

CLASS:- LL.M. 3rd SEMESTER

OPTIONAL PAPER

ENVIRONMENT IMPACT ON INTELLECTUAL PROPERTY RIGHTS

REGULATION

Paper: 302-D

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 intersection between international intellectual property (IP) rights law and biodiversity conservation.
- To analyze the legal frameworks governing the protection of traditional knowledge at the international level and its implications for the IP regime.
- To examine the Indian intellectual property law landscape and its impact on biodiversity conservation efforts in the country.
- To evaluate the legal provisions in Indian law concerning traditional knowledge and their implications for the protection of intellectual property rights.

UNIT-I

International law relating to IP rights and its relationship with biodiversity

- Uruguay negotiations – Implications of Uruguay round – Adoption of TRIPs agreement of WTO – Provisions relating to patents in TRIPs agreement – its implications on biodiversity.
- Provisions relating to sui generis protection of IP – its implications on Bio Patents, Biodiversity, Plant Variety Protection, Farmers' Rights.
- Relationship between TRIPs agreement and UPOV convention – 1961, 1978, 1991.

UNIT-II

International law relating to traditional knowledge and its implications on IP regime

- Emergence of Permanent Sovereignty over natural resources – Adoption of International undertaking on plant and genetic resources
- ITPGR – IP implications on food and agricultural genetic resources, utilization – multilateral benefit sharing scheme; Adoption of CBD
- Role of International Institutions – WIPO, WHO, UNICEP, UNDP, UNEP, WTO, TTIP, TTP

UNIT-III

Indian IP law and its implications on biodiversity regime in India

- Implications arising out of the Indian Patents Act – 1970, 2002, 2005.
- Patentable subject matter and its relationship with Biodiversity and Traditional Knowledge.
- Geographical Indications and its relationship in developing protection to the Traditional Knowledge and Biological Resources

UNIT-IV

Indian law relating to the traditional knowledge and its impact on the IP Rights

- Biological Diversity Act – concept of PIC and MAT
- Protection of Traditional Knowledge of farmers through sui generis IP mechanism
- Forest Rights Act – implications arising out of this Act on the IP rights of tribes, their right over traditional knowledge and Van Dhan Yojana

COURSE OUTCOME:

- Students will be able to demonstrate a comprehensive understanding of the relationship between international intellectual property rights law and biodiversity conservation.
- Students will be able to critically assess the implications of international legal frameworks on the protection and utilization of traditional knowledge within the intellectual property regime.
- Students will be able to analyze the compatibility and effectiveness of Indian intellectual property laws in promoting biodiversity conservation objectives.

- Students will be able to evaluate the legal mechanisms and challenges in protecting traditional knowledge under Indian intellectual property law.
- Students will be able to develop the ability to apply legal principles and frameworks to address complex issues at the intersection of intellectual property rights and environmental conservation..

SUGGESTED READINGS:

1. Charles Hyde Smith : Biodiversity Studies: A Bibliographic Review
2. Kevin J. Gaston : Biodiversity: An Introduction
3. Usha Tandon : Biodiversity (Law, Policy and Governance)
4. Pierre Pontarotti : Origin and Evolution of Biodiversity, Springer, 2018.