**COURSE STRUCTURE**

**L.L.M. ONE YEAR (2023-2024)**

**GROUP - C**

**INTELLECTUAL PROPERTY RIGHTS**

**FIRST SEMESTER EXAMINATION**

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| **Code No.** | **Paper** | **L** | **Credits** |
| LLM 101 | Research Methods and Legal Writing | 10 | 3 |
| LLM 102 | Comparative Public Law | 10 | 3 |
| LLM 103 | Law and Justice in a Globalizing World | 10 | 3 |
| LLM 104-C | International Trade Law | 5 | 2 |
| LLM 105-C | Copyrights Law and Neighboring Rights | 5 | 2 |
|  | Sub Total | 40 | 13 |

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| **Code No.** | **Paper** | **L** | **Credits** |
| LLM 101 | Research Methods and Legal Writing | 10 | 3 |

**Objectives:**

The main objective of this course is to acquaint the student of law with the scientific method of social science research. This course is expected to provide the knowledge of the technique of selection, collection and interpretation of primary and secondary data in socio legal research. Emphasis would be laid on practical training in conducting research in this course. By the end of the course the students are expected to develop a scientific approach to socio legal problems. They should be able to design and execute small scale research problems.

**Unit-I**

**Introduction of Legal Research**

* Meaning; objectives and scope of legal research.
* Socio-legal Research in India
* Research Method *vis-à-vis* Research Methodology
* Kind of Legal Research- Doctrinal and Non-Doctrinal legal research; Inter/ Multidisciplinary, etc.
* Arm chair research *vis-à-vis* empirical research

**Unit-II**

**Research Design and Techniques**

* Primary and Secondary -Source
* Workable Hypothesis – formulation and evaluation
* Major steps in research design
* Sampling
* Survey and Case Study method

**Unit-III**

**Research Tools and Data Processing**

* Observation
* Interview and Schedule
* Questionnaire
* Socio - Metrics and Jurimetrics
* Data processing (deductions and Inductions) analysis and interpretation of data.

**Unit-IV**

**Legal Writing**

* Essentials of good legal writing
* Structured Legal Writing; Organization of Legal Material
* Report / Article writing in legal research
* Use of definitions, maxims, concepts, principles, doctrines in legal research
* Modern- Technology- Computer, Internet, etc.
* Citation, Reference and Footnoting Methodology
* Book review and case comments
* Dissertation and Thesis Writing
* Plagiarism as an offence in Research.

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| **Code No.** | **Paper** | **L** | **Credits** |
| LLM 102 | Comparative Public Law | 10 | 3 |

**Unit-I**

**Introduction**

* Meaning and definition of Public Law
* Concept of Public Law
* Globalization of Comparative Public Law
* Constitutionalism and Rule of Law

**Unit-II**

**Tools of Comparative Public Law**

* Constitutional Law- Forms of Government, Separation of Power
* Legislative Mechanism – Supremacy of Legislature
* Typology of Federalism – USA, INDIA

**Unit-III**

**Public Interest Litigation – US, INDIA**

* Public Interest Litigation movement and Independence of Judiciary
* Judicial Activism
* Judicial Accountability

**Unit-IV**

**Ombudsman**

* Ombudsman in Scandinavian countries
* International Scenario – Common law and Civil law
* Indian Scenario

1. Lokpal (Ombudsman)
2. Lokayukta

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| **Code No.** | **Paper** | **L** | **Credits** |
| LLM 103 | Law and Justice in a Globalizing World | 10 | 3 |

**Unit-I**

**Introduction**

* Meaning and significance of Globalization
* Concept of Global Justice
* Social, Political and economic dimensions of globalization.

**Unit-II**

**Historical and Central Challenges to Global Justice**

* Global Poverty
* Armed Conflict
* Nationalist practices
* Crimes against Humanity
* Environment and Health

**Unit-III**

**Role and Reformation of Global Institutions**

* States, Sovereignty and Transnational Law
* Economic and Trade Institutions- MNC’s
* Structural reforms of United Nations – Security Council
* International Judicial Institutions.

**Unit-IV**

**Models to Achieve Global Justice**

* Social Contract and Social Justice
* Sarvodaya Model of Justice
* Multi Culturalism and Cosmopolitanism
* Significance of Human Rights Education
* Impact of globalization on judicial process and administration of justice

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| **Code No.** | **Paper** | **L** | **Credits** |
| LLM 104-C | International Trade Law | 5 | 2 |

**Unit – I L – 1**

**New International Economic Order**

* Evolution, essential components, principles and practice
* State acceptance.

**Unit – II L – 2**

**International sale and transport of goods**

* Contract, limitation period, agency
* Maritime and multi-model transport

**Unit – III L – 3**

**Institutions**

* GATT, UNCTAD, IMF, IBRD, RDBs
* Objectives, structure and functions – Strength and weakness

**Unit – IV L – 4**

**World Trade Organization**

* Structure, principle and working
* India and WTO & Dispute settlement mechanism
* Dispute Settlement Board, process of settlement, balancing of rights and obligations
* India’s approach
* Special and different treatment.

**Unit – V L – 5**

**International financing**

* International bill of exchange, promissory note and financial leasing & International commercial arbitration
* Conciliation and Arbitration Rules ( UNCITRAL)
* Model Law on International Commercial Arbitration
* Foreign Awards
* Recognition and enforcement.

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| **Code No.** | **Paper** | **L** | **Credits** |
| LLM 105-C | Copyrights Law and Neighboring Rights | 5 | 2 |

**Unit – I L – 1**

1. **Introduction to Copyright**

* Historical development of the law of copyright
* Nature and Scope of Copyright Law and Neighboring Rights

1. **International Conventions / Treaties on Copyright L – 2**

* Berne Convention
* Universal Copyright Convention
* Rome Convention, 1961
* Phenogram Convention, 1971
* TRIPs Agreement
* WIPO Copyright Treaty, 1996
* WIPO performances and Phenogram Treaty, 1996

## Unit – II L – 3

1. **Subject matter of copyright works**

* Literacy, Computer, Dramatic, Musical, and Cinematograph film etc.
* Provisions under Indian Law and International Convention

1. **Ownership, duration and assignment of copyright**

* Ownership of literacy, dramatic, artistic and computer generated works etc.
* Terms of copyright
* Assignment of copyright and licenses

**Unit – III L – 4**

1. **Performers rights under the Indian Copyright Law and under International Conventions**

* Historical development of performers rights: Nature and Scope
* Economic and moral rights of performers and Exception of performers rights

1. **Broadcast Reproduction Rights and Public Interest**

* Satellite broadcasting and by cable television
* Exception under Indian law and under international convention

# Unit – IV L – 5

1. **Infringement of copyright**

* Mode of infringement of various copyright works
* Infringement of neighboring rights
* Statutory exception under Indian law and international convention

1. **Remedies of infringement of copyright under national and international perspective**

* Preventive and compensatory civil remedies
* Criminal remedies
* Administrative remedies

**Compulsory Readings:**

1. Copyright Act, 1957
2. Berne Convention for protection of literacy and artistic works
3. Universal Copyright Convention
4. Rome Convention
5. Convention for the protection of producers of phenograms
6. TRIPs Agreement
7. WIPO Copyright Treaty
8. WIPO Performance and Phenograms Treaty

**COURSE STRUCTURE**

**L.L.M. ONE YEAR (2023-2024)**

**GROUP - C**

**INTELLECTUAL PROPERTY RIGHTS**

**SECOND SEMESTER EXAMINATION**

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| **Code No.** | **Paper** | **L** | **Credits** |
| LLM 201-C | Patent Law | 7 | 2 |
| LLM 202-C | Law relating to trade mark | 6 | 2 |
| LLM 203-C | Law relating to designs and geographical indications | 5 | 2 |
| LLM 204-C | Dissertation | **-** | **5** |
| LLM 205-C | Viva Voice |
|  | **SUB TOTAL** | **18** | **11** |

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| **Code No.** | **Paper** | **L** | **Credits** |
| LLM 201-C | Patent Law | 7 | 2 |

**Unit – 1 Evolution and Growth L – 1**

**History of the patent law in U.K.**

* Beginning of concept
* Coming of Industrialization
* The international Patent System
* Foreign Impact upon National system
* History of Patent law in India

**Unit – 2 Grant and Content L – 2**

* Variety of Patent
* National Grant of Patents
* Patent specification
* General procedure for obtaining a patent
* International Grant of Patent

**Unit – 3 Validity of claims L – 3**

1. **National Scenario**

* Novelty
* Inventive Step
* Industrial application
* Patentable subject matter
* Clear and complete disclosure
* Requirement for claims

1. **International Scenario**

* Patent Cooperation Treaty
* TRIPs
* Scope of Exclusivity

**Unit – 4 Infringement L – 4**

* Introduction
* Infringement during manufacture
* Infringement after manufacture
* Right of patentee

**Unit – 5 Property Rights and Exploitation L – 5**

1. **Under National Forum**

* Initial entitlement and property dealing
* Licensee of patent and allied rights
* Compulsory license
* EMR / Mail box system

1. **Infringement of Patent**

* Modes of Infringement
* National / International Infringement

**Unit – 6 Remedies and Enforcement L – 6**

* Injunction and other equitable remedies
* Interlocutory injunction
* Discretion to grant injunction

**Unit – 7 Emerging Problems Damage and other monetary benefits L – 7**

* Cross border patent violation
* Emerging technologies

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| **Code No.** | **Paper** | **L** | **Credits** |
| LLM 202-C | Law relating to trade mark | 6 | 2 |

**Unit – I L – 1**

1. **History and Evolution**

* Paris Convention ( history and continuing influence over national trademark laws)
* Madrid Agreement
* Madrid Protocol
* TRIPs Agreement
* Trademark Law Treaty

1. **Purpose of Trademarks L – 2**

* What is Trademarks: Definition, Function, Kind and use
* Economic and Social Justification for Trademarks
* Overview of general types of laws applicable to trademarks / service marks globally.

1. **Passing Off**

* Laws relating to Passing off.
* Passing off action

**Unit – II L – 3**

1. **Registration of Trademarks.**

* Principle for Registration of Trademarks
* Rights Conferred by Registration of Trademarks
* Procedure for Registration
* Deceptive Similarity

1. **Licensing of Trademarks L – 4**

* Assignment and Transmission of Trademarks
* Limitations on Licensing

1. **Invalidity**

* What marks are not register able
* Cancellation of Registration

**Unit – III L – 5**

1. **Infringement**

* Infringement of Trademarks
* Action for Infringements
* Offences & Penalties

1. Unfair Competition Law.
2. **Remedies and Enforcement**

* Types of Relief – Civil, Criminal & Administrative
* Procedure for Litigation

**Unit – IV L – 6**

1. **New Challenges**

* Trademarks in cyberspace – Domain names, Cyber squatting, Meta tagging
* Review alternative dispute resolution procedure such as the Uniform Domain Resolution Policy (UDRP) and other similar procedures
* Trademarks vs. Patent, Copyrights, Trade secrets & Geographical indication
* Concept of Well – known Trademarks.

1. **Comparative Analysis of European and Indian Trademarks Law**

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| **Code No.** | **Paper** | **L** | **Credits** |
| LLM 203-C | Law relating to designs and geographical indications | 5 | 2 |

1. **Industrial Designs L – 3**
2. **Historical Background**
3. Introduction
4. Industrial Designs before TRIPs
5. Industrial Designs after TRIPs
6. **Emerging Issues**
7. Protection of Security of India
8. International Reciprocal Arrangement
9. **Registration**
10. Registration of Designs
11. Copyright in Registered Designs
12. Refusal to Register a Design
13. **Infringement & Remedies**
14. Piracy of Registered Designs
15. Remedies
16. Power & Duties of Controller
17. **Geographical Indication L – 2**
18. **Historical Background**
19. Introduction
20. International Evolution of Geographical Indication.
21. Indication of Source
22. Appellations of Origin
23. Paris Convention
24. Madrid Agreement
25. Lisbon Agreement
26. NAFTA
27. TRIPs
28. **Emerging Issues**
29. Genericide of Geographical Indication
30. TRIPs Article 23 Controversy
31. **Registration**
32. Registration of Geographical Indication
33. Effect of Registration
34. **Infringement & Remedies**
35. Infringement and Passing off of Geographical Indication
36. Remedies & Procedure
37. **Comparative Analysis**
38. Comparative Analysis of Geographical Indication Law in India & France

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| **Code No.** | **Paper** | **L** | **Credits** |
| LLM 204-C | Dissertation | **-** | **5** |
| LLM 205-C | Viva Voice |

Subject: Dissertation and Viva

The evaluation of the Dissertation and Viva Voce will be conducted by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon’ble Vice Chancellor.