



MOHANLAL SUKHADIA UNIVERSITY, UDAIPUR

FACULTY OF LAW

THIRD SEMESTER MASTER OF LAWS

(BUSINESS LAW BRANCH)

PAPER – I (PAPER CODE - 51901) (PAPER NAME – LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY)

Max. Marks: 100 (80 External + 20 Internal)

Min. Marks: 40

Unit I: IPR and International Perspectives:

Trademarks and Consumers Protection (Study of UNCTAD report on the subject) the Legal Regime of Unfair Trade Practices and of Intellectual Industrial Property, United National approaches (UNCTAD, UNCITRAL), EEC approaches, Position in U.S., The Indian situation,
Special Problems of the Status of Computer Software in Copyright and Patent Law: A Comparative Study.

Unit II: Biotechnology Patents:

Nature and types of Biotechnology Patents,
Patent over new forms of life: TRIPS obligations, Plant Patenting, Sui generis protection for plant varieties, Multinational Ownership,
Regulation of environment and health hazards in biotechnology patents: Indian policy and position,
Patent Search, Examination and Records : International and global patent information retrieval systems (European Patent Treaty), Patent Cooperation Treaty (PCT), Differences in resources for patent examination between developed and developing societies, The Indian situation.

Unit III: Special Problems of Proof Infringement:

Status of intellectual property in transit – TRIPS obligation – Indian position,
The Evidentiary problems inaction of Passing off,
The proof of non-anticipation,
Novelty of Inventions protected by Patent Law,
Evidentiary problems in Piracy: TRIPS obligation – reversal of burden of proof in process patent, Need and Scope of Law Reforms.

Unit IV: Intellectual Property and Human Right:

Freedom of Speech and expression as the basis of the regime of intellectual property right-copyright protection of internet – WCT (WIPO Copyright Treaty, 1996),
Legal status of Hazardous Research protected by the regime of intellectual property law, Human right of the impoverished masses intellectual property protection of new product for healthcare and food security,
Traditional knowledge – protection-biodiversity convention right of indigenous people.

SELECTED BIBLIOGRAPHY:

1. Special attention should be given to literature of the U.N. System, WIPO and the UNESCO.
2. Terenee P. Stewart (ed.) : The GATT Uruguay Round : A Negotiating History (1986-1994) the End Game (Part-I)(1999), Kluwer.
3. Iver P. Cooper : Biotechnology and Law (1998), Clerk Boardman Callaghan, New York.
4. David Bainbridge : Software Copyright Law (1999), Butterworths
5. Sookman : Computer Law (1998), Carswell
6. Carlos M. Correa (ed.) : Intellectual Property and International Trade (1998), Kluwer
7. Patent Cooperation treaty Hand Book (1998), Sweet and Maxwell
8. Christopher Wadlow : The Law of Passing Off (1998), Sweet and Maxwell
9. W. R. Cornish : Intellectual Property Law (1999), Sweet and Maxwell