

KLE Society's Law College, Bengaluru
Intellectual Property Rights II
Course Plan

Rashmi R
I B A U R / III LL

Course Objectives:

1. To provide an indepth understanding of the rationale of protecting Intellectual property.
2. To discuss the fundamantal aspects of intellectual property (IP): copyright and related rights, and industrial designs.
3. It also discuss the contemporary issues impacting the IP field like Protection of New Plant Varieties, Conservation of Biological Diversity and Protection of Traditional knowledge and other emerging issues in IP.
4. To discuss the international law relating to protection and regulation of the trade in Intellectual property rights.

Unit NO.	Topic/Sub Topic	No of Hrs	Method of Teaching	Prerequisites- Readings	Supplementar y Reading	Unit Outcome
	Introduction					
1.1	Conceptual basis for IP Protection- Copyrights, Designs and New Plant Variety	1	Lecture/PP T// Case study/ Discussion	. P.Narayanan "Intellectual Property Law" (2013) Revised Edition	N.S.Gopalakris hnan & T.G.Agitha, "Principles of Intellectual Property" Eastern Book Company (2009).	The Students would be able to: 1. Appreciate the justifications of recognising the interest of authors, farmers and traditional knowledge holders arising out of intellectual property rights.
1.2	Concept of Originality in Copyright- Originality in Literary Works, Database, Case Reports, Idea/Expression Dichotomy	2				2. Analyse and understand the principles for protecting the interest of creators, ownership in copyright, farmers, breeders and traditional knowledge holders through judicial decisions and case studies.
1.3	Concept of Originality or Novelty in Design- Test of Originality, Test of Novelty	2				
1.4	Rational For Protecting New Plant Varieties, Farmers Rights, Breeders Rights and the recognition of the rights of Traditional knowledge holders.	2				

Unit NO.	Topic/Sub Topic	No of Hrs	Method of Teaching	Pre-requisites- Readings	Supplementary Reading	Unit Outcome
Unit 1	Copyright Law in India					
1	Introduction to the Copyright Law: General Principles of the Modern Copyright Law	1	Lecture, PPT, Discussion and Case Law Method	Copinger & Skine James- Copyright	1. The Copyright Act, 1957 with Rules and Order 2. The Copyright (Amendment) Act, 2012 3. Alka Chawla, Law of Copyright, LexisNexis Publication (2012) 4. Ishita Chatterjee "Copyright Law" Central Law Publishers (2011)	The Students would be able to: 1. understand the basic copyright law practiced in India 2. critically appraise the copyright law both in terms of substantive and procedure. 3. understand the rationales for protecting the various works of literary and artistic nature. 4. understand the policy issues surrounding the competing interests of intellectual property owners, authors and the broader public interest. 5. solve legal problems and provide effective legal advice to clients concerning their copyrights and obligations.
1.1	History of the concept of Copyright and related rights	1				
1.3	Nature of Copyright and Salient features of the Copyright Act, 1957	2				
1.4	The Idea-Expression Dichotomy: Article 9(2) of TRIPS, Article 2 of WCT 1996.	2				
1.5	Subject Matter of Copyright- Original Works and Secondary Work, Sec 13 of The Indian Copyright Act, 1957. Term of copyright	3				
1.6	Computer Software and Copyright protection-	1				
1.7	Author and Ownership of Copyright:- Authorship Section 2(d), Joint Authorship section 2(z), First Owner of Copyright (Section 17)-, Contract of service and contract for service- Section 17(a), Commissioned Works section 17(b),	3				

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1.8	Rights of Copyright- Sec- 14, Exclusive Economic Rights- section 14, 57 and 37,38 and 39.	3				
1.9	Assignment, transmission and Relinquishment of copyright- Assignment by prospective owner, mode, revocation and rights of author to relinquish copyright licences. Compulsory licence, licence and assignment.	2				
1.1	Infringement of Copyright and Remedies against infringement of copyright-section 51, infringing copy section 2(m). The test to determine reproduction: Administrative Remedies or Border Measures -Section 53, Civil Remedies- section 54 to 62, Criminal Remedies- section 63 to 70.	2				
1.11	Limitations to the copyright: Temporal limitation, Statutory limitation and Doctrine of Fair use or Permitted Acts: Section 52	2				
Unit II	Biological Diversity Law					
1	Introduction and Overview of Biological Diversity	1		Intellectual Property Rights: Unleashed the	1. The Biological Diversity Act,	The Student will be able 1. to understand the concept of conservation

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2	Meaning and scope of Biological Diversity	1		Knowledge Economy- Ganguli	2000 2. Philippe Cullet, Intellectual Property	and its goals, sustainable development and the intellectual property associated with the biological resources. 2. to appreciate the development of law and policies relating to conservation and sustainable development of environment at both national and international level.
3	Biological resources and traditional knowledge	1			Intellectual Property	3. to explain the range of justifications advanced for the conservation and sustainable use of biological diversity.
4	Salient features of Biological Diversity Act	2			Protection and Sustainable Development (2005)	4. to identify and understand the role played by the law, policy and various authorities in conservation, regulation and management of biological diversity.
5	Biological Diversity Concerns and issues	2			Development (2005)	5. to understand the role of the authorities in regulating the access and use of the biological resources under the national law
6	Bio piracy - Case studies	1			3. CBD	6. to identify the role played by the local communities in preserving the traditional knowledge.
7	Regulation of access to biological Diversity	1			Convention 1992, 4.	7. to appreciate and analyse the principles proving a strong basis for greater legal certainty and transparency for both providers and users of genetic resources.
8	National Biological Authority	2	Lecture, and Case study		Case studies- The Miracle Durg	8. to analyse, interpret and evaluate the laws, policies, judicial decisions both at the national and international level relating to conservation and management of Biological resources.
9	Functions and powers of Biodiversity Authority, State Biodiversity Board, Biodiversity Management Committee and its function	1	Method		"Arograpachag am", Turmeric and Neem (Biopiracy) 5. Lamark Decisions of NGT	

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III	Protection of Plant Varieties and Farmers Rights Law					
1	Legal concepts relating to the protection of plant varieties rights	2	Lecture, and Case study	1. Protection of Plant Varieties and Farmer's Rights Act, 2001	1. Plant Varieties and Farmers Rights - Policies and Legal Perspectives Edited by- Dr. Usha (2007)	1. to analyse the advanced justifications for protecting new plant varieties under IP system.
2	Legal concepts relating to the protection of plant breeders rights	2	Method	2. Law on Plant Varieties Protection : Elizabeth Verky	2. Rights - Policies and Legal Perspectives Edited by- Dr. Usha (2007)	2. to appreciate the India's decision on enacting a sui generis law to protect new plant varieties.
3	IPR in new plant varieties	2				3. to analyse the role of the law and policy relating to the recognition of rights of the various stake holders under the Act.
4	Policy and objectives of protection of plant varieties and farmers rights act	2				4. to understand the mechanism for protection of new plant varieties, farmers rights and the plant breeders rights.
5	Plant varieties and farmers rights protection authority	2				5. to appreciate the contribution of the farmers in conserving the agro biological resources and the rearing mechanisms of the state under the biological diversity law.
6	National register of plant varieties	1				6. to identify the provisions relating to the balancing of interest of various stakeholders and the limitations thereof.
7	Procedure for registration	1				7. to understand and analyse the provisions relating to infringement of IP right holder and remedies thereof.
8	Rights and Privileges	1				
9	Benefit sharing- Compensation to communities	2				
10	Compulsory License	1				
11	Relief against infringement	1				
12	National Gene Fund	1				
Unit IV	Introduction and Overview of Designs Law : Rationale and Historical Background		Lecture, ppt, and Case study	1. Designs Act, 2000	Law of Trade Marks and Design: Aswin Kumar Bansal	The students will be able 1. to understand and appreciate the rationale of protecting the industrial property.
1	Salient features of Designs Law	1	Method	2. Trade		2. to explain the the historical

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2	Criteria and Procedure for registration of Design- Sec 4, 5, 8, 16,21,35	2		Copyright, Trade mark, Design and Cyber Property Rights		background of design law in india. 3. to analyse the provisions relating to the protection of new or original designs through judicial decisions.
3	Rights conferred by registration- Sec 2 and 11	1				4. to understand the nature of rights in designs and the procedure to be followed to protect the designs.
4	Piracy of Registered Design and Remedies - Sec 22, Passing Off Action, Sec 22(2), Powers and duties and controller sec 29, 32, 33,35.	1				5. to analyse the concepts like copyright in design under the Copyright Act and Designs Act and Piracy of registered design.
7	Distinction between design, trade mark, copyright and patent	1				
Unit V	International Treaties/Conventions on IPR					
1	Background, Salient features of TRIPs Agreement	2				The students will be able 1. to analyse the role of WTO in regulating the free trade of Intellectual Property through TRIPs Agreement.
2	Hague Protocol on Design	1				
3	Convention of Bio-Diversity	2				2. to analyse the various principles governing the trade of IP and the rights of other stake holders and the balancing mechanism.
4	Objectives of CBD, Salient features of CBD	2				3. to understand and analyse the international conventions, treaties and law relating to the conservation and sustainable use of Biological Resources and plant genetic resources, the Design and the Copyright.
5	The WTO Doha round of trade negotiations	1				
6	Berne Convention for the Protection of Literary and Artistic Works 1883	1	PPT and Discussion	www.wipo.org		
7	International Treaty on Plant Genetic Resources	1				

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No. of Teaching Hrs- 63

No. of Library Hrs- 3

No. of Assessment Hrs-3

No. of Hrs. for revision and Question Paper Solving- 8

No. of documentaries to be screened- 2

No. Students Presentations- 2

No of Hand outs- 4

No of Writing Exercises - 2

No. of Case Studies- 25

Guest Lectures- 2

Service Learning-Creating awareness to farmers on Plant Variety Protection and benefits

Creating awareness to tribal community on the benefits of conservation of biological resources and traditional knowledge.

Any Links: www.wipo.org

www.ipr.nic.in

Course Outcome:

Industry/Professional Skills: Industry specific and professional skills are acquired like critical thinking, analytical reasoning, subject related scientific and legal knowledge both substantive and procedure.

Human Values: Innovation with integrity, fair use, sharing, preservation of resources, respecting indigenous community rights

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Rashmi

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