



**MOHANLAL SUKHADIA UNIVERSITY, UDAIPUR**

**FACULTY OF LAW**

**THIRD SEMESTER MASTER OF LAWS**

(Session 2017-18)

**(BUSINESS LAW BRANCH)**

PAPER – I (PAPER NAME – LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY)

**Max. Marks: 100 (80 External + 20 Internal)**

**Min. Marks: 40**

- Unit – 1 :** IPR and International Perspectives :  
Trademarks and Consumers Protection (Study of UNCTAD report on the subject) the Legal Regime of Unfair Trade Practices and of Intellectual Industrial Property, United National approaches (UNCTAD, UNCITRAL), EEC approaches, Position in U.S., The Indian situation,  
Special Problems of the Status of Computer Software in Copyright and Patent Law : A Comparative Study.
- Unit - 2 :** Biotechnology Patents :  
Nature and types of Biotechnology Patents,  
Patent over new forms of life : TRIPS obligations, Plant Patenting, Sui generis protection for plant varieties, Multinational Ownership,  
Regulation of environment and health hazards in biotechnology patents: Indian policy and position,  
Patent Search, Examination and Records : International and global patent information retrieval systems (European Patent Treaty), Patent Cooperation Treaty (PCT), Differences in resources for patent examination between developed and developing societies, The Indian situation.
- Unit – 3 :** Special Problems of Proof Infringement:  
Status of intellectual property in transit – TRIPS obligation – Indian position,  
The Evidentiary problems inaction of Passing off,  
The proof of non-anticipation,  
Novelty of Inventions protected by Patent Law,  
Evidentiary problems in Piracy : TRIPS obligation – reversal of burden of proof in process patent, Need and Scope of Law Reforms.
- Unit – 4 :** Intellectual Property and Human Right :  
Freedom of Speech and expression as the basis of the regime of intellectual property right-copyright protection of internet – WCT (WIPO Copyright Treaty, 1996),  
Legal status of Hazardous Research protected by the regime of intellectual property law,  
Human right of the impoverished masses intellectual property protection of new product for healthcare and food security,  
Traditional knowledge – protection-biodiversity convention right of indigenous people.

**SELECTED BIBLIOGRAPHY:**

1. Special attention should be given to literature of the U.N. System, WIPO and the UNESCO.
2. Terenee P. Stewart (ed.) : The GATT Uruguay Round : A Negotiating History (1986-1994) the End Game (Part-I)(1999), Kluwer.
3. Iver P. Cooper : Biotechnology and Law (1998), Clerk Boardman Callaghan, New York.
4. David Bainbridge : Software Copyright Law (1999), Butterworths
5. Sookman : Computer Law (1998), Carswell

6. Carlos M. Correa (ed.) : Intellectual Property and International Trade (1998),Kluwer
7. Patent Cooperation treaty Hand Book (1998), Sweet and Maxwell
8. Christopher Wadlow : The Law of Passing Off (1998), Sweet and Maxwell
9. W. R. Cornish : Intellectual Property Law (1999), Sweet and Maxwell



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PAPER – II (PAPER NAME – LEGAL REGULATION OF ECONOMIC ENTERPRISES)

**Max. Marks: 100 (80 External + 20 Internal)**

**Min. Marks: 40**

- Unit – 1 :** The Rationale of Government Regulation : Constitutional perspectives,  
The new economic policy – industrial policy resolutions, declarations and statements,  
The place of public, small scale, cooperative, corporate, private and joint sectors in  
the changing context,  
Regulation of Economic Activities,  
Disclosure of Information,  
Fairness in Competition,  
Emphasis on Consumerism,  
Development and Regulation of Industries;  
Takeover of Management and Control of Industrial units,  
Sick undertakings: Nationalization or winding up?  
Licensing Policy and Legal Process – Growing Trends of Liberalization Deregulation of  
essential commodities: developmental sign or a social mishap? Financial Services:  
Changing Techniques of Regulation.
- Unit – 2 :** Critical Issues regarding the Capital Issues : Equity and Debt finance,  
Global depositories,  
De-materialized Securities,  
Problems of Control and Accountability;  
Regulation of Hazardous Activity: Mass Disaster and Environmental Degradation;  
Legal Liability and Legal Remedies,  
Public Liability Insurance;  
Issues in Zoning and Location of Industrial Units.
- Unit – 3 :** Special Aspects of Legal Regulation of Select Public Enterprises:  
Telecom Regulatory Authority,  
Insurance Regulatory Authority,  
Broadcasting Regulatory Authority.
- Unit – 4 :** Legal Regulation of Multi – Nationals :  
Collaboration Agreements for Technology Transfer,  
Development and Regulation of Foreign Investments,  
Investment in India; FDIs and NRIs, Investment abroad.

**SELECTED BIBLIOGRAPHY:**

1. S. Aswani Kumar : The Law of Indian Trade Mark (2001), Commercial Law House, Delhi
2. Industrial Policy Resolution of 1948, 1956, 1991
3. Industrial Licensing Policy 1970, 1975
4. Industrial Policy Statements, 1973, 1977, 1980
5. Reports of Committees on Public undertakings of Parliament

6. Industries (Development and Regulation) Act, 1951
7. U. Baxi & A. Dhandba : Valiant Victims and Lethal Litigation: The Bhopal Case (1989)
8. Indian Law Institute, Law of International Trade Transaction (1973)



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PAPER – III (PAPER NAME – LAW OF EXPORT IMPORT REGULATIONS)

**Max. Marks: 100 (80 External + 20 Internal)**

**Min. Marks: 40**

**Unit – I Introduction:**

- i) State Control over import and export of goods from rigidity to liberalization,
- ii) Impact of regulation on economy
- iii) The Basic Needs of Export and Import Trade: Goods, Services, Transportation,
- iv) International Regime: WTO agreement, WTO and tariff restrictions, WTO and non-tariff restrictions, Investment and transfer of technology, Quote restriction and anti dumping, Permissible regulations, Quarantine regulation, Dumping of discarded technology and goods in international market, Reduction of subsidies and counter measures

**Unit – II General Law on Control of Imports and Exports :**

- i) General scheme,
- ii) Legislative control,
- iii) Power of control : Central government and RBI,
- iv) Foreign Trade Development and Regulation Act 1992,
- v) Restrictions under customs law, Prohibition and penalties
- vi) Export- Import formulation : Guiding features,
- vii) Control Under FEMA, Foreign Exchange and currency, Import of goods, Export promotion councils, Export oriented units and export processing zones, Control of Exports: Quality control, Regulation on goods, Conservation of foreign exchange, Foreign exchange management, Currency transfer, Investment in foreign countries

**Unit – III Exam Policy:**

- i) Changing Dimensions: Investment Policy : NRIs, FIIs (Foreign Institutional Investors), FDIs, Joint venture, Promotion on foreign trade, Agricultural products, Textile and cloths, Jewellery, Service Sector;
- ii) Law relating to Customs : Prohibition on importation and exportation of goods, Control of smuggling activities in export-import trade, Levy of, and exemption from, customs duties, Clearance of imported goods and export goods, Conveyance and warehousing of goods

**Unit – IV Regulation on Investment:**

- i) Borrowing and lending of money and foreign currency,
- ii) Securities abroad-issue of, Immovable property- purchase abroad,
- iii) Establishment of business outside,
- iv) Issue of derivatives and foreign securities-GDR (Global depositories receipts), ADR (American depository receipts) and URO,
- v) Investment in Indian Banks,
- vi) Repatriation and Surrender of Foreign Securities,
- vii) Technology Transfer : Restrictive terms in Technology Transfer Agreements, Automatic approval schemes

**SELECT BIBLIOGRAPHY**

1. Government of India, Handbook of Import Export Procedures
2. Government of India Import and Export Policy (1997-2002)
3. Foreign Trade Development and Regulation Act 1992 and Rules Foreign
4. Exchange Management Act 1999
5. Customs Manual (Latest edition) Final Treaty of GATT, 1994