

# ADARSHA LAW COLLEGE

## Branch: INTELLECTUAL PROPERTY LAWS

**Note:**

Every Paper shall carry 100 marks, out of which 80 marks shall be for written examination and 20 marks for internal assessment.

**The criterion for internal assessment is:**

1. There shall be two internal assessment examinations in each paper of each semester and best of two internal examination marks will be taken into consideration.
2. Internal assessment examination should be descriptive i) one essay question for 1. Marks ii) two short questions each for 5 marks. Duration of the examination will be one hour.
3. Concern teacher should set the paper and evaluate.
4. The student who secures 45% marks in aggregate put together in University examination and internal assessment in each paper will be treated as pass in that paper.
5. For those students who are absent at both the internal examinations. No further chance will be given. His/her paper will be valued for 80 marks for the University examination only, and the students shall secure 45 marks out of 80 marks allocated for each paper.

The final internal assessment marks award lists of all subjects of each semester should be submitted the Chairperson, board of Studies and a moderation committee consisting of Chairperson, Board of Studies, Head of the department and senior faculty will, if necessary, moderate the marks allotted to the students by the concerned teacher

## I-SEMESTER

### **PAPER – I    LEGAL THEORY AND JURISPRUDENCE – I**

**Unit-I:** Meaning, nature and definition of jurisprudence - General and particular jurisprudence - Schools of jurisprudence- Analytical, Historical, Philosophical and Sociological Schools of jurisprudence.

**Unit-II:** Theories of Law - Kelsen's Pure Theory of law – Hart's Concept of law – Modern Trends in analytical and Normative Jurisprudence – Economic Theory of Law – Views of Karl Marx - American and Scandinavian Realism – Critical Legal Studies Movement.

**Unit-III:** Meaning and Definition of Law - The Nature and functions of Law - The Purpose of Law- The Classification of Law- History of Natural Law – Greek Origins – Medieval Period – Period of Renaissance – Transcendental idealism – Natural Law and Social Contract Theories.

**Unit-IV:** Sources of Law-Legal and Historical sources- Custom as Source of Law- Definition of custom- General and Local Custom and Prescriptions - Precedent as Source of Law- Definition of Precedent, Kinds of Precedent- Doctrine of Stare Decisions- Original and Declaratory Precedent- Authoritative and Persuasive Precedents- Legislation as Source of Law- Definition of Legislation - Classification of Legislation – Supreme and Subordinate Legislation – Direct and Indirect Legislation.

**Select Bibliography:**

1. Salmond: Jurisprudence, Universal Publishers.
2. Paton : Jurisprudence
3. Allen : Law in the Making, Universal Publishers.
4. Mahajan V.D.: Legal Theory and Jurisprudence, Eastern Book Company,
5. Dias : Jurisprudence, Aditya Books.
6. Rama Jois, Legal and Constitutional History of India, Universal Law Publications, Delhi.
7. John Rawls-Theory of justice.

**PAPER – II LAW AND SOCIAL TRANSFORMATION – I**

**Unit-I:** The Concept of evolution, Progress, change and social transformation -Social Change: Definition, nature and characteristics of Social change- Planned social change - Unplanned Social Change - Endogenous and Exogenous social change - Direction of Social Change - Theories related to social change - Deterioration theory, Cyclic theory, Linear theory and deterministic theory.

**Unit-II:** Social Change- Factors of Social Change- Geographical/ Environmental, Biological, technological, cultural, Economic and political - Law and social Change - State, Law and Society, their inter-relationship and interdependence – Law as an Instrument of Social Change - Symbolic and instrumental legislations - Law as a means of Social Control - Legal sanction and extra legal sanctions – Limits of Law in bringing out Social Change.

**Unit-III:** Identification of Goals of Social Changes in Indian Constitution – Directive principles of State Policy and social changes – Special provisions for Scheduled Caste, and Scheduled Tribes in Indian Constitution – Protective discrimination of SC/STs and OBCs.

**Unit-IV:** Context of Social Change: Sanskritisation, Westernisation Modernization and Secularization – Modernisation of Social Institutions through law - Economic reforms, Law and Social Change – Technology, Information, Communication and its impact on Law and Social Change.

**Select Bibliography :**

1. Marc Galanter (ed.), Law and Society in Modern India (1997), Oxford.
2. W. Friedmann : Law in Changing Society.
3. W. Friedmann : Legal Theory.
4. J. Stone : Social Dimensions of Law and Justice.
5. Julius Stone. The Province and Function of Law, Part II, Chs. 1.8-16 (2000), Universal, New Delhi.

6. Vilhelm Aubert : Sociology of Law.
7. C. K. Allen : Law in the Making.
8. A. V. Dicey : Law and Public Opinion in England.
9. Roscoe Pound : (a) Law and Morals, (b) Law, Liberty

### **PAPER – III                      INTRODUCTION TO INTELLECTUAL PROPERTY LAWS**

**UNIT –I:** Conceptual Framework of Property-Legal concept of Property-Elements of Property- Classification of Property-Corporeal and Incorporeal Property-Movable and Immovable Property-Theories of Property-Occupation Theory-Labour Theory-Metaphysical Theory-Economic Theory and Social Trust Theory etc

**UNIT –II:** Jurisprudential aspects of property –Ownership, Possession and Title-Constitutional basis of property-Right to property under Article 300-A-meaning , nature and revolution of intellectual Property-Position in Ancient and Historical India-Analysis of WIPO definition of Intellectual property.

**UNIT –III:** Classification of Intellectual property-Industrial Property and Literary Property-Different forms of IP-Copyright, Related rights, Patents, Trade names, Trademarks, Trade Secrets-Industrial Designs-Geographical Indications-Their meaning and Characteristics

**UNIT-IV :** Emerging forms of IP-New Plant Varieties, Micro-Organisms, Lay-out Designs, Traditional Knowledge and Indigenous Knowledge-Bio-piracy-IPRS and Bio-technology – Patenting of life forms and bio-ethical issues relating thereto

#### **Select Bibliography:**

1. Granville Williams :Learning the Law.
2. P.Narayanan: Intellectual Property Law, --Ed, .Eastern Law House, Kolkata.
3. Pola Koteshwara Rao :Supreme Court and Parliament-Right to Property and Economic Justice,2002, Law Book Agency, Hyderabad.
4. Prabhuddha Ganguli: Intellectual Property Rights–Unleashing Knowledge Economy, 2001, Tata-Mcgraw Hill, New Delhi.
5. Shahid Alikhan & Raghunath Mashelkar : Intellectual Property and Competitive Strategies in the 21<sup>st</sup> Century, 2004, Kluwer Law International, London
6. N.S.Gopalakrishnan :Intellectual Property and Criminal Law, 1994, National Law School of India University, Bangalore.
7. G.B.Reddy :Intellectual Property Rights and Law, Gogia Law Agency, (2006), Hyderabad.
8. Subbaram : N.S: What everyone should know about Patents.
9. S.K.Verma : Intellectual Property Rights, ILI, New Delhi.
10. David Bainbridge: Intellectual Property (2002), Pearson Education Ltd, New Delhi
11. Pearson & Miller : Commercial Exploitation of Intellectual Property (2004), University Law Publishing Co. Pvt. Ltd, Delhi.

## II – SEMESTER

### PAPER – I LEGAL THEORY AND JURISPRUDENCE - II

**Unit-I:** Concept of Rights and Duties – Definition of Right – Classification of Rights and Duties – Absolute and relative Classification of Rights and Duties – Relation between Right and Duty – Structure of Duty – Enforceability – Sanction – Conflicting Duties – Future Duties - Rights and cognate concepts like liberty, power, immunity –privilege.

**Unit-II:** Concept of Obligation – Nature of Obligation - Liability – Nature and kinds of Liability - Acts and Mens Rea - Intention and Motive – Relevance and motive - Absolute and Strict Liability - Theories of Negligence - Accident – Vicarious liability – Measure of Civil and Criminal Liability - concept of justice – Theories of punishment.

**Unit-III:** Property – Definition and Kinds of Property - Theories of Property - Concepts of Ownership and possession – Kinds of Ownership –Modes of acquisition of Ownership - Possession and its importance – Relation between ownership and possession - possessory remedies – Prescription – Agreement – Inheritance.

**Unit-IV:** Persons – Nature of personality – Legal status of Animals, Dead persons, Unborn Persons, Lunatic and Drunken Persons – Theories of Corporate Personality – Nature of corporate personality – Acts and Liabilities of Corporations – Criminal and Civil Liability of Corporations – The State as a Corporation.

#### Select Bibliography :

1. Salmond: Jurisprudence, Universal Publishers.
2. Paton : Jurisprudence
3. Allen : Law in the Making, Universal Publishers.
4. Mahajan V.D.: Legal Theory and Jurisprudence, Eastern Book Company, Lucknow.
5. Dias : Jurisprudence, Aditya Books.
6. Rama Jois, Legal and Constitutional History of India, Universal Law Publications, Delhi.

### PAPER – II LAW AND SOCIAL TRANSFORMATION – II

**Unit-I:** Law and disadvantage sections of society - Caste as a divisive factor - Acceptance of caste as a factor to undo past injustices - Protective discrimination for Backward Classes, Minority and Scheduled Castes/Tribes – Protection of Civil Rights Act, 1976 - Abolition of Untouchability and Social Change - SC and STs (Prevention of Atrocities) Act, 1989 – Constitutional and Statutory Commissions for Scheduled Castes, Tribes and Other Backward Classes

**Unit-II:** Women and Gender Justice and its various forms - Protective and empowerment measures for Women under the Constitutional and Statutory Laws – Succession Laws and Women empowerment – Immoral Traffic (Protection) Act, 1956 – Dowry Prohibition Act, 1961 – Protection of Women form Domestic Violence Act, 2005 - Women’s Commission.

**Unit-III:** Children and Law – Protective Measures under Indian Constitution - Child Labour –The Child Labour (Prohibition and Regulation) Act 1986 - Children and Education - The Right of Children to Free and Compulsory Education Act , 2009 – Prohibition of Child Marriage Act, 2006 and Social Change.

**Unit-IV:** Law and Development - Land Legislations and its impact on Society – Social Security and battle against poverty - Social Welfare Issues and Social Legislation in India - Problems and Concerns in the implementation of Social Legislation - Social Security and Labour Welfare.

**Select Bibliography:**

1. Marc Galanter, Law and Society in Modern India (1997) Oxford.
2. Upendra Baxi, Law and Poverty Critical Essays (1988) Vikas, New Delhi.
3. Manushi, A Journal about Women and Society.
4. H.M. Seervai, Constitutional Law of India, (1996)
5. Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (1997) Sage.
6. Agnes, Flavia, Law and Gender Inequality: The Politics of women Rights in India, Oxford.
7. Asha Bajpai, Child Rights in India, (2006) Oxford.
8. U. Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow.
9. John Rawls, A Theory of Justice (2000), Universal, Delhi.

**PAPER – III                      INTERNATIONAL LEGAL REGIME RELATING TO  
INTELLECTUAL PROPERTY RIGHTS**

**UNIT – I:** Transnational Character of IPRs-Efforts at International Level to Protect IPRS – Historical Perspectives – Position under U.S. Constitution – Position in U.K.- Position in ancient China and Greece

**UNIT –II:** International Instruments relating to protection of IPR(Berne Convention, Paris Convention, Hague Convention, Madrid Convention, Rome Convention , Patent Co-operation Treaty, WIPO Copyright Treaty, WIPO Performance and Phonograms Treaty etc., along with the Conventions of the European Union)

**UNIT –III:** International Conventions/Agreements and Declarations relating to International Trade with special reference to IPR-TRIPS-TRIMS-SAFATA etc.

**UNIT – IV:** International Institutions dealing with IPR-UNESCO-WIPO-WTO-UNCITRAL-UNITAR-Their Structure, powers, functions and jurisdiction

### **Select Bibliography:**

1. W.R.Cornish : Intellectual Property, Patents, Copyright, Trade Marks and Allied Rights, 1999, Sweet and Maxwell, London.
2. Marshal A. Leaffer: International Treaties on Intellectual property, 2<sup>nd</sup> Edn., 1997, the Bureau of National Affairs Inc, Washington D.C.
3. Hillary E. Pearson & Miller C.G : Commercial Exploitation of Intellectual Property 1994, Universal Book Traders, New Delhi.
4. WIPO : Background Reading on Intellectual Property Rights and Development Policy.
5. G.B.Reddy : Intellectual Property Rights. OUP(2002), New Delhi.
6. Dreyfuss : Expanding Boundaries of Intellectual Property Rights, (2002), New York.
7. International Legal Instruments of Intellectual Property Law (in two volumes), 1998, NLSIU, Bangalore.
8. Implications of the TRIPS Agreement on Treaties Administered WIPO (2003), Geneva.
9. Relevant WIPO Publications on Individual International Instruments.

## **III – SEMESTER**

### **PAPER – I                      LAW RELATING TO COPY RIGHT AND NEIGHBORING RIGHTS**

**UNIT –I:** Concept of copyright-meaning and subject matter of copyright – Position under the Copyright Act, 1957, Berne Convention, UCC, WCT and WPPT-judicial interpretation of meaning and subject matter of copyright

**UNIT – II:** Ownership and authorship-Economic and moral rights of authors/owners-Term of copyright-assignment and licensing of copyright including compulsory licensing.

**UNIT-III:** Meaning of neighboring rights-Rights of Producers of phonograms and performers-Broadcast Reproduction Right and performers Rights-Role of Copyright and Performers Societies in collective management and protection of copyright and neighboring rights-Copyright Board-Powers and functions.

**UNIT –IV:** Infringement of copyright and neighboring rights – Exceptions to infringement of copyright – Doctrine of Fair Use – Remedies for infringement of copyright (Administrative, Civil and Criminal)-Protection of International Copyright.

### **Select Bibliography:**

1. David Bainbridge : Intellectual Property, 5<sup>th</sup> Edn., 2002, Pearson Education Ltd., London.
2. Brad Sherman & Lionel Bentley: The Making of Modern Intellectual Property Law, 1999, Cambridge University Press, London.
3. W.R.Cornish : Intellectual Property, Patents, Copyright, Trade, Marks and

- Llited Rights,1999,Sweet and Maxwell ,London.
4. David Saunders : Authorship and Copyright,192,Routledge,London.
  5. John Furnsey : Copyright Theft ,1995 ASLIB Gower, Hampshire,England.
  6. Dr.T.VidyaKumari :Copyright Protection Current Indian & International Perspectives, Asia Law House(2004).
  7. Dr.G.B.Reddy :Copyright Law in India (2004) Gogia Law Agency, Hyderabad.
  8. P.Narayana : Copyrights Law and Industrial Desings (2002),Eastern Law House, Kolkata.
  9. Gillian Davis :Copy Rights Law and Public Interest,(2002), Sweet & Maxwell, London.
  10. Robin Jacob :A Guide book to Intellectual Property (2004),Sweet & Maxwell, London.
  - 11 .Relevant International Instruments relating to Copyrights like, Berne Conventions,Rome Convention, WCT,UCC and WPPT etc.
  12. IPR Journal.

## **PAPER – II**

## **LAW RELATING TO PATENTS IN INDIA**

**UNIT – I:** Concept of patent – meaning, definition and nature of patent – Classification of patents – Subject –matter of patenting (Patentable and non-patentable subject-matter)-The Patents Act, 1970 and its amendments.

**UNIT – II:** Essential conditions for grant of patent-Procedure for registration of patent in India and at International level – Application, Publication and Examination of application – Search – Anticipation – Opposition to grant of patents – Grant of patents and its effect.

**UNIT – III:** Rights, duties and limitations of/on patent holders including EMRs-Surrender and revocation of patents –Term of patent protection-Transfer of patent rights with special reference to licensing, compulsory licensing, acquisition by government etc.

**UNIT – IV:** Infringement of patent rights-Remedies (Administrative, Civil and Criminal)- Authorities under the Act-Controller of patents, Patent examiners, and scientific advisors – Their powers, functions and jurisdiction.

### **Select Bibliography:**

1. B.L.Wadhwa : Law Relating to patents,Trademarks, Copyright, Designs & Geographical indications, 2000,Universal Law Publishing Co.Ltd, New Delhi.
2. Prof.Willem Hoyng & Frank Eijsvogels: Global Patent Litigation,2006, Wolters Kluwer, Bedfordshire, U.K.
3. David Baibbridge: International Property,5<sup>th</sup> Edn.,2002,Pearson Education ltd., London.
4. W.R.cornish,International Property: Patents, Copyrights, Trademarks and allied rights,1999, Sweet & Maxwell ,London.

5. Manish Arora: Guide to new Patent Law, (2003), Universal Law Publications Co. Pvt. Ltd.
6. P. Narayana : Patent Law (1998)
7. Sender Marta, Cross: Border Enforcement of Patent Rights (2002) OUP, New York.
8. Bio-technology and intellectual Property rights (2003) NLSIU, Bangalore.
9. Relevant Intellectual Instruments like Paris Convention.
10. IPR Journal.

### **PAPER-III RESEARCH METHODOLOGY**

**Unit – I:** Meaning of Research – Scope and Importance of Research - Types of Research – Scientific Method – Social Science Research – Legal Research – Application of Scientific Method to the study of Socio legal phenomena- limitations and difficulties - Application of Methods of Social Research to Legal Research – Scope and importance of Legal Research.

**Unit – II:** Identification and formulation of Research Problem – Analytical and Case Study Method – Doctrinal and Non- Doctrinal Research – Formulation of Research design – Research Questions - Hypotheses.

**Unit – III:** Collection of Data - Research Tools and Techniques for Collection of Data - Survey of available literature and Bibliographical Research - Legislative Material including Subordinate Legislation, Notification and Policy Statements – Court Decisions including Foreign Decisions - Observation – Questionnaire – Schedule – Interview – Sampling techniques – Types of sampling.

**Unit – IV:** Data processing and analysis – Use of Statistics in the analysis and interpretation of data – Classification and Tabulation of Data – Explanation of Tabulated Data – Analysis of Data - Use of computers in Legal Research – Report writing – Essential elements of Legal Research Report Writing - Legal Research and Law Reforms.

#### **Select Bibliography:**

1. Goode & Hatt : Methods in Social Research : Mc.Graw – Hill Book Company, Singapore
1. C.R.Kothari: Research Methodology: Methods and Techniques, 2<sup>nd</sup> Edition, Wishwa Prakasham, New Delhi, 1995
2. Wilkinson & Bhandarkar: Methodology and Techniques of Social Research, 9<sup>th</sup> Edition, Himalaya Publishing Housing, Bombay Delhi- Narpur 1994.
4. Good and Hatt : Methods in social research
5. Lohn : Tools of Social Science
6. Patten : Surveys, Tools and samples
7. David Lloyd : Finding in law, a guide to legal research, Debbs Ferry(N.Y) Oceana
8. Meles O. Price and Harry : Effective legal Research, 4<sup>th</sup> Edn, Boston (mass) Bitner little, 1979.
9. Erwin C. Survency : Guide to Legal Research, Buffalor (N.Y) Ocena and others

10. Destinger : Research Methods in Behaviour Sciences.
11. Young : Scientific Social Surveys and Research.

## IV – SEMESTER

### PAPER – I LAW RELATING TO TRADE MARKS

**UNIT – I:** History and Evolution - Paris Convention - Madrid Agreement - Madrid Protocol - TRIPs Agreement - Trademark Law Treaty - Purpose of Trademarks - What is Trademark? - Definition, Function, Kinds and use - Economic and Social Justification for Trademarks - Overview of general types of laws applicable to trademarks/ service marks Globally - Passing Off - Laws relating to Passing off - Passing off action.

**UNIT – II:** The Trademarks Act, 1999 - Registration of Trademarks -Principle for Registration of Trademarks - Essential conditions for registration of TMs - Characteristics of a good TM Rights Conferred by Registration of Trademarks - Procedure for Registration of TMs in India and abroad - Deceptive Similarity - Licensing of trademarks - Assignment and Transmission of Trademarks - Limitations on Licensing – Invalidity - What marks are not registerable - Cancellation of Registration.

**UNIT – III:** Rights of Proprietors and registered users etc of TMs - Transfer of TMs - Infringement - Infringement of Trademarks - Action for Infringements - Offences and Penalties - Unfair Competition Law - Remedies And Enforcement - Types of Relief - Civil, Criminal and Administrative - Procedure for Litigation - Authorities under the Act-their powers, functions and jurisdiction

**UNIT – IV:** 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 - Concept of Well-known Trademarks - Comparative Analysis of European and Indian Trademarks Law.

#### Select Bibliography:

1. EricM.Dobrusin,Esq.Kattherine E.White: Intellectual Property Litigation,Pretrial practice,2<sup>nd</sup> Edn.,2005,wolters kluwer ,Bedfordshire,UK.
2. R.S.Bhalla: The Institution of Property –Legally, Historically and Philosophically Regarded ,1984, EBC,Delhi.
3. WIPO, Background reading on Intellectual Property Rights,1988.
4. G.B.Reddy: Intellectual Property Rights and the Law ,5<sup>th</sup> Edn,2005,Gogia Law Agency.
5. P.Narayana:Trade Mark ,Trade name and passing of (Vol.I & II),1997,Eastern Law House, Kolkata.
6. Unni.V.K.Trade Marks & the Emerging Concepts of Cyber Property Rights,2002, Eastern Law House, Kolkata.
7. Relevant International Instruments including Madrid Agreement,TLT and Nice Agreement.

## **PAPER – II**

### **INDUSTRIAL DESIGNS AND GEOGRAPHICAL INDICATIONS**

**Unit – I:** Historical Background – Introduction - Industrial Designs before TRIPs - Industrial Designs after TRIPs - Concept of Industrial Designs-meaning, definition and nature, subject-matter of design protection - Emerging Issues - Protection of Security in India - International Reciprocal Arrangement.

**Unit-I:** Registration - Registration of Designs - Essential conditions for registration of designs-Rights of design holders - Copyright in Registered Designs - Refusal to Register Designs – Infringement and Remedies - Piracy of Registered Designs – Remedies – Administrative, Civil and Criminal – Power and Duties of Controller.

**Unit III:** Geographical Indication - Historical Background – Introduction - International Evolution of Geographical Indication - Indication of Source - Paris Convention - Madrid Agreement - Lisbon Agreement – NAFTA – TRIPs - Emerging Issues - Genericide of Geographical Indication -TRIPs Article 23 Controversy\

**Unit-IV:** Registration - Registration of Geographical Indication - Effect of Registration - Infringement and Remedies - Infringement and Passing off of Geographical Indication - Remedies and Procedure - Comparative Analysis - Comparative Analysis of Geographical Indication Law in India and France.

#### **Select Bibliography:**

1. Narayanan P., Trademarks & Passing off, Eastern Law House, 6th edition, 2006.
2. Gravis Daniel, The TRIPS Agreement: Drafting History and Analysis, 2nd edition, Sweet & Maxwell.
3. Nair. R. Latha, Geographical Indications: A Search for Identity, Lexis Nexis, Butterworth, 2005
4. Guide to the International Registration of Industrial Designs under the Hague Agreement, WIPO.
5. R. Basant (1998), “Intellectual Property Rights: A Note”, IIMA, Mimeo.
6. R A Mashelkar “Intellectual Property Rights and the Third World”.CSIR, New Delhi
7. S. Khoury (1998), "Valuing Intellectual Properties", in P.H. Sullivan (1998), Profiting from Intellectual Capital: Extracting value from Innovation, John Wiley & Sons.

## **PAPER – III                      INTELLECTUAL PROPERTY RIGHTS AND EMERGING TRENDS**

**UNIT – I:** Globalisation of IPRs - TRIPS Agreement - Its Origin – Negotiation - Content and its impact on Developing Countries - Views of third world countries on IPR- Contrast of views - between developed and developing countries –Areas of conflicts- Recent development

**UNIT – II:** Protection of New varieties of Plants- Rights of Protection - Objectives - Protection in India - International Treaties - Period of Protection- Position in India - Protection of Traditional Knowledge – Objective and Strategies - Protection in India – International Treaties – Biodiversity and its importance - The Convention on Biological Diversity – International protocols - Bio-piracy- Indian Law - Patentability of Micro-organisms- Budapest Treaty- Deposit of Micro-organisms – Mode of Protection- National regimes and micro-organism.

**UNIT – III:** Intellectual Property Protection of Computer Software - Copyright Protection - Limitation of Copyright Protection of Software - Patentability of Software - Intellectual Property Protection in Cyberspace - Trademark and the Internet - Domain Names, Hyper links, Metatags - Copyright and the Internet: Computer program, Computer program language - Electronic Signatures, Online works, Online music etc - Emerging Patent Trends - Patent protection for Computer programs, Business - Methods, biotechnology Patents.

**UNIT – IV:** Copyright and Distance Education - The United States TEACH ACT and DMCA (The Digital Millennium Copyright Act) and the Higher Education - The Copyright Education Programs - Purpose of teaching Copyright - Development of effective copyright program - Copyright and the Dissemination of Information in Higher Education.

**Select Bibliography:**

1. G.B.Reddy : Intellectual Property rights and the Law ,Gogia Law.
2. Vikas Vashishth :Law and practice of Intellectual Property(1999),Bharat Law House,Delhi.
3. W.R.Cornish :Pera and Materials on Intellectual Property (1999),Sweet & Maxwell.
4. Granville Williams :Learning the Law.
5. P.Narayana :Intellectual Property Law, Eastern Law House, Kolkata.
6. Pola Koteshwara Rao: Supreme court and Parliament –Right to Property and Economic justice,2002,Law Book Agency,Hyderabad.
7. Prabhuddha Ganguli :Intellectual Property Rights-Unleashing Knowledge Economy,2001,Tata-Mcgraw Hill,New delhi.
8. Shahid Alikhan & Raghunath Mashelkar: Intellec tual Property and Competitive Strategies in the 21<sup>st</sup> Century ,2004, Kluwer Law International,London.
9. N.S.GopalaKrishnan : Intellectual Property and Criminal Law,1994 , National Law School of India University,Bangalore.
10. Subbaram.N.S : What everyone should know about patents.
11. S.K.Verma : Intellectual Property Rights,ILLI,New Delhi.
12. David Bainbridge : Intellectual Property Pearson Education Ltd,New Delhi.
13. Pearson & Miller : Commercial Exploitation of Intellectual Property University Law Publishing Co. Pvt.Ltd, New Delhi.

## **PAPER-IV                      DISSERTATION**

### **Allotment and Nature of Topics of Dissertation**

1. **Students shall submit their three (3) research topics in order of preference to the Principal of the college in the first week of the beginning of the IV semester.** Principal shall, in consultation with the Departmental Committee, allot the topic and guide to the students by the III week of the IV semester.
2. (a) The topic shall relate to student's specialization and a specific area of enquiry. (b) The topic would be so delimited that the student is required to go beyond the standard text-books and to consult the reference material or conduct field study for preparing his/her Dissertation. As far possible the contents of the Dissertation shall be the following, depending upon the nature of the topic assigned: (i) Collection of relevant material-Judicial, Legislative, Juristic, comparative and international and/or otherwise. (ii) Critical analysis and appreciation of this material. (iii) Proper citation of necessary reference consulted and relied upon. (iv) Empirical data when the Dissertation is non-doctrinal (field visit).
3. (a) The students shall prepare three typed copies of Dissertation and submit to the Principal of the college. (b) No candidate shall be allowed to publish the Dissertation, submitted to the University without prior written sanction of University.
4. The Dissertation shall run into minimum of 150 pages.
5. **Students shall submit their Dissertation/Thesis on or before the last working day of the IV Semester. Dissertation submitted afterward will not be evaluated for/during that academic year.**

## **V. RULES OF PROMOTION**

Rules of Promotion are as under:

S.No.	Semester	Condition to be fulfilled for promotion
1.	From I to II	Should have undergone a regular course of study of Semester-I and, registered and appeared at least one examinations of Semester -I.
2.	From II to III	Should have undergone a regular course of study in each of Semester-I and Semester-II and, registered and should have passed in at least Three (3) papers of I and II semester put together .
3.	From III to IV	Should have undergone a regular course of study in each of Semester I, II, and III and, registered and appeared at least one examinations of Semester -III.

✦ **Candidate has to complete his LL.M course with in the period of four academic years from the date of admission.**

## VI. AWARD OF DIVISION

Candidates who have passed all the examinations of the LL.M. Degree Course shall be awarded Divisions in accordance with the total aggregate marks secured by them in all the Semester Examinations taken together.

1. First Division with Distinction : 70% and above.
2. First Division : 60% and above but less than 70%
3. Second Division : 50% and above but less than 60%

Candidates who have not passed the examination in the first attempt along with the batch in which they were admitted are not eligible for getting Rank Certificates/Gold Medals/Prizes.

## VII. IMPROVEMENT OF DIVISION

### 1. Paper-wise Improvement

- a) When a candidate has passed in one or more papers/subjects in the first attempt in the regular\* examination(s) conducted by the University for his/her batch, paper-wise improvement is permissible only in those papers.
- b) A candidate is permitted to appear for paper-wise improvement only once for a semester examination.
- c) A candidate who wishes to improve his/her performance may be permitted to do so if he/she appears in the immediate next examination conducted by the University.

**NOTE:** \* Regular examination means an examination conducted at the end of the semester for which the candidates were admitted and had undergone instruction.

- (d) A candidate appearing for paper-wise improvement is permitted to have the better of the two awards for the purpose of award of division.

1. **Improvement in Aggregate:** Improvement in aggregate is permitted only after the candidate exhausted the chances of paper-wise improvement as per the following conditions:

- a) Aggregate improvement is limited to a period of two years after passing the final semester examination.
- b) For the purpose of securing aggregate, a candidate may appear for one or more of the papers of any semester. Further the candidate has to appear for improvement examination as per the scheme of examination and syllabus in vogue at the time of taking his/her examination.
- c) When a candidate appears for improvement in any semester/semesters, he/she may be permitted to have the better of the two aggregates i.e., the original or improvement.
- d) The candidate is allowed for improvement in aggregate by appearing not more than two times for any semester.

**NOTE:** Candidates who appear for Improvement of performances under category (a), (b), (c) and (d) above are not eligible for the award of Distinction/Prizes/Medals/Merit Certificates etc.

### **VIII. GENERAL RULES OF EXAMINATIONS**

1. Application for permission to appear at every examination shall be made by the candidate on the prescribed form, accompanied by three passport size full face photographs (not profile) along with the necessary certificates, and the prescribed fee. The application should be submitted to the concerned Principal on or before the date fixed for this purpose. The Principal after verifying the eligibility of the candidate, forward the application to the Examination Branch.
2. When a candidate's application is found in order, the Controller of Examinations shall send the attested Hall Ticket with photograph of the candidate affixed to it to the Principal of the College who will issue Hall Ticket to the candidate only if he is satisfied with all the conditions to be complied with by the candidate regarding the eligibility criteria. The Hall ticket thus issued to the candidate shall have to be produced by the candidate before he/she can be admitted to the premises where the examination is held.
3. A candidate after having been declared successful in all semester examinations of the course, shall be given a certificate setting forth the year of examination, the subjects in which he/she was examined and the Division secured.
4. No candidate shall be allowed to pursue more than one degree course simultaneously.

### **IX. TRANSITORY PROVISIONS**

Whenever a course or scheme of instruction changed in a particular year, two more examinations immediately following thereafter shall be conducted according to the old syllabus/regulations. Candidates not appearing at the examinations or failing in them shall take the examination subsequently according to the changed syllabus/regulations.

**All the rules and Regulations are equally applicable to private affiliated law colleges.**

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