5. WIPO Handbook of IPR.

**SPECIALIZATION COURSE – 5: LAW OF DESIGNS,
UNDISCLOSED INFORMATION AND PLANT VARIETIES
22LLIT202****Course Description:**

The course enables the students to understand and use the law relating to designs, undisclosed information, plant varieties, and other allied laws. The course will equip the students to make practical use of the Intellectual Property laws and give them insights on usage with an understanding of the judicial interpretation of the same. It will also acquaint students to understand international perspectives of the designs and plant varieties.

Course Objectives:

- To understand the legal principles and frameworks governing designs, undisclosed information, and plant varieties
- To understand the importance of intellectual property rights in fostering innovation, creativity, and economic growth within the context of designs, undisclosed information, and plant varieties.
- To discuss the ethical considerations and challenges related to designs, undisclosed information, and plant varieties, and explore approaches for striking a balance between intellectual property rights, fair competition, and public interest.
- To foster critical thinking and problem-solving skills through the analysis of case studies, hypothetical scenarios, and practical exercises related to designs, undisclosed information, and plant varieties.

Course Outcomes:

At the end of the course, the students will be able to

1. Explain the legal framework governing designs, undisclosed information, and plant varieties, both at the national and international levels.
2. Describe the elements of a design that are eligible for protection and navigate the process of registering and protecting designs under the applicable laws and regulations.
3. Discuss the trade secrets and the measures necessary to protect undisclosed information within a business or organization. They will learn about the legal remedies available in cases of misappropriation or unauthorized disclosure.
4. Analyse the principles and procedures of protecting plant varieties; including understanding the criteria for novelty, distinctiveness, stability, and the registration process for obtaining plant breeders' rights.
5. Elucidate the international treaties and agreements related to designs, undisclosed information, and plant varieties, such as the WIPO treaties and UPOV, and understand the implications for cross-border protection and enforcement.

Course Content**Unit– I: Introduction to Law of Designs**

- Designs: Meaning and features.
- International perspective on designs
- Historical development of designs law in India
- Role of judiciary in fostering design law in India.
- Distinction between designs, trademarks and patents.

Unit - II: Registration and Infringement

- Process of registration
- Power of controller
- Infringement and remedies

Unit - III: Undisclosed Information (Trade secrets)

- Meaning and usage of undisclosed information.
- International conventions – WTO, TRIPS, etc
- Undisclosed information and patents
- India and recognition of undisclosed information
- Role of the judiciary in shaping the law in the same regard

Unit – IV: Plant Varieties in India

- Meaning and features of the different plant varieties
- International conventions and practice
- Historical development of the Protection of Plant Varieties and Farmers' Right Act, 2001
- Judicial interpretation of the legislation.
- Analysis of the Plant Varieties and Farmers' Right Act, 2001.
- License of plant varieties
- National Gene Fund and its role

Unit – V: Farmers' Right in India and International Conventions

- Relevant case studies.
- Concept of benefit sharing, community rights and compensation to communities.
- Comparative analysis of rights of farmers- USA and India
- Role of International Union for the protection of new varieties of plants

Prescribed Books:

1. Verkey Elizabeth, Intellectual Property, 2nd Edition, 2021, Reprint 2023, EBC, New Delhi.
2. Verkey Elizabeth, Law of Plant Varieties Protection, 1st Edition 2007, Reprint 2021, EBC, New Delhi.

Reference Books:

1. Schultz, M. and D. Lippoldt (2014), "Approaches to Protection of Undisclosed Information (Trade Secrets): Background Paper", OECD Trade Policy Papers, No.

162, OECD Publishing, Paris, <https://doi.org/10.1787/5jz9z43w0jnw-en>.

**SPECIALISATION PAPER – 6: INFORMATION TECHNOLOGY
LAW AND PRACTICE
22LLIT203**

Course Description:

With a rapid growth of technology in the entire world, and its influence on day-to-day activities, the concept of Information Technology has become an indispensable facet of human civilization. The course endeavours to give an insight into the nuances of IT laws with reference to India and also throws light towards the ecosystem and legal concerns of IT Laws.

Course Objectives:

- To familiarise the students with the meaning, purpose and the nuances of Information Technology.
- To understand the scope, legality and admissibility of Digital Signature.
- To understand the role and scope of E- commerce and E-governance.
- To develop understanding of different kinds of cyber crimes and legal issues involving identification, jurisdiction and prosecution.
- To imbue the knowledge of upcoming developments and contemporary challenges in the field of Information Technology.

Course Outcomes:

At the end of the course, the students will be able to

1. Explain the meaning nature and nuances of Information Technology.
2. Explain the concept of Electronic Signature and Digital Signature and its admissibility.
3. Explain the concept of E-commerce and E-Governance
4. Apply the principles governing in electronic evidence in the real world experience.
5. Discuss the emerging forms in the Information Technology.

Course Content

Unit – I: Introduction to Information Technology

- E-Information Society: Introduction, history and development.
- Overview and history of the Information Technology Act, 2000 and the Information Technology (Amendment) Act, 2008.
- Relevant provisions from the Indian Penal Code, 1870, the Indian Evidence Act, 1872, the Bankers Book Evidence Act, 1891 and the Reserve Bank of India Act, 1934.

Unit – II: Digital Signature and Electronic Evidence

- Electronic Signature and Digital signature; meaning, significance and scope.
- Cryptography: Public key and Private key infrastructure.



- Certification authorities; types of certificates, suspension or revocation of certificates, privacy issues, liability and risk allocation,
- Electronic evidence and its admissibility.

Unit - III: E- Commerce

- Meaning, origin and forms of E- Commerce
- UNCITRAL model on E-Commerce
- E-Commerce Initiatives – USA, CANADA, EUROPE and INDIA
- Online advertising and its limitations
- Consumer Protection in E-Commerce
- Jurisdiction

Unit– IV: Cyber crimes and Contraventions

- Introduction to cyber crimes; Meaning and nature.
- Kinds of cyber crimes – Crimes against individuals, crime against Government and crime against organization.
- International initiatives to combat cyber crimes; Conventions and treaties.
- Regulation of Cyber-crimes: Issues relating to investigation, jurisdiction and evidence collection

Unit - V: Information Technology and Artificial Intelligence

- The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.
- Artificial Intelligence; Meaning, nature and scope;
- Advantages and Disadvantages of Artificial Intelligence and its regulation
- The Digital India Bill, 2023 – Overview and salient features of the bill.

Prescribed Books:

1. Karnika Seth, Cyber Laws in the Information Technology Age, Lexis Nexis, Butterworth's Wadhwa, Nagpur, 1st Edition (Updated), 2009
2. Nandan Kamath, Law Relating to Computers, Internet and E-Commerce, Universal Law Publishing Co. New Delhi, 5th Edition, 2012
3. Karnika Seth, Artificial Intelligence Unveiled, Lexis Nexis, 1st Edition, 2020.

Reference Books:

1. Rahul Mattan, The Law Relating To Computers and the Internet, Butterworths New Delhi, ISBN 81-87162-12-9, 2000.
2. Talat Fatima, Cyber Crimes, 2nd Edition, Eastern Book Company, New Delhi, 2nd Edition, 2016
3. Ranbir Singh, Ghanshyam Singh, Cyber Space and the Law – Issues and Challenges, NALSAR University, Hyderabad, 2004.



SPECIALIZATION PAPER - 7: INTELLECTUAL PROPERTY LAW AND ALLIED LAWS 21LLIT205

Course Description:

The creation and protection of an Intellectual Property involves a complex process and procedure. New technology and investment foster creation of intellectual property. The grant of monopoly right under the Intellectual Property system poses challenges in catering to the public needs and environmental concerns. Intellectual Property Rights and Competition laws have substantial interface in their regulation of various issues of the business world especially in the post grant issues of Intellectual Property Rights. Therefore, the course facilitates the students to understand, learn and employ the operative role of IPR in allied legal realms of Competition law, Environmental law, Investment law, Technology Law as well as nuanced areas of public health, Biosafety and Bioethics.

Course Objectives:

- To familiarize the students with the interplay between the legal regimes of Competition Law and Intellectual Property Law.
- To provide an understanding of the interface between technology and intellectual property regime
- To make students aware and inspect the role played by intellectual property protection in the regime of investment law.
- To make the students understand the nuanced role of IPR in the aspects of conservation and sustainability of Environment.
- To familiarize the students about the flexibilities offered under the TRIPs agreement relating to public health and Bio-safety.

Course Outcomes:

At the end of the course, students will be able to:

1. Delineate the nuances that associate and disassociate the regimes of intellectual property and competition law.
2. Explain the interactions between technology and intellectual property law.
3. Evaluate the nuanced interplay between investment law and Intellectual Property regime.
4. Critically analyse the pivotal role of Intellectual Property Rights in environmental sustainability.
5. Explain the role played by the Intellectual Property Rights regime governs the aspects related to public health and Biosafety.



Course Content

Unit - I: Intellectual Property Rights and Competition Law

- An interface between Intellectual Property and Competition Law in India
- Economic Theory of Intellectual Property and Competition Law
- Antitrust scrutiny of intellectual property right
- Compulsory licensing to remedy anti-competitive practices
- Whether IPRs are subject to Competition Law?
- Role of the Competition Commission of India in the regime of IPR

Unit - II: Intellectual Property Rights and Constitution of India

- Classification of Intellectual Property Rights
- Constitutional provisions relating to Intellectual Property Rights
- Development of Freedom of speech & expression Juxtaposes with IPR
- Nexus between Intellectual Property Law and freedom of expression
- Recognition of Intellectual Property Rights – Judicial approaches
- Human Rights and Intellectual Property

Unit - III: Intellectual Property Rights and Investment Law

- Intellectual Property as an Investment
- Mapping the trends in the interplay between Intellectual Property, Trade and Investment Law
- Intellectual Property Issues in Investor State Dispute Settlement
- Intersection of Investor State Dispute Settlement and TRIPs flexibilities
- Intellectual Property disputes: Investor-State and WTO adjudication

Unit - IV: Intellectual Property Rights and Environmental Law

- Facets of Intellectual Property Rights and Environmental Law
- The relationship between Intellectual Property Rights and Biodiversity
- Intellectual Property and the Convention on Biological Diversity: Access to fair and equitable sharing of benefits arising from the utilization of genetic resources, Nagoya Protocol; Conservation and sustainable use of biological diversity.
- Intellectual Property and Climate Change: Transfer of Climate change technologies
- Third world approach to the interplay between environment Intellectual Property Rights and sustainability

Unit - V: Intellectual Property Rights, Public Health and Bio-Safety

- IP and Public Health
- IP: Access to medicines and vaccines, a third world approach
- Transfer of biotechnology
- Biosafety and Bioethics
- Cartagena Protocol on Biosafety



Prescribed Books:

1. Steven D. Anderman, The interface between Intellectual property rights Competition policy (Cambridge University Press, 2007)
2. Phillipe Sands, Principles of International Environmental Law, 1020-1053 (2nd Edition, Cambridge University Press, 2003)
3. Geiger, Christophe, Intellectual Property and Investment Law: An Introduction (November 14, 2019). in: Christophe Geiger (ed.), "Research Handbook on Intellectual Property and Investment Law", Cheltenham (UK)/Northampton, MA (USA), Edward Elgar Publishing, 2020).

Reference Books:

- Ashish Bharadwaj, Vishwas H. Devaiah, et.al. (eds.), Multi-dimensional Approaches Towards New Technology: Insight on Innovation, Patents and Competition, 3-20(Springer open, 2018)
- Rimmer, M. (2019). Beyond the Paris Agreement: Intellectual Property, Innovation Policy, and Climate Justice. Laws, 8(1), 7.
- Abdel-Latif, A. (2014). Intellectual property rights and the transfer of climate change technologies: issues, challenges, and way forward. Climate Policy, 15(1), 103–126.
- Umberto Izzo, Matteo Macilotti, Comparative Issues in the Governance of Research Biobanks: Property, Privacy, Intellectual Property, and the Role of Technology(Springer-Verlag Berlin Heidelberg, 2013)
- Ankit Singh, Yogendra Kumar Srivastava, Patent Law, Green Technology and Innovation(Routledge, 2022)



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