CLASS:- LL.M. 3rd SEMESTER
OPTIONAL PAPER
ADVANCED IP SAFEGUARDS: PATENTS, DESIGNS AND TRADE SECRETS.

Paper: 302-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 intricate details and advanced aspects of intellectual property (IP) protection, focusing on patents, integrated circuit designs, industrial designs, and trade secrets;

➢ To familiarize students with the Patent Act of 1970, emphasizing the object of the patent system, patentable and non-patentable inventions, and the procedures for filing patent applications;

➢ To equip students with knowledge about licensing of patents, rights of patentees, patent infringement, and the legal framework governing trade secret protection;

➢ To introduce students to the Designs Act of 2000, focusing on the need for protection of industrial designs, the subject matter of protection, registration procedures, and overlaps with copyrights and trademarks;

➢ To provide students with real-world scenarios and case studies to analyze and apply advanced IP protection principles, ensuring a comprehensive understanding of the subject.

UNIT-I
International Framework of Patents and Designs

- Hague Agreement, 1925
- Budapest Treaty, 1977
- Paris Convention, 1979
- Strasbourg Agreement Concerning the International Patent Classification, 1979
- Locarno Agreement, 1979
- Patent Law Treaty, 2000
- Patent Cooperation Treaty, 2001

UNIT-II
Invention Classification and Patent Eligibility

- Objectives of the Patent System
- Patentable and Non-Patentable Inventions

- Patentability Features: Novelty, Inventive Step, and Industrial Application
- Patent Application Procedures and Specifications
- Opposition Proceedings in Patent Law

UNIT-III
Rights Related to Patents and Trade Secrets

- Patent Licensing and Public Health Concerns
- Patentee Rights, Infringement, and Defenses
- International Instruments on Trade Secret Protection
- Indian Legal Framework of Trade Secret Protection and Licensing

UNIT-IV
The Designs Act, 2000
- Fundamentals of Industrial Design Protection
- Conceptual Interface of Design, Copyright, and Trademarks
- Registration and Duration of Design Rights
- Protection against Piracy and Infringement

COURSE OUTCOMES
- Students will possess a thorough understanding of advanced IP protection principles, including patents, integrated circuit designs, industrial designs, and trade secrets;
- Students will be proficient in interpreting and applying the provisions of the Patent Act of 1970, understanding the nuances of patentable inventions, procedures, and rights related to patents;
- Students will develop the skills to identify, protect, and manage trade secrets, understanding the legal frameworks and international systems governing trade secret protection;
- Students will be well-versed in the Designs Act of 2000, understanding the importance of protecting industrial designs, registration procedures, and the intersections with copyrights and trademarks;
- Students will develop strong analytical and problem-solving skills, enabling them to analyze complex IP scenarios, identify potential issues, and propose effective solutions in the realm of advanced IP protection.

SUGGESTED READINGS
1. J. W. Baxter - World Patent Law & Practice (1968).
2. J.K. Das - Intellectual Property Rights (2008).
3. D.P. Mittal - Indian Patents Law (1999).
4. F. Machlup and E. Penrose - The Patent Controversy in the Nineteenth Century (1950).
5. Paul Torremans - Intellectual Property and Human Rights (2008).
6. Pavan Duggal - Legal Framework on Electronic Commerce & Intellectual Property Rights (2008).