



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY, SHIMLA

Semester-I

LL.M. (One-Year Programme)

Course Code: LM-115

International Trade Law and IPR

Credit:02

Introduction:

This course is part of the One-Year LL.M. Programme. The subject is taught to the students in the first semester of the LL.M. The course encompasses various aspects of international trade and its correlation with the development of IPR. The prime focus of the course is the developments in the field of international trade that ultimately culminated into the Agreement on Trade Related Aspects of Intellectual Property (TRIPs). The course also outlines global issues related to IPR and international trade such as the issues of IPR across the world. The course further discusses in detail the dispute resolution mechanisms with respect to international trade, including the forums and the international agencies/ institutionalised mechanisms for dispute resolution.

Course Objectives:

1. To discuss the fundamentals of international trade.
2. To discuss the principles and fundamental aspects of the beginning of the GATT.
3. To discuss the nature of IPR issues across the globe.
4. To discuss the emerging and global issues related to international trade and IPR.
5. To discuss the dispute resolution mechanism under the GATT and role of WTO in this regard.
6. To discuss the correlation between international trade, TRIPs, WTO, and India.

Learning Outcomes:

Towards the end of the course the students would be apprised of and would be able to comprehend the following –

1. The nature and fundamental aspects of international trade.
2. The tariff negotiations during the rounds of GATT.
3. The nature and impact of TRIPs across the world.
4. The issues arising out of the global trade in intellectual properties.
5. The mode of dispute resolution emerging from international trade.

Module – 1

Introduction to International Trade

- 1.1. Fundamentals of International Trade;
- 1.2. Common Terminologies in International Trade;
- 1.3. International Trade and Intellectual Property – A Correlational Analysis;
- 1.4. Industrialisation and Emergence of Intellectual Property Rights;
- 1.5. History of Instruments related to Intellectual Property Rights.

Module – 2

International Instruments and Measures Related to International Trade

- 2.1 Precursor to the GATT;
- 2.2 GATT and Rounds of Negotiations, Tokyo and Uruguay Rounds;
- 2.3 Fundamentals of Trade Related Aspects of Intellectual Property Rights Agreement;
- 2.4 Harmonisation of Intellectual Property Rights Across the World;
- 2.5 Implementation of TRIPS in Developed and Developing Countries.

Module – 3

Intellectual Property and Global Concerns

- 3.1 Human Rights and Intellectual Property;
- 3.2 Concerns in the Public Health and Intellectual Property Rights – WTO Doha Declaration;
- 3.3 Traditional Knowledge and Intellectual Property Rights;
- 3.4 Cultural Rights and Intellectual Property Rights – A Third World Perspective;
- 3.5 Intellectual Property Rights in the Digital Age – The Artificial Intelligence Revolution.

Module – 4

Dispute Resolution Mechanism for IPR Issues

- 4.1 Fundamental Understanding of the World Trade Organization;
- 4.2 Dispute Settlement Mechanism under the GATT – Dispute Settlement Understanding;
- 4.3 India and WTO – A Brief Overview;
- 4.4 ICANN – Institutionalised Arrangements;
- 4.5 Dispute Settlement Mechanism under the ICANN.

Prescribed Books:

1. Paul R. Krugman, International Trade: Theory and Policy, Pearson, 2017.
2. William J. Bernstein, A Splendid Exchange: How Trade Shaped the World from Prehistory to Today, Decker Edge, 2008.
3. Robert C. Feenstra, Advanced International Trade: Theory and Evidence - Second Edition, Princeton, 2015.
4. V K Ahuja, Law Relating to Intellectual Property Rights, 3rd Edition, 2017, Lexis Nexis.
5. B L Wadhers, Law Relating To Intellectual Property, Universal, 5th ed., 2011.

Prescribed Instruments for Syllabus:

1. General Agreement on Tariffs and Trade, 1947
2. Marrakesh Agreement establishing the World Trade Organization, 1994
3. Trade Related aspects of Intellectual Property Rights Agreement (TRIPs), 1995
4. ICC Incoterms, 2020
5. The Final Act Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations
6. WTO Doha Declaration on the TRIPS Agreement and Public Health, 2001
7. Convention on Biological Diversity, 1992 (Read with Article 27.3(b) of TRIPs: Interrelation between TRIPs, Biological Diversity, & Traditional Knowledge)

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