

Enclosure to Item No. 11 (2)

14/6/05

# UNIVERSITY OF MUMBAI

Post Graduate Diploma in  
Intellectual Property Rights.

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

(Introduced from the academic year 2005-2006)

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**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

Equality

(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*

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

*Propogal*  
Offer - acceptance - consideration, damages

Creation - continuation - obligations.

Agency - licence - power of attorney

Franchise agreements

### 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.

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## 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, 1<sup>st</sup> edition; 1999 edition (Butterworths)
5. K.S. Shavaksha on Trade and Merchandise Marks Act, 1958 3<sup>rd</sup> 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 :

Evolution and Development of Copy Rights.

(i) 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.

(ii) 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 remedying  
Criminal remedies

5) <sup>u</sup>Neighboring rights  
Reformers Rights  
Rights of Producers  
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 (Butterworths).
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 Farmers' 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 & Mazwell)
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 - 5<sup>th</sup> Edition (1983) by T.A. Balanco White (Stevens & Sons).
7. The Protection of Plant Varieties and Farmers' Rights Act.

PAPER - V - Practical Training & 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 - Each paper will be to 100 marks. Paper V will be of practical training (40 marks) + Project work (60 words)

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