

LL.M. 2ND SEMESTER

LAW REGARDING INTELLECTUAL PROPERTY RIGHTS

**INTELLECTUAL PROPERTY RIGHTS IN CREATIVE WORKS: COPYRIGHT AND
NEIGHBOURING RIGHTS**

Paper: 204-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 introduce students to the foundational concepts and principles of copyright law, focusing on protection, ownership, and rights related to creative works
- To familiarize students with neighbouring rights, emphasizing the rights of performers, producers of phonograms, and broadcasting organizations
- To help students to critically examine the protection mechanisms for various creative works, including literary works, music, films, and digital content, among others
- To understand the international agreements and treaties governing copyright and neighbouring rights
- To equip students with the knowledge and skills to analyze real-world scenarios, identify potential copyright issues, and apply legal principles to resolve disputes

UNIT-I

Treaties and Conventions in Copyright Law

- Historical Treaties: Berne Convention and Rome Convention
- Modern Copyright Treaties: WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty
- Phonogram Protection: Geneva Convention and Brussels Convention.
- Accessibility Initiatives: Marrakesh Treaty
- Contemporary Developments: Beijing Treaty

UNIT-II

Copyright protection regime in India

- Scope and Nature of Copyright Protection
- Rights of Copyright Owners: Reproduction and Distribution
- Ownership of Copyright: Authorship and Joint Authorship
- Duration and Term of Copyright Protection
- Copyright Infringement and Remedies

UNIT-III

Statutory Provisions related to Infringement and Licensing

- Copyright Assignment and Licensing
- Types of Licenses and Statutory Provisions
- Compulsory Licenses and Collective Management
- Copyright Infringement: Legal Framework
- Technological Measures and Rights Management

UNIT-IV

Law relating to Neighbouring Rights

- Broadcasting Organizations' Rights
- Rights of Performers and Visual Recordings
- Copyright Exceptions and Limitations
- Permitted Acts and Fair Use
- Special Considerations for Educational and Accessible Use

COURSE OUTCOMES:

- Students will possess a deep understanding of copyright law, neighbouring rights, and their significance in protecting creative works
- Students will develop the ability to interpret copyright laws, analyze complex scenarios, and apply legal principles to address issues related to creative works
- Students will be proficient in understanding the various protection mechanisms available for different types of creative works, ensuring their effective protection and enforcement
- Students will be aware of the international standards, conventions, and treaties governing copyright and neighbouring rights, enabling them to navigate global intellectual property landscapes

- Students will understand the ethical considerations and professional responsibilities associated with copyright law, promoting respect for creators' rights and fostering a culture of innovation and creativity

SUGGESTED READINGS:

1. S.K. Verma : Exhaustion of Intellectual Property Rights and Free Trade (1998).
2. JayashreeWatal : Intellectual Property Rights in the WTO and Developing Countries (2004).
3. S. Ricketson and J. Ginsburg : International Copyright and Neighbouring Rights: the BerneConvention and Beyond (2005).
4. LévêqueFrançois and MénièreYann : The Economics of Patent and Copyright (2005)
5. John Sulston : Intellectual Property and the Human Genome (2002).