

**DEPARTMENT OF LAW
SAURASHTRA UNIVERSITY,
RAJKOT**



[Accredited Grade "A"]
By NAAC

FACULTY OF LAW

**DIPLOMA IN INTELLECTUAL
PROPERTY LAW
[D.I.P.L.]**

Effective From June - 2016

**Saurashtra University
University Campus, Rajkot – 360 005
Gujarat , India.**

Website : www.saurashtrauniversity.edu

Saurashtra University
Faculty of Law
DIPLOMA IN INTELLECTUAL PROPERTY LAWS
IN FORCE FROM JUNE, 2016
Ordinances and Regulations

O.D.I.P.L.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 recognized university.

O.D.I.P.L.2.The Diploma Course is a regular full time of one year duration consisting of two academic terms.

O.D.I.P.L.3.The admitted candidate can not join any other course of study without prior permission of the university.

O.D.I.P.L.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.I.P.L.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 cancelled and no fees on any account will be refunded.

O.D.I.P.L.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. Thehead 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.I.P.L 1.The Teaching and examination scheme shall be as under

Semester - 1

Sr.	Name of Subject	Max. Marks	Mini. Passing Marks	Weekly Period	Exam. Hours
1.	General Regime of Intellectual Property Rights	100	33*	3	Three Hours
2	Patent Law, Trademarks	100	33*	3	Three Hours
3	Copyright, Neighbouring Rights and Industrial Designs.	100	33*	3	Three Hours

4.	Trademarks Act	100	33*	3	Three Hours
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*** Aggregate 50% Marks to be obtain by the candidate for passing in the examination.**

R. D.I.P.L.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.I.P.L. 3.(1)Candidate securing 50% marks will be awarded second class. (2) Candidate securing 66% or more marks in the examination will be awarded first class.

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Diploma in Intellectual Property Law

Annexure "B"

Saurashtra University, Rajkot

Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
DIPR	00	Core	1604000504000100	General Principles of Intellectual Property Rights	3	00	100	-	Three Hours

Paper -1 : General Principles of Intellectual Property Rights 100 Marks

Course objectives:

- To acquaint students with Intellectual Property Rights.
- To make them aware of General Principles and Economic development and Intellectual Property Rights.

Course Contents:

Unit- 1. Introduction to Intellectual Property

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

Unit-2 Indian Theory on Private Property

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

Unit-3 Economic Development and Intellectual Property Rights Protection

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Saurashtra University, Rajkot

Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
DIPR	00	Core	1604000504000200	Patent Act	3	00	100	-	Three Hours

Paper -2 : Patent Act

100 Marks

Course objectives:

- To acquaint students with Patent as Intellectual Property Rights.
- To make them aware of General Principles and procedure for getting patent.

Course Contents:

Unit-1 Introduction to Patents

- 1.1. Overview
- 1.2. Historical Development
- 1.3. Concepts:
 - 1.3.1. Novelty
 - 1.3.2. Utility
 - 1.3.3.

Unit-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

Unit-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

Unit-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

Unit-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:

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

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Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
DIPR	00	Core	1604000504000300	Copyright, Neighbouring Rights and Industrial Designs	3	00	100	-	Three Hours

Paper -3 : Copyrights, Neighbouring Rights and Industrial Designs. 80+20 =100

Course objectives:

- To acquaint students with Copyright as Intellectual Property Rights.
- To make them aware of General Principles and procedure for getting Copyright.

Course Contents:

Unit-1 Introduction to Copyright

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

Unit-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

Unit-3 Authorship and Ownership

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

Unit-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 adaptation to the work
- 4.5. To include any cinematography work
- 4.6. To assign and license
- 4.7. Moral Rights

Unit-5 Related Rights

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

Unit-6 Need for Protection of Industrial Designs

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- 6.1. Introduction
- 6.2. Justification for Protecting Design

Unit-7 Subject Matter of Protection and Requirements

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

Unit-8 The Designs Act, 2000

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

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

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

Unit-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:

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.

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Saurashtra University, Rajkot

Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
DIPR	00	Core	1604000504000400	Trademarks Act	3	00	100	-	Three Hours

Paper 4. Trademarks Act

100 Marks

Course objectives:

- To acquaint students with Trademarks as Intellectual Property Rights.
- To make them aware of General Principles and procedure for getting Trademarks.

Course Contents:

Unit-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

Unit-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

Unit-3 Rights of Registered Trademark Owners

- 3.1. Assignment and licensing of Trademarks

Unit-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

Unit-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:

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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DIPR - 2016
Semester - 00

નં.	સબજેક્ટ	કોર્ષ કોડ વર્ષ	કેકલ્ટી લો 04	વિષય કોર - 01 ઇલેક્ટીવ - 02	કોર્ષ ગ્રુપ	લેવલ યુજી - 01	સેમેસ્ટર	પેપર નંબર	વિકલ્પ
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
૧.	General Regime of Intellectual Property Rights	16	04	00	05	04	00	01	00
2.	Patent Law	16	04	00	05	04	00	02	00
3.	Copyright, Neighbouring Rights and Industrial Designs.	16	04	00	05	04	00	03	00
4.	Trademarks Act	16	04	00	05	04	00	04	00

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