

DIPLOMA IN INTELLECTUAL PROPERTY RIGHTS

Sr. No.	Name of Subject	Max. Marks
1.	General principles of IPRs	100 Marks
2.	Patent Act	100 Marks
3.	Copyright & design act	100 Marks
4.	Trademarks Act	100 Marks

**DETAILED SYLLABUS FOR
DIPLOMA IN INTELLECTUAL PROPERTY RIGHTS**

Paper 1.

General Principles of Intellectual Property Rights

100 Marks

1. Introduction to Intellectual Property

- 1.1 Concept of Intellectual Property
- 1.2 Kinds of Intellectual Property
- 1.3 Economic Importance of Intellectual Property

2. Indian Theory on Private Property

- 2.1 Constitutional Aspects of Property
- 2.2 Constitutional Protection of Property and Intellectual Property

3. Economic Development and Intellectual Property Rights Protection

References Books:

1. W.R. Cornish, Intellectual Property, Sweet & Maxwell, London (2000)
2. P. Narayana, Patent Law, Wadhwa Publication
3. Merges, Patent Law and Policy: Cases and Materials, 1996
4. Brian C. Reid, A Practical Guide to Patent Law, 2nd Edition, 1993
5. Brinkhof (Edited), Patent Cases, Wolters Kluwer.
6. Prof. Willem Hoyng & Frank Eijsvogels, Global Patent Litigation, Strategy and Practice, Wolters Kluwer.
7. Gregory Stobbs, Software Patents Worldwide, Wolters Kluwer.
8. Feroz Ali Khader, The Law of Patents- With a special focus on Pharmaceuticals in India, Lexis Nexis Butterworths Wadhwa, Nagpur.
9. Sookman, Computer Law, 1996
10. N.S. Gopalakrishnan & T.G. Agitha, Principles of Intellectual Property (2009). Eastern Book Company, Lucknow.

Paper 2.

Patent Act

100

Marks

1. Introduction to Patents

- 1.1 Overview
- 1.2 Historical Development
- 1.3 Concepts:
 - 1.3.1 Novelty
 - 1.3.2 Utility

2. Patentable Subject-matter

- 2.1 Patent Act, 1970- Amendments of 1999, 2000, 2002 and 2005
- 2.2 Pharmaceutical Products and Process and Patent Protection
- 2.3 Software Patents
- 2.4 Business Method
- 2.5 Protection of Plant Varieties and Farmers' Rights Act, 2001
- 2.6 Patenting of Micro-organism

3. Procedure of Obtaining of Patents

- 3.1 Concepts of a Patent Application
- 3.2 Specification:
 - 3.2.1 Provisional
 - 3.2.2 Complete
- 3.3 Disclosure Aspects
- 3.4 Claims:
 - 3.4.1 Principal
 - 3.4.2 Dependant
 - 3.4.3 Omnibus
- 3.5 Examination of Application
- 3.6 Opposition of Application
- 3.7 Sealing of Patents

4. Working of Patents – Compulsory License

- 4.1 Commercialization of Inventions:
 - 4.1.1 License- Terms of License Agreement
 - 4.1.2 Assignments of Patents
- 4.2 Revocation of Patents

5. Infringement

- 5.1 What is Infringement?
 - 5.1.1 How is Infringement determined?
 - 5.1.2 Who is an Infringer?
 - 5.1.3 Direct, Contributory and Induced
- 5.2 Defences of Infringement:
 - 5.2.1 Research Exemption
 - 5.2.2 Invalidity
 - 5.2.3 Misuse
 - 5.2.4 Failure to mark
 - 5.2.5 Laches and Estoppel and first sale doctrine

References Books :

1. W.R. Cornish, Intellectual Property, Sweet & Maxwell, London (2000)
2. P. Narayana, Patent Law, Wadhwa Publication
3. Merges, Patent Law and Policy: Cases and Materials, 1996
4. Brian C. Reid, A Practical Guide to Patent Law, 2nd Edition, 1993
5. Brinkhof (Edited), Patent Cases, Wolters Kluwer.
6. Prof. Willem Hoyng & Frank Eijvogels, Global Patent Litigation, Strategy and Practice, Wolters Kluwer.
7. Gregory Stobbs, Software Patents Worldwide, Wolters Kluwer.
8. Feroz Ali Khader, The Law of Patents- With a special focus on Pharmaceuticals in India, Lexis Nexis Butterworths Wadhwa, Nagpur.
9. Sookman, Computer Law, 1996
10. N.S. Gopalakrishnan & T.G. Agitha, Principles of Intellectual Property (2009). Eastern Book Company, Lucknow.

Paper 3. Copyrights & Design Act

80+20= 100

1. Introduction to Copyright

- 1.1 Overview
- 1.2 Concepts:
 - 1.2.1 Idea- Expression Dichotomy
 - 1.2.2 Originality
 - 1.2.3 Fixation

2. Works protected under Copyright Law

- 2.1 Literary Works including Computer Software
- 2.2 Dramatic Works
- 2.3 Musical Works
- 2.4 Artistic Works
- 2.5 Sound Recordings
- 2.6 Cinematography Films

3. Authorship and Ownership

- 3.1 Author
- 3.2 Contract of Service-work for hire
- 3.3 Joint Authorship

4. Rights conferred on Copyright Owners

- 4.1 To reproduce
- 4.2 To communicate work in the public
- 4.3 To issue copies to the public
- 4.4 To make any adaption to the work
- 4.5 To include any cinematography work
- 4.6 To assign and license
- 4.7 Moral Rights

5. Related Rights

- 5.1 Performers Rights
- 5.2 Producer of Phonograms Rights
- 5.3 Broadcasting Rights

6. Need for Protection of Industrial Designs 20

- 6.1 Introduction
- 6.2 Justification for Protecting Design

7. Subject Matter of Protection and Requirements

- 7.1 Copyright on Registered Design
- 7.2 Industrial and International Exhibition.

8. The Designs Act, 2000

- 8.1 Procedure for obtaining Design Protection
- 8.2 Revocation, Infringement and Remedies

9. The Semiconductor Integrated Circuits Lay-out Design Act, 2000

- 9.1 Conditions and Procedure for Registration
- 9.2 Duration and Effect of Registration

10. Assignment and Transmission and Use of Lay-out Design

- 10.1 Assignability and Transmissibility of Registered Lay-out Design
- 10.2 Registration of Assignments and Transmissions
- 10.3 Registered Users
- 10.4 Rights of Registered Users to take proceedings against Infringement
- 10.5 Offences and Penalties for Infringement

References Books :

1. Whale on Copyright, 1996
2. W.R. Cornish, Intellectual Property, Sweet & Maxwell, London (2000)
3. Prof. Bernt Hugenholtz & Dr. Lucie Guibault (Edited), Kluwer Copyrights Cases, Wolters Kluwer.
4. N.S. Gopalakrishnan & T.G. Agitha, Principles of Intellectual Property (2009). Eastern Book Company, Lucknow.

1. An Introduction to Trademarks

- 1.1 Historical development of the concepts of trademark and trademark law-national and International – Introduction to Trademarks
- 1.2 Need for Protection of Trademarks
- 1.3 Kinds of Trademarks
- 1.4 International Legal Instruments on Trademarks
- 1.5 Well known Trademarks

2. Registration of Trademarks

- 2.1 Grounds of refusal of registration:
 - 2.1.1 Absolute Grounds
 - 2.1.2 Relative Grounds
- 2.2 Procedure for Registration of Trademarks
 - 2.2.1 Application- Intent to use
 - 2.2.2 Opposition
 - 2.2.3 Registration

3. Rights of Registered Trademark Owners

- 3.1 Assignment and licensing of Trademarks

4. Infringement of Trademarks

- 4.1 Passing off
- 4.2 Defences
- 4.3 Remedies for Infringement and Passing off:
 - 4.3.1 Civil Remedies
 - 4.3.2 Criminal Remedies

5. Geographical Indications

- 5.1 Concept of Appellations of Origin, Indication of Source and Geographical Indication
- 5.2 International Convention/Agreements
- 5.3 The Geographical Indications of Goods (Registration and Protection) Act, 2000
- 5.4 Procedure for Registration, Duration of Protection and Renewal Infringement, Penalties and Remedies

References Books :

1. W.R. Cornish, Intellectual Property, Sweet & Maxwell, London (2000)
 2. Kerly's Law of Trademarks and Trade names, 14th Edition, Thomson, Sweet & Maxwell.
 3. A.K. Bansal, Law of Trademarks in India (2009 Edition) Institution of Constitutional and Parliamentary Studies and Centre for Law, Intellectual Property and Trade, New Delhi.
 4. Christopher Wadlow, The Law of Passing Off, 1995
 5. Marsha A. Echols, Geographical Indications for Food Products, International Legal and Regulatory Perspectives (2008), Wolters Kluwer.
 6. N.S. Gopalakrishnan & T.G. Agitha, Principles of Intellectual Property (2009). Eastern Book Company, Lucknow.
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Saurashtra University
Faculty of Law
DIPLOMA IN INTELLECTUAL PROPERTY RIGHTS
IN FORCE FROM JUNE, 2014
Ordinances and Regulations

O.D.IPRs.1

Candidate shall be admitted to the course should have passed a bachelor's degree examination having three years duration from this university or any other recognize university.

O.D.IPRs.2

The diploma Course is a regular full time of one year duration consisting of two academic terms.

O.D.IPRs.3

The admitted candidate can not join any other course of study without prior permission of the university.

O.D.IPRs.4

The Medium of instruction & Examination shall be English, Hindi or Gujarati as the case may be which will not be changed during the entire Diploma programme.

O.D.IPRs.5

Admission granted by the affiliated college/institute to any student shall be provisional till the enrollment/registration/enlistment is made by the University & in case the admission is granted on the bases of provisional eligibility certificate, the conditions & instruction given by the University should be complied within the time limit fixed by the University or latest by the beginning of next semester otherwise term kept by the such a student will be forfeited and no fees on any account will be refunded.

O.D.IPRs.6

Every affiliated college or institution shall have to take appropriate measures against ragging & gender problems in the college/institution. The word college/institution included college building, sports complex, Hostels and such other components which are within the purview of the college.

In case of occurrence of any such incident the violator shall be dealt with very seriously and appropriate stringent action be taken by the principal of the college observing principle of natural justice. The head of college may appoint a committee to inquire in to the

matter which will also observe the principle of natural justice. The committee will submit its report to the Head of college who may take further necessary action in the matter.

Regulation's:

R.D.IPRs.1

The Teaching and examination scheme shall be as under

Sr. No.	Name of Subject	Max. Marks	Mini.passing Marks	Weekly Period	Exam. Hours
1.	General principles of IPRs	100 Marks	33* Marks	03	03 hours
2.	Patent Act	100 Marks	33* Marks	03	03 hours
3.	Copyright & design act	100 Marks	33* Marks	03	03 hours
4.	Trademarks Act	100 Marks	33* Marks	03	03 hours

*Aggregate 50% Marks to be obtain by the candidate for passing in the examination.

R.D.IPRs.2

Candidates must forward their application for admission to university examination to the Registrar on or before the prescribed date with a certificate of attendance duly signed by the principal along with the examination fees prescribed by the University.

R.D.IPRs.3

(1)Candidate securing 33 marks in each paper & aggregate 50% marks will be awarded second class. (2) Candidate securing 66% or more marks in the examination will be awarded first class.

R.D.IPRs.4

Candidate appearing by availing exemption will be placed in PASS CLASS.

R.D.IPRs.5

(1) Candidate who have obtained 50% or more marks in any subject/paper may opt for exemption from reappearing subsequently. (2) Candidate appearing in part Examination must obtain 50% marks in each of the paper.
