



MOHANLAL SUKHADIA UNIVERSITY, UDAIPUR

FACULTY OF LAW

THIRD YEAR BACHELOR OF LAWS

(Effective from Session 2021-22)

PAPER – VII (PAPER CODE - 8007): (PAPER NAME – **INTELLECTUAL PROPERTY LAW**)

Max. Marks: 100

Min. Marks: 36

Note: A. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

B. Leading cases prescribed under this paper may be read whenever they are relevant.

1. Introduction to Intellectual Property

- 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

2. Copyright

- a. Meaning and historical development of copyright
- b. Subject matter
 - Original literary, dramatic, musical, artistic works
 - Cinematograph films
 - Sound recordings
- c. Ownership of copyright
- d. Term of copyright
- e. Rights of owner
 - Economic Rights
 - Moral Rights
 - Neighbouring Rights
- f. Assignment and licence (including compulsory licence) of rights
- g. Performers rights
- h. Infringement of copyright and Fair View Doctrine
- i. Exceptions of infringement
- j. Remedies
 - Civil
 - Criminal
 - Administrative
- k. Registration
- l. Bollywood Amendment

3. Patents

1. Meaning and historical development
2. Criteria for obtaining patents
 - i. Novelty
 - ii. Inventive step
 - iii. Utility

3. Non patentable inventions
4. Procedure for registration
 - i. Application
 - ii. Specification
 - iii. Publication
 - iv. Examination
 - v. Opposition
 - vi. Grant of patent
5. Term of patent
6. Rights of patentee
7. Compulsory licence
8. Revocation
9. Government use of patent
10. Infringement of patents
11. Exceptions to infringement
12. Remedies
13. Patent office and Appellate Board

4. Trade Mark

1. Meaning and historical development of marks
2. Functions of marks
 - i. Commercial aspect
 - ii. Consumer aspect
3. Concept of distinctiveness
4. Absolute grounds of refusal
5. Relative grounds for registration
6. Doctrine of honest concurrent user
7. Procedure for registration
 - i. Application
 - ii. Advertisement
 - iii. Opposition
 - iv. Registration
8. Term of mark
9. Rights of holder
10. Assignment and licensing of marks
11. Infringement
12. Passing Off
13. Trade Marks Registry and Appellate Board

LEADING CASES :

1. R.G. Anand v. M/s Deluxe Films, AIR 1978 SC 1613. p. 1627
2. N. R. Dongre v. Whirlpool Corporation, (1996) 5 SCC 714
3. Satyam Infoway Ltd v. Sifynet Solutions Pvt. Ltd, AIR 2004 SC 3540
4. Diamond v. Chakrabarty, 447 U.S. 303 (1980)
5. Novartis AG (“Novartis”) v. Union of India, (2013) 6 SCC 1
6. Carrefour v. V. Subburaman, 2007(35) PTC 225
7. Cadila Health Care Ltd v. Cadila Pharmaceuticals Ltd, 2001 PTC 541(SC)

8. Donoghue v. Allied Newspapers, Ltd., (1937) 3 Ch. D. 503
9. University of London Press, Limited v. University Tutorial Press, Limited, (1916) 2 Ch. D. 601
10. Eastern Book Company v. D.B. Modak, 2008 (36) PTC SC

SUGGESTED BOOKS :

1. C.P. Singh : बोद्धिक सम्पदा अधिकार
2. Surendra Singh : बोद्धिक सम्पदा अधिकार
3. M.N. Singh : बोद्धिक सम्पदा अधिकार
4. जय प्रकाश मिश्र : बोद्धिक सम्पदा अधिकार
5. W. R Cornish : Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights
6. M.K. Bhandari : Intellectual Property Rights
7. S.P. Salarkar : Intellectual Property Rights
8. Vikas Vashisth : Intellectual Property Rights
9. P.S. Narayan : Intellectual Property Rights
10. R.K. Nagarjan : Intellectual Property Rights