

LL.M. 1ST SEMESTER

LAW REGARDING INTELLECTUAL PROPERTY RIGHTS

**GENERAL PRINCIPLES AND JURISPRUDENCE OF INTELLECTUAL
PROPERTY RIGHTS**

Paper: 104-A

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note:

1. There shall be total Five Units in the question paper.
2. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus.
3. There shall be two questions in each Unit i.e. Unit-II to Unit-V.
4. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

COURSE OBJECTIVES:

- To understand the concept and nature of Intellectual Property Rights (IPRs)
- To recognize the evolution of IPR and its significance in the contemporary context
- To familiarize the students with the justifications of IPRs and various theories of protection
- To understand the significance and interpretation of treaties concerning IPR and familiarize with "soft law" concepts, including model laws and recommended principles
- To recognize the impact of WTO panel decisions and national court decisions on IPR
- To engage in a comparative legal analysis of IPRs across various jurisdictions

UNIT-I

Conceptual framework of Intellectual Property Rights

- Fundamentals of Intellectual Property Rights (IPRs)
- Historical Development and Contemporary Significance of IPRs
- Rationales and Theories Supporting IPRs
- Classification and Types of Intellectual Property Rights (IPRs)

- Principles and Legal Concepts Governing the IPR System

UNIT-II

Institutional Architecture of IPRs

- Role of International Organizations in Intellectual Property Governance
- Core intellectual Intellectual Property Organizations
- Non-Core intellectual Intellectual Property Organizations
- Industry Associations and Stakeholder Groups: Their Influence on IP Policy Development and Advocacy

UNIT-III

Policy Instruments and sources of obligations

- Sources of International Legal regime on Intellectual Property Rights
- Interpretation of Treaty Obligations
- Soft laws and Model Laws
- WTO Panel discussions
- National Court decisions

UNIT-IV

Comparative Analysis of IPRs in various jurisdictions

- Research Methodology of Comparative Legal Analysis in Intellectual Property Law
- Evaluation of Civil Remedies Available for IP Infringement, such as Injunctions and Damages, in Various Countries
- Comparative Study of Criminal Sanctions for Intellectual Property Violations Across Jurisdictions
- Assessing Administrative Mechanisms for IP Enforcement, including Customs Procedures and Administrative Remedies
- International Cooperation: Analysis of Bilateral and Multilateral Agreements Facilitating Cross-Border IP Enforcement Efforts among Countries

COURSE OUTCOMES:

- Students will have a profound understanding of the core concepts, evolution, and significance of IPRs
- Students will be able to apply their knowledge of IPR systems and principles in real-world scenarios

- Students will be acquainted with the roles, functions, and significance of various international organizations related to IPR
- Students will possess the skills to analyze policies, interpret treaties, and understand the broader implications of international decisions on IPR
- Students will be equipped with the skills to conduct a comparative analysis of IPR regimes across different jurisdictions, providing them with a global perspective on IPR

SUGGESTED READINGS

- | | | |
|------------------------------|---|--|
| 1. V.K Helfer | - | Law Relating to Intellectual Property Rights |
| 2. David Bainbridge | - | Intellectual Property Rights |
| 3. L.Bentley & B. Sherman | - | Intellectual Property Law |
| 4. Carlos M. Correa | - | A Commentary on TRIPS |
| 5. W.R. Cornish | - | Case and Materials on Intellectual Property |
| 6. V. G. Hegde | - | Intellectual Property Rights and Asian-African States. |
| 7. J. Philips & Alison Firth | - | Introduction to Intellectual Property Law |
| 8. S.K. Verma & Raman Mittal | - | Intellectual Property Rights – A Global Vision |
| 9. S. Ricketson | - | Origins of the Paris Convention. |
| 10. Peter Drahos | - | A Philosophy of Intellectual Property |