

SCHEME OF EXAMINATION

&

DETAILED SYLLABUS

for

MASTER OF LAWS [LLM] (w.e.f 2023 onwards)

[One Year]

With Specialization in

- 1. Corporate Law (CL)**
- 2. Intellectual Property Right (IPR)**
- 3. Alternate Dispute Resolution (ADR)**
- 4. Criminal Justice System (CJS)**
- 5. Gender Justice and Women Empowerment (GJWE)**



**GURU GOBIND SINGH
INDRAPRASTHA
UNIVERSITY**

UNIVERSITY SCHOOL OF LAW AND LEGALSTUDIES

**Guru Gobind Singh Indraprastha University
Dawark Sector-16-C, New Delhi-110078**

PROGRAM OUTCOMES (POS) OF LLM

PO-1: inculcate critical thinking to carry out research objectively without being biased with preconceived notions & equip the student with skills to analyze problems,

PO-2: formulate a hypothesis, evaluate and validate results, and draw reasonable conclusions thereof prepare students for pursuing legal research in varied fields.

PO-3: imbibe effective scientific and/or technical communication in both oral and writing.

PO-4: continue to acquire relevant knowledge and skills appropriate with the help of professional activities and demonstrate highest standards of ethical issues in legal research

PROGRAM SPECIFIC OUTCOMES (PSOS) OF LLM

PSO-1: should be able to demonstrate understanding of substantive and procedural law sufficient to enter the legal profession and professions in which legal knowledge is an advantage.

PSO-2: should be able to associate the learning from the courses related to Law and Management.

PSO-3: should be able to gather and interpret relevant facts and conduct legal research.

PSO-4: to strengthen the capability so as to understand the laws at national and global level and to solve the client's problem.

PSO-5: should possess the skills to communicate in both oral and written forms and ability to formulate legal problems and using appropriate concepts and methods to solve them.

PSO-6: Should analyzing social problems and understanding social dynamics.

Mode of Evaluation and Distribution of Marks

Each course shall carry total of 100 marks. There shall be semester end written examination for all the courses conducted by Examination Division of the University for 75 Marks. In each course in each semester there shall be Internal-evaluation of 25 marks including written examination and RTDA evaluation respectively as continuous assessment by the subject teacher concerned.

Note:

The total number of Credits of the LL.M. Programme is 55 (Fifty Five).

1. Each student shall be required to appear for examination in all the papers of the course and secure 55 credits for the award of a degree.

Syllabus for LL.M. IPR

Paper – IV

Subject: Nature, Emergence and Development of IPR

L4 RTDA2 C5

Paper Code: IPR 107

Course Outcome (COs):

CO1: To trace out the origin and development of IPR and to do a comparative approach on the economic and constitutional perspective on IPR.

CO2 : To Explore the relationship between patents, copyrights, trademarks vis a vis human rights and to understand whether fundamental right is a safeguard for the coherence of intellectual property law.

CO 3 : To get a basic introduction to all Conventions, Agreements and Treaties in The Field of Intellectual Property

CO 4: To understand the relationship between intellectual property law, competition law and economic approach; principles of competition policy applied to patents, copyrights and trademark

UNIT – I: Introduction to Intellectual Property

(Lectures 10)

- a. Concept & Meaning of Intellectual Property
- b. Nature and Characteristics of Intellectual Property
- c. Origin and Development of Intellectual Property
- d. Kinds of Intellectual Property

UNIT –II: Theories of Intellectual Property

(Lectures 10)

- a. Justification and Rationale for Protecting Intellectual Property
- b. Balancing the Protection of IPR and Public Policy Objective
- c. Theories of IPR:-
 - i. Natural Theory
 - ii. Hegelian Philosophy (Personality Theory)
 - iii. Lockes' Theory of Property (Labour Theory)
 - iv. Social Contract Theory
 - v. Social Planning Theory
 - vi. Incentive Theory
 - vii. Reward Theory
 - viii. Prospect Theory
 - ix. Schumpeterian Theory
 - x. Economic Theory

UNIT – III: International Institutions and Basic International Conventions

(Lectures 10)

- a. Paris Convention for the Protection of Industrial property, 1883
- b. The Berne Convention, 1886
- c. TRIPS Agreement, 1994
- d. International Institutions Concerned with Intellectual Property

UNIT – IV: Contemporary Issues in IPR

(Lectures 10)

- a. Interface between IPR and Human Rights
- b. Interface between IPR and Competition Law
- c. IPR and sustainable development
- d. The Impact of Internet on IPR
- e. IPR Issues in Biotechnology
- f. E-Commerce and IPR issues

Text Books:

1. David I. Bainbridge, *Intellectual Property*, Longman, 9th Edition, 2012
2. Peter Groves, *Sourcebook on Intellectual Property Law*, Routledge-Cavendish, 1997.

References:

1. Susan K Sell, Private Power, *Public Law: The Globalization of Intellectual Property Rights*, Cambridge University Press, 2003
2. N.S. Gopalakrishnan & T.G. Ajitha, *Principles of Intellectual Property*, Eastern Book Company, 2nd Edition, 2014
3. Jayashree Watal, *Intellectual Property Rights in the WTO and Developing Countries*, Oxford University Press, 2001
4. Lionel Bently & Brad Sherman, *Intellectual Property Law*, Oxford University Press, 3rd Edition, 2008
5. Peter Drahos, *A Philosophy of Intellectual Property*, Dartmouth Pub Co, 1996
6. Duggal Pavan, *Legal Framework on Electronic Commerce & Intellectual Property Rights*, Universal Publishing House, 2014
7. Paul Torremans, *Intellectual Property And Human Rights*, Kluwer Law International, 2008
8. Steven D Anderman, *Interface Between Intellectual Property Rights and Competition Policy*, Cambridge University Press, 2007.
9. Philippe Cullet, *Intellectual Property Protection and Sustainable Development*, Lexis Nexis, 2005

Paper – V
Subject: Law of Copyright

L4 RTDA2 C5
Paper Code: IPR 109

Course Outcome (COs):

CO 1 : To gain in-depth knowledge of the copyright laws and major policy concerns at national and international level

CO 2 : To analyse the scope and limitation of copyright as a form of Intellectual property Rights and its interface with other forms of IPRs

CO 3 : To understand copyright issues in new age technologies and identify solutions to them.

CO 4 : To learn to interpret and apply copyright statutory principles and its judicial overlay.

UNIT – I: Introduction to Copyright

(Lectures 10)

- a. Introduction
 - i. Theories of Copyright protection
 - ii. Evolution of Copyright Law in India
 - iii. Nature and Scope of Copyright
 - iv. Pre-requisites for Copyright
 - v. Copyright and its relationship with other IPRs
- b. International Conventions and Treaties
 - i. Berne Convention for the Protection of Literary and Artistic Works, 1883
 - ii. Universal Copyright Convention, 1952
 - iii. TRIPS Agreement, 1994
 - iv. WIPO Copyright Treaty, 1996
 - v. International Copyright Order, 1999
 - vi. Marrakesh Treaty, 2013

UNIT –II: Subject Matters of Copyright

(Lectures 10)

- a. Work in which Copyright Subsists
- b. Authorship vis- a vis Ownership
- c. Copyrights: Economic and Moral Rights
- d. Duration of Copyright
- e. Issues and contemporary trends in Digital Copyright Law
- f. Assignment and Licensing

UNIT – III: Enforcement of Copyright and Current Issues

(Lectures 10)

- i. Limitation and Exceptions of Copyright
- ii. Infringement
- iii. Remedies
- iv. Enforcement of Copyright at National and International Level
- b. Current Issues
 - i AI and Copyright Law
 - ii Copyright Infringement vis a vis Plagiarism
 - iii Culture and copyright
 - iv. Copyright and Human Rights

UNIT – IV: Neighboring Rights

(Lectures 10)

- a. Origin and Development
- b. Rationale for Protection
- c. Copyright vis-a vis Neighboring rights
- d. International Treaties:
 - i. Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations 1961
 - ii. Geneva Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms Phonograms Convention, 1971
 - iii. Brussels Satellites Convention, 1974
 - iv. TRIPS Agreement, 1994
 - v. WIPO Performances and Phonograms Treaty, 1996
 - vi. Beijing Treaty on Audiovisual Performances, 2012
- e. Performers Rights
- f. Broadcasting organizations rights
- g. Rights of the Producers of Phonograms
- h. Economic and Moral Rights
- i. Exceptions
- j. Infringement and Remedies

Text Books:

1. S. Sivakumar and Lisa P. Lukose (ed.) *Novel Dimensions of Copyright Law*, Thomson Reuters, 2022
2. Jeanne C. Fromer, Christopher Jon Sprigman, *Copyright Law - Cases and Materials*, 2022
3. *Omri Rachum-Twaig, Copyright Law and Derivative Works: Regulating Creativity*, Routledge, 2020
4. Manoj Kumar Sinha and Vandana Mahalwar (ed.) *Copyright Law in the Digital World: Challenges and Opportunities*, Springer, 2018
5. Julie E. Cohen, Lydia Pallas Loren and et al., *Copyright in a Global Information Economy*, Wolters Kluwer, 2015
6. Kevin Garnett, Jonathan Rayner James, Gillian, *Copinger and Skone James on Copyright*, Sweet & Maxwell, London, 2013
7. P. Narayanan, *Copyright and Industrial Designs*, Third Edition, Eastern Law House, New Delhi, 2007

References:

1. David Nimmer, *Nimmer on Copyright*, Lexis Nexis, 2010
2. W R Cornish, *Intellectual Property: Patents Copyright Trademarks and allied rights*, Sweet & Maxwell, London, 2010.
3. S. Sivakumar & Lisa P. Lukose, *Broadcasting Reproduction Right in India: Copyright and Neighbouring Right Issues*, ILI, New Delhi, 2013
4. A.K. Kaul & V.K.Ahuja, *Law of Copyright: From Gutenberg's Invention to Internet*, University of Delhi, Delhi, 2001.
5. Ananth Padmanabhan, *Intellectual Property Rights Infringement and Remedies*, Lexis Nexis, 2012
6. Mira Sundara Rajan, *Moral Rights: Principles, Practice, and New Technology*, Oxford University Press, 2011
7. Neil Weinstock Netanel, *Copyright's Paradox*, Oxford University Press, 2008.
8. Robert A Gorman, Jane C. Ginsburg, *Copyright Cases and Materials*, Foundation Press, 2011
9. Paul Goldstein, *International Copyright: Principles, Law, and Practice*, Oxford University Press, 2012

Course Outcome (COs):

- CO1: To demonstrate knowledge and understanding of the justifications, rationale, core doctrines and jurisprudential basis of patent protection
CO 2 : To demonstrate knowledge and understanding of the appropriate procedures for patent filing, patent acquisition and patent enforcement at national and international level
CO 3: To identify legal issues which arise in the context of innovation and patenting
CO4: To understand the current and emerging issues related to technology and human rights in patent regime and to create collaborative solutions to these issues

UNIT – I: Introduction

(Lectures 10)

- a. Justification and theories of patent protection
- b. Evolution of Patents in India
- c. International Treaties on Patents
 - i. Paris Convention
 - ii. TRIPS Agreement
 - iii. Budapest Treaty
 - iv. PCT

UNIT – II: Patentability and Procedures for Grant of Patents

(Lectures 10)

- a. Patentable and Non Patentable Inventions
- b. Pre-requisites
 - i. Novelty: Prior Art and Anticipation
 - ii. Inventive Step, Person Skilled in the Art
 - iii. Industrial Application
- c. Procedures for Filing Application
- d. Specifications – Provisional and Complete Specifications
- e. Claim Interpretations and Constructions
- f. Priority date
- g. Pre-Grant and Post Grant Opposition
- h. Grant and sealing of Patents
- i. Rights of Patentee
- j. Term of Patent
- k. Surrender, Restoration and Revocation of Patents
- l. Patent of Addition

UNIT – III: Limitations, Exceptions & Infringements

(Lectures 10)

- a. Licencing – Voluntary & Non – Voluntary
- b. Assignment
- c. Fair Use
- d. Use and acquisition of inventions by Central Government
- e. Exhaustion of Patents and Parallel Imports
- f. Infringements & Remedies

UNIT – IV: Patent Authorities, Patent Agents & Emerging Issues

(Lectures 10)

- a. Controller General of Patents
- b. Patent Examiners

- c. Patent Agents
- d. Emerging Issues
- i. Patents & Computer Programs
- ii. Business Method Patents & Utility Model Patents
 - iii. AI Inventions and Patents
 - iv. Patent and Human Rights,
- v. Public Health, Patent Waiver and Related Issues
- vi. TK and IK *vis a vis* Patents
- vii. Outer Space Inventions and Patents

Text Books:

1. Craig A. Nard, *The Law of Patents*, 6th Edn., Aspen Publishing; 2022
2. Peter S Menell, Mark A Lemley and Robert P Merg, *Intellectual Property in the New Technological Age: Perspectives, Trade Secrets and Patents*, Clause 8 Publishing, 2022
3. Emmanuel Kolawole Oke, *Patents, Human Rights, and Access to Medicines*, Cambridge University Press, 2022
4. Janice M. Mueller, *Aspen Treatise for Patent Law*, 6th Edn., Aspen Publishing; 2020
5. Jyh-An Lee, Reto Hilty and Kung-Chung Liu (eds.) *Artificial Intelligence and Intellectual Property*, Oxford University Press, 2021
6. Feroz Ali Khader, *The Law of Patents-With a Special Focus on Pharmaceuticals in India*, LexisNexis, 2nd Edition, 2011
7. Elizabeth Verkey, *Law of Patents*, Eastern Book Company, 2nd Edition, 2012

References:

1. Richard Miller, Guy Burkill, Hon Judge Birss, Douglas Campbell, *Terrell on the Law of Patents*, Sweet and Maxwell, 2010
2. Feroz Ali Khader, *The Touchstone Effect: The Impact Of Pre-Grant Opposition On Patents*, Lexis Nexis, 2009
3. Donald S Chisum, *Chisum on Patents* (17 Volumes), Lexis Nexis, 2012
4. Janice M. Mueller, *Patent Law*, Wolters Kluwer, 2013
5. Martin J. Adelman et al., *Patent Law in a Nutshell*, West, 2013
6. Amy L. Landers, *Understanding Patent Law*, Lexis Nexis, 2012.
7. Ananth Padmanabhan, *Intellectual Property Rights Infringement and Remedies*, Lexis Nexis, 2012

Course Outcome (COs):

CO 1: To understand the relevance of trademarks protection in a market economy

CO2 : to understand the basic principles of trademark protection both internationally and in India

CO3 : to analyse the new dimensions which may arise in the scope of trademark protection

CO4: to apply in real life the provisions dealing with registration and enforcement of trademarks

UNIT-I: Introduction

(Lectures-10)

- a. Evolution of Trademark in India
- b. Justification
- c. International Treaties:
 - i. Paris Convention
 - ii. Madrid Agreement and Protocol
 - iii. NICE Agreement
 - iv. Trademark Law Treaty
 - v. Singapore Law Treaty
 - vi. TRIPS
- d. Kinds of Trademarks: Registered and Unregistered Trademarks, Conventional & Non-Conventional Trademarks, Service Mark, Collective Marks, Certification Marks, Well Known Trademarks

UNIT-II: Registration of Trademarks

(Lectures-10)

- a. Pre-requisites
- b. Absolute and Relative Grounds for Refusal of Registration
- c. Concept of Deceptive Similarity and its Applicability in Registration
- d. Procedure for Registration
- e. National and International Registration

UNIT-III: Commercial Exploitation of Trademarks and IPAB

(Lectures-10)

- a. Rights of Proprietor
- b. Assignment, Licensing and Transmission of Trademark
- c. IPAB

UNIT-IV: Infringement and Passing off

(Lectures-10)

- a. Infringement
- b. Goodwill and Passing off
- c. Remedies
- d. Trademark Issues in Cyberspace

Text Books:

1. K C Kailasam and Ramu Vedaraman, *Law of Trademarks including International Registration under Madrid Protocol and Geographical Indications*, Lexis Nexis, 2013
2. A. K. Bansal, *Law of Trademark in India*, Thomson & Reuter, 2014

References:

1. David T Keeling, David Llewelyn, *Kerley's law of Trade Marks and Trade Names*, Sweet and Maxwell, 15th Edition , 2014.
2. Narayanan, *Trade Marks and Passing Off*, Eastern Law House, 2004
3. Ananth Padmanabhan, *Intellectual Property Rights Infringement and Remedies*, Lexis Nexis, 2012
4. Christopher Wadlow, *The Law of Passing Off: Unfair Competition by Misrepresentation*, Sweet and Maxwell, 2011.
5. David Lindsay, *International Domain Name Laws*, Hart Publishing, 2007.

Paper – VIII
Subject: Law of Designs, Layout Designs and
Geographical Indications

L4 RTDA2 C5
Paper Code: IPR 106

Course Outcome (COs):

CO1: To interpret and analyse the procedure for registration of GI

CO2: To understand the practical aspects of layout designs and registration process

CO3: To comprehend the requirement of IP entrepreneurship and starts up in context of Design law.

UNIT-I: Industrial Designs

(Lectures-10)

- a. Introduction
- b. Evolution
- c. Justification
- d. International Treaties
 - i. Paris Convention
 - ii. Hague Agreement
 - iii. Locarno Agreement
 - iv. TRIPS
- e. Industrial Design Act, 2000
- f. Interface Between Design, Copyrights and Trademarks

UNIT-II: Semiconductor and Layout Designs

(Lectures-10)

- a. Introduction
- b. Evolution
- c. Justification
- d. International Treaties:
 - i. Washington Treaty
 - ii. TRIPS
- e. The Semiconductor Integrated Circuits Layout-Designs Act, 2000

UNIT III: Geographical Indications-I

(Lectures-10)

- a. Introduction
- b. Evolution
- c. Justification
- d. International Treaties:
 - i. Paris Convention
 - ii. Madrid Agreement
 - iii. Lisbon Agreement
 - iv. TRIPS Agreement

UNIT-IV: Geographical Indications-II

(Lectures-10)

- a. Protection of GI at National Level
- b. Geographical Indication of Goods (Protection & Registration) Act, 1999
- c. Higher Level of Protection of GIs and TRIPS, Article 23 Controversy
- d. Genericides of Geographical Indications

Text Books:

1. Ashwani Kumar Bansal, Design Law, Universal Law Publishing Company, 2012.
2. Latha R Nair & Rajendra Kumar, *Geographical Indications: A Search For Identity*, Lexis Nexis, 2005

References:

1. Tapan Kumar (Ed.), *WTO, TRIPS and GIs*, New Century Publications, 2014
2. Dev Gangjee, *Relocating the Law of GI*, Cambridge University Press, 2012
3. K C Kailasam and Ramu Vedaraman, *Law of Trademarks including International Registration under Madrid Protocol and Geographical Indications*, Lexis Nexis, 2013

Course Outcome (COs):

CO 1: To comprehend the patenting process of plant varieties and protective measures.

CO2: To contextualize the relationship between traditional knowledge and human rights

CO 3: To study the scope of benefit sharing and access to natural resources.

CO 4: To study the nature of traditional knowledge of indigenous communities

UNIT – I: Introduction

Lectures-10)

- a. Introduction to Plant Varieties – Law& Science
- b. Evolution of Plant Patents & Plant Varieties Protection
- c. Justification for IP Protection
- d. UPOV
- e. Essential Requirements- NDUS
- f. Kinds of Varieties
- g. Registration of Varieties

UNIT – II: Rights, Limitations & Infringement

(Lectures-10)

- a. Exclusive Rights
- b. Breeders' Rights v. Farmers' Rights
- c. Researcher's Rights; Farmers' rights and Rights of Communities
- d. Compulsory Licence
- e. Benefit Sharing
- f. Infringement & Remedies

UNIT – III: Traditional Knowledge (TK)

(Lectures-10)

- a. Meaning, Nature and Characteristics
- b. Need for protection of TK
 - i. Equity Considerations
 - ii. Conservation Motive
 - iii. Preservation of Traditional Practices and Cultures
 - iv. For Indigenous Peoples' Participation in Development Process
 - v. To Facilitate Access
 - vi. For the Conservation of Environment and Management of Bio Diversity
- c. International Initiatives on TK Protection
 - i. Rio Declaration on Environment and Development (1992)
 - ii. The Convention on Biological Diversity, 1992

- iii. Bonn Guidelines on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising out of their Utilization, 2002
 - iv. International Treaty on Plant Genetic Resources for Food and Agriculture, 2001
 - v. The FAO International Code of Conduct for Plant Germplasm Collecting and Transfer, 1993
 - vi. Convention Concerning Indigenous Peoples in Independent Countries, 1986
 - vii. Declaration of Principles of the World Council of Indigenous Peoples, 1984
 - viii. Kari-Oca Declaration and the Indigenous Peoples' Earth Charter, 1992
 - ix. The Mataatua Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples, 1993
 - x. Doha Ministerial Declaration, 2001
 - xi. UN Declaration on the Rights of Indigenous Peoples, 2007
 - xii. The Nagoya Protocol, 2010
 - xiii. Other TRIPS Plus initiatives
- d. International bodies and Institutions responsible for the Protection of TK

UNIT – IV: Traditional Knowledge and IPR

(Lectures -10)

- a. Interface between IPR & TK
 - i. Protection of Traditional Knowledge under the Existing Modes of Intellectual Property and Issues thereof
 - ii. Concepts of Prior Informed Consent (PIC) and Agreement to benefit sharing (ABS)
- b. National Initiatives
 - i. Defensive protection of TK through legislative efforts: Constitutional Provisions, The Biological Diversity Act, 2002; Protection of Plant Varieties and Farmers' Rights Act, 2001; The Patent Amendment Acts 2002 and 2005; The Geographical Indications of Goods (Registration and Protection) Act, 1999 ;The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 etc.
 - ii. TKDL
 - iii. Need for a *sui generis* protection

Text Books:

1. Elizabeth Verkey, *Law of Plant Varieties Protection*, Eastern Book Company, 2007

References:

1. Anthony J. Stenson and Tim S. Gray, *The Politics of Genetic Resource Control*, Macmillan Press Ltd., London, 1999
2. Brush S.B & D. Stabinsky (ed.), *Valuing Local Knowledge- Indigenous people and Intellectual Property Rights*, Island Press, Covelo, California, 1996

3. Carlos M Correa, *Traditional knowledge and Intellectual Property, Issues and Options Surrounding the Protection of Traditional Knowledge*, Quaker United Nations Office, Geneva, 2001
4. David Downes, *Using Intellectual Property as a Tool to Protect Traditional Knowledge: Recommendations for Next Steps*, Center for International Environmental Law, Washington, DC, 1997
5. P. Drahos and M. Blakeney (ed.), *Perspectives on Intellectual Property: IP in Biodiversity and Agriculture*, Sweet and Maxwell, London, 2001
6. Vandana Shiva, *Biopiracy: The Plunder of Nature and Knowledge*, South Press, 1997
7. Vandana Shiva, *Protect or Plunder: Understanding Intellectual Property Rights*, Zed Books Ltd., London, 2001
8. S. K. Verma & Raman Mittal (ed.), *Intellectual Property Rights a Global Vision*, Indian Law Institute, New Delhi, 2004