



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY, SHIMLA

Semester: VII

B.A./B.B.A. LL.B. (Hons.)

Paper Code: LB-702

Intellectual Property Rights - I

Credit - 04

Introduction:

The syllabus provides students with an in-depth understanding of the legal framework and principles governing Intellectual Property Rights (IPR) and their protection. Students will be introduced to the concept of IPR and their significance in commerce, branding, and consumer protection. The course also explores the complexities of unconventional trademarks such as colors and sounds and delves into the international aspects of trademark protection, including treaties and agreements facilitating cross-border registration and enforcement. Students will gain insights into licensing and assignment of trademark rights and the implications of trademarks in the digital domain, particularly in the context of domain name disputes. The course also discusses the Concept of Geographical Indications, Registration process and importance of Industrial designs as well. The theoretical concepts with practical case studies will provide a comprehensive understanding of trademark law and geographical indication principles, equipping students with the knowledge necessary to navigate the complexities of intellectual property protection in the global marketplace.

Course Objectives:

1. To understand the concept and trade related aspects of IPR.
2. To understand the Dispute Settlement Understanding under the GATT.
3. To understand the national legal framework related to IPR; and
4. To understand the national legal framework related to Trademarks, GI, and Industrial Designs and the statutory nuances thereof.

Learning Outcomes:

On the successful completion of course, students will be able to:

1. Understand the fundamental concepts of trademarks, including their definition, functions, and importance in commerce and branding.
2. Describe the process of registering a trademark, including eligibility requirements, application procedures, and the benefits of registration along with the framework for Industrial designs.
3. Define the concept of Geographical Indications (GIs) and recognize their significance in protecting traditional knowledge and cultural heritage.
4. Identify the eligibility criteria for obtaining GI protection, considering the distinctive characteristics of products suitable for GI recognition.

Module - I**Introduction, Nature, Enforcement and Abuse of IPR**

- 1.1. Introduction; nature, concept and types of IPR;
- 1.2. Evolution of IPR: International & National legal framework;
- 1.3. Enforcement of IPR (Articles 9-39) of TRIPS and National Laws;
- 1.4. Abuse of IPR and redressal under Article 40 of TRIPS;
- 1.5. International Legal Instruments.

Module - II**Trade Marks Law**

- 2.1. The Trade Marks Act, 1999: important definitions; History of trademarks;
- 2.2. Registered and Unregistered trademarks;
- 2.3. Use of trade marks on goods and services; protecting domain name as trade mark;
- 2.4. Relative & Absolute grounds for rejection of registration of trademarks;
- 2.5. Similar and Earlier Trade Marks; well-known trademarks.

Module - III**Infringement of Trade Marks and Redressal**

- 3.1. Enlargement of infringement of trade-marks & Exception under section 30;
- 3.2. Passing off and infringement of Trade-marks; transborder reputation;
- 3.3. Trade-marks dilution; Defenses to Trademark Infringement;
- 3.4. Protection of trade-dress & colour combination;
- 3.5. Tarnishment of trade-marks/comparative advertisements/disparagement.

Module - IV

The Geographical Indication and Industrial Designs

- 4.1 Concept of Indication of source, GI, and Appellations of origin, Community Right, Authorized users;
- 4.2 Protection on the International level through multilateral Treaties; The Madrid Agreement;
- 4.3 Registration and Prohibitions; Infringement, penalties, and remedies;
- 4.4 The Industrial Designs for visual appeal to Inventions; Essential requirements and Rights;
- 4.5 Piracy or Infringement of registered Designs.

Prescribed Legislations:

1. The Competition Act, 2002.
2. The European Union Trade Mark Regulation (EUTMR), 2017.
3. The Geneva Act, 2015.
4. The Geographical Indication of Goods (Registration & Protection) Act, 1999.
5. The Industrial Designs Act, 2000.
6. The Lisbon Agreement, 1958.
7. The Madrid Agreement Concerning the International Registration of Marks, 1891.
8. The NICE Agreement concerning the International Classification of Good and Services, 1957.
9. The Paris Convention, 1883.
10. The Trade Marks Act, 1994 (United Kingdom).
11. The Trade Marks Act, 1999 (India).
12. The Trade Related Aspects of Intellectual Property Rights (TRIPS), 1995.
13. The Trademark Law Treaty, 1994.
14. The Vienna Agreement, 1973.

Prescribed Books:

1. Ashwani K. Bansal, LAW OF TRADE MARKS IN INDIA, (2014).
2. Ashwani K. Bansal, LAW OF DESIGNS, GIs, (2012).
3. P. Narayanan, LAW OF TRADE MARKS AND PASSING OFF, (2017).
4. Nandan Kamath, LAW RELATING TO COMPUTERS INTERNET & E-COMMERCE, (Universal, 2016).

5. David Lindsay, INTERNATIONAL DOMAIN NAME LAW ICANN AT THE UDRP, (Hart Publishing, Oxford and Portland, Oregon, 2007).
6. Kailasam, LAW OF TRADE MARKS AND GEOGRAPHICAL INDICATIONS, (2013).
7. P. Narayanan, COPYRIGHT AND INDUSTRIAL DESIGNS, (2017).
8. Latha R. Nair and Rajendra Kumar, GEOGRAPHICAL INDICATION - A SEARCH FOR IDENTITY, (2005).
9. Peter Drohas, A PHILOSOPHY OF INTELLECTUAL PROPERTY, (2016).
10. W. R. Cornish, INTELLECTUAL PROPERTY, (Sweet & Maxwell, 2000).
11. Christoher Wadlow, THE LAW OF PASSING OFF, (1995).
12. Marsha A. Echols, GEOGRAPHICAL INDICATIONS FOR FOOD PRODUCTS, INTERNATIONAL LEGAL AND REGULATORY PERSPECTIVES, (2008).

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