

SCHEME OF EXAMINATION

&

DETAILED SYLLABUS

for

**MASTER OF LAWS
[LL.M.]**

WEEKEND PROGRAMME

(w.e.f. Academic Session 2011-2012)

Programme Code: 170



**UNIVERSITY SCHOOL OF LAW AND LEGAL STUDIES
GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY
SEC-16C, DWARKA CAMPUS, NEW DELHI – 110075**

LL.M. WEEKEND PROGRAMME

Pattern of Question Paper: The question paper will be of 60 marks and divided into four Units of two questions each carrying 15 marks. The questions in each Unit will be based on course contents in the respective Unit. The students will be required to attempt four questions selecting one from each unit. The continuous evaluation by the teacher consisting of two minor examinations and such other component will be of 40 marks in conformity with Ordinance 11 Clause 10.

LL.M. Weekend First Semester – Common for All Students

Theory Papers					
Paper ID	Course Code	Paper Title	L	T/P	C
170107	GEN-107	Law and Social Transformation in India	4	2	6
170109	GEN-109	Constitutionalism	4	2	6
170111	GEN-111	Legal Research and Methodology	4	2	6
170113	GEN-113	Judicial Process	4	1	5
Practical Papers					
170151	GEN-151	Project Work	-	2	2
Total Credit					25

(With effect from academic session 2011-2012)

GROUP – I**INTELLECTUAL AND INDUSTRIAL PROPERTY LAW****LL.M. Weekend Second Semester**

Theory Papers					
Paper ID	Paper Code	Paper Title	L	T/P	C
170102	WIPR-102	Law of Trademark	4	2	6
170104	WIPR-104	Introduction, International Treaties and Law of Geographical Indications (G.I. Act, 1999)	4	2	6
170106	WIPR-106	Law of Patents (Patents Act, 1970)	4	2	6
Practical Papers					
170152	WIPR-152	Project Work / Practical Training	4	1	5
170154	WIPR-154	Comprehensive Viva	-	2	2
Total Credit					25

LL.M. Weekend Third Semester

Theory Papers					
Paper ID	Paper Code	Paper Title	L	T/P	C
170201	WIPR-201	Copyright and Neighbouring Rights	4	2	6
170203	WIPR-203	Design Law & Trade Secrets	4	2	6
170205	WIPR-205	Protection of Plant Varieties, Biodiversity & Traditional Knowledge	4	2	6
Practical Papers					
170251	WIPR-251	Project Work / Practical Training	4	1	5
170253	WIPR-253	Comprehensive Viva	-	2	2
Total Credit					25

LL.M. Weekend Fourth Semester

Practical Paper					
Paper ID	Paper Code	Title	L	T/P	C
170260	WIPR-260	Dissertation and Viva	-	-	25
Total Credit					25

NOTE:

1. The total number of Credits of the LL.M. Weekend Programme is 100 (One hundred).
2. Each student shall be required to appear for examination in all the papers of the course and there will be no credit relaxation.

GROUP – II**CYBER LAW AND CYBER CRIME****LL.M. Weekend Second Semester**

Theory Papers					
Paper ID	Paper Code	Paper Title	L	T/P	C
170112	WCL-112	The Development of the Cyber Law	4	2	6
170114	WCL-114	Intellectual Property in Cyberspace	4	2	6
170116	WCL-116	Trade Mark, Trade Secret & Patent Protection in Cyberspace	4	2	6
Practical Papers					
170162	WCL-162	Project Work / Practical Training	4	1	5
170164	WCL-164	Comprehensive Viva	-	2	2
Total Credit					25

LL.M. Weekend Third Semester

Theory Papers					
Paper ID	Paper Code	Paper Title	L	T/P	C
170211	WCL-211	The Law of E-Commerce Transactions	4	2	6
170213	WCL-213	Cyber Torts and Cyber Crimes	4	2	6
170215	WCL-215	Cyber Crimes Evidence, Investigation and Procedure	4	2	6
Practical Papers					
170261	WCL-261	Project Work / Practical Training	4	1	5
170263	WCL-263	Comprehensive Viva	-	2	2
Total Credit					25

LL.M. Weekend Fourth Semester

Practical Paper					
Paper ID	Paper Code	Paper Title	L	T/P	C
170262	WCL-262	Dissertation and Viva	-	-	25
Total Credit					25

NOTE:

1. The total number of Credits of the LL.M. Weekend Programme is 100 (One hundred).
2. Each student shall be required to appear for examination in all the papers of the course and there will be no credit relaxation.

LL.M. 1st SEMESTER

Paper: I

Subject: Law and Social Transformation in India

L4 T/P2 C6

Paper Code: GEN-107

Objectives of the Course: this course is designed to study – (a) awareness of Indian approaches to social and economic problems in the context of law as a means of social control and change and (b) to examine how law and legal institutions can be used to combat social oppression and inequalities in Indian Society. Limits of law in bringing out social transformation shall also be explored.

The following syllabus prepared with this perspective will be spread over a period of one semester.

Unit- I: Law and Social Change

1. Law as an instrument of social change
2. Law as a product of traditions and culture
3. Introduction of common law system and institutions in India and the impact of received law on the Indian Social and Legal Order.
4. Limits of Law in bringing out social change.

Unit –II : Religion, Community and the Law

1. Indian Secularism: Constitutional Provisions and Judicial Responses
2. Constitutional Protections to Religious and Linguistic minorities.
3. Affirmative Action (Reservation)

Unit-III: Women and the Law

1. Gender Injustice and its various forms
2. Empowerment of Women: Constitutional and Statutory Provisions; Women’s Commission.
3. Crimes Against Women: legislative and judicial initiatives.

Unit-IV: Children and the Law

1. Child Labour
2. Sexual Exploitation of Children
3. Adoption and Related Problems
4. Children and Education.

Selected Bibliography:

1. Marc Galanter (ed). *Law and Society in Modern India*. (1997). Oxford, New Delhi.
2. Baxi, Upendra,. *The Crisis of Indian Legal System*. (1982). Vikas Publication.

3. Baxi, Upendra (ed). *Law and Poverty: Critical Essays*. (1988). Tripathi, Bombay.
4. Manushi, A Journal About Women and Society.
5. Duncan Derret. *The State, Religion and Law in India*. (1999). Oxford. New Delhi.
6. M.P.Singh, *Constitution of India* (2008). 11th Ed. Eastern Book Co., Lucknow.
7. Sunil Deshta and Kiran Deshta. *Law and Menace of Child Labour*. (2000). Anmol Publications, New Delhi.
8. Savitri Gunasekhare. *Children, Law and Justice* (1997) Sage Publications.
9. Indian Law Institute, *Law and Social Change: Indo-American Reflections*. Tripathi, (1988).
10. M. P.Jain. *Outlines of Indian Legal History*. (1993). Tripathi, Bombay.
11. Agnes Flavia, *Law and Gender Inequality: The Politics of Women's Rights in India* (1999) Oxford, New Delhi.
12. Ved Kumari, *Offences Against Women in Kamala Sankaran and Ujjwal Kumar Singh* (ed) Towards Legal Literacy An Introduction to Law in India PP.78-94 (2008) Oxford, New Delhi.
13. Virendra Kumar: *Dynamics of Reservation Policy: Towards a More Inclusive Social Order* 50, Journal of the Indian Law Institute PP 478-517 (2007).
14. Virendra Kumar, '*Minorities' Right to Run Educational Institutions*: T.M.A Pai Foundation in Perspective 45, Journal of the Indian Law Institute PP 200-238 (2003)

LL.M. 1st SEMESTER

Paper II
Subject: Constitutionalism

L4 T/P2 C6
Paper Code: GEN- 109

Objectives of the Course: Constitutionalism implies government in accordance with constitutional procedures and norms. A constitutional regime ensures observance of Rule of Law and promotion of Human rights. Constitutionalism seeks accountability of government to the popular will through a system of independent courts, judicial review and transparency in governance. In this paper the students are required to examine how far a goal of Constitutionalism are being achieved in the Indian Legal System and what are the challenges to Constitutionalism in the Contemporary Indian Society.

This syllabus has been prepared to study the issues indicated above.

Unit - I : The Concept of Constitutionalism

1. Essential Principles of Constitutionalism
2. Constitutionalism and Rule of Law
3. Functions of Rule of Law and Constitutionalism
4. Constitutionalism in the Indian Legal Order

Unit - II : Federalism as an aspect of Constitutionalism

1. The Federal principle : Classical and Modern
2. An overview of the Canadian and American Position
3. Main features of Indian federalism
4. Federalism and Constitutionalism

Unit - III: New challenges to Constitutionalism: some social issues

1. Equality and Affirmative actions (Dalits, and Backward Classes)
2. Human Rights of the Marginalized Groups.
3. An Evaluation of Role of Courts.

Unit - IV: Justice Delivery System In India

1. PIL movement : Promises and Perils
2. Independence of Judiciary.
3. Judicial Reforms.

Selected Bibliography:

1. C. H. Mell Wain, *Constitutionalism: Ancient and Modern*. (1947).
2. A. V. Dicey, *Introduction to the Study of Law of the Constitution*. (1982) Edition.
3. Lary Alexander (ed). *Constitutionalism: Philosophical Foundations*. Cambridge. (1998)
4. M. P. Singh ‘*Constitution of India*. 11th Ed. 2008, Eastern Book Co.
5. K. C. Wheare. *Federal Government*. Ch. 1 & 2, 4th Edition 1963.
6. M. P. Singh. *Federalism, Democracy and Human Rights*. 47 J.I.L.I. 47 (2005).

7. Parmanand Singh 'Social Rights and Good Governance In C. Raj Kumar and D. K. Srivastava (ed.) *Human rights and Development: Law, Policy and Governance* Ch.24 pp.437-54. Lexis Nexis. Hong Kong. (2006).
8. Parmanand Singh '*Hunger Amidst Plenty: Reflections on Law, Poverty and Governance*. 48, J.I.L.I. PP 57-77. (2006).
9. Virendra Kumar. *Dynamics of Reservation Policy: Towards a More Inclusive Social Order*, 50, J.I.L.I. PP 478-517. (2007).
10. Virendra Kumar, *Minorities' Rights to Run Educational Institutions: T. M. A. Pai Foundation in Perspective*. 45, J.I.L.I. PP 200-238. (2003).
11. Parmanand Singh '*Equality and Compensatory Discrimination: The Indian Experience*, In Choklingam and C. Raj Kumar (ed) *Human rights, Criminal Justice and Constitutional Empowerment*, Chapter 7, Oxford, Delhi. (2006).
12. Parmanand Singh. *Protecting the Rights of the Disadvantaged Groups Through Public Interest Litigation*, in M. P. Singh et al (ed), *Human Rights and Basic Needs: Theory and Practice*, Universal Law Publishing Company, New Delhi, PP 305-329. (2008).
13. Balakrishnan, K. G. '*Judiciary in India: Problems and Prospects*. 50, J.I.L.I. PP 461-467 (2008).

LL.M. 1st SEMESTER

Paper - III

Subject: Legal Research and Methodology

L4 T/P2 C6

Paper Code: GEN-111

Unit – I: Precepts

1. Nature
2. Objectives
3. Types: Doctrinal and Non-Doctrinal

Unit - II: Necessary Steps

1. Identification and Formulation of Research Problem
2. Hypothesis and Research Design (Characteristics and contents)
3. Processing the Plan of Research: Data Collection, Analysis and use of Internet, Legislative material, Indian & foreign court decision and juristic writings.

Unit - III: Techniques

1. **Methodology:** Tool and Techniques for collection of data, collection of case materials and juristic literature, use of historical and comparative research material and use of questionnaire and inter view.
2. Census and Survey
3. Sampling: Types, Merits and Demerits
4. Report Writing

Unit – IV: Conduct of Research

1. Supervision
2. Guidelines for researchers

Selected Bibliography:

1. S.K. Verma and M. Afzal Wani (Eds.) *Legal Research and Methodology*, Indian Law Institute (2001) 2nd Edition.
2. Baxi, Upendra, *Socio-Legal Research in India – A Program Schriff*, ICSSR, Occasional Monograph, 1975.
3. Cohen, Morris L., *Legal Research*, Minnesota, West Publishing Co. 1985.
4. Ghosh, B.N., *Scientific Method and Social Research*, New Delhi, Sterling Publishers Pvt. Ltd., 1984.
5. Goode and Hatt, *Methods in Social Research*, Singapore, Mc. Graw Hill Book Co., 1985 (reprint).
6. Johari J.C. (ed), *Introduction to the Method of Social Sciences*, New Delhi, Sterling Publishers Pvt. Ltd. 1988.
7. Kothari C.K., *Research Methodology: Method and Techniques*, New Delhi, Wiley Eastern Ltd., 1980.
8. Stone, Julius, *Legal System and Lawyer's Reasoning*, Sydney, Maitland Publications, 1968.

LL.M. 1st SEMESTER

Paper- IV
Subject: Judicial Process

L4 T/P1 C5
Paper Code GEN-113

Objectives of the Course: The objective of this course is to study the nature of judicial process and the role of the judges as policy makers and as the participants in evolving political principles of governance. Another objective of this paper is to study the intricacies of judicial creativity and judicial law making and techniques employed in the judicial process.

The following syllabus prepared with the above perspective will spread over a period of one semester.

Unit - I: Nature of Judicial process and its role in constitutional adjudication

1. Judicial process as an instrument of social ordering.
2. Judicial process and creativity in law – common law model – legal reasoning and the growth of law – change and stability
3. The tools and techniques of judicial review and judicial creativity.
4. Analysis of the doctrine of Stare Decisis in India.

Unit - II: Special Dimensions of Judicial Process in Constitutional adjudication.

1. Notions of Judicial Review
2. Is Judicial Review the same as Judicial Activism?
3. Judicial Activism and Judicial Self Restraint.
4. Problem of Accountability in judicial law – making.

Unit - III: Judicial Process in India

1. The Indian Debate on the role of the Judges and on the notion of Judicial review
2. The “Independence” of Judiciary and ‘Political’ nature of Judicial Process.
3. Judicial Activism and Creativity of the Indian Supreme Court ; the new dimensions
4. Institutional liability of Courts and Judicial activism – Scope and Limits.

Unit - IV: Judicial Process and Constitutional Amendments

1. Evolution of the Concept of Basic Structure
2. Philosophy of the doctrine of Basic Structure
3. The Recent Developments: The “essence of rights” test and “rights test” to determine Basic structure
4. Basic Structure and Constitutionalism.

Selected Bibliography:

1. Cordozo *‘The Nature of Judicial Process* (1995). Universal Law Publishing Co., New Delhi
2. Julius Stone. *The Province and Function of Law* Ch.1, PP 8-16, (2000) Universal Law Publishing Co., New Delhi
3. J. Stone, *Precedent and the Law: Dynamics of Common Law Growth* (1985), Butterworths.

4. J. Stone. *Legal System and Lawyer's Reasoning* (1999), Universal Law Publishing Co., New Delhi
5. Upendra Baxi, *The Indian Supreme Court and Politics*. (1980), Eastern Book Co., Lucknow.
6. Rajeev Dhavan. *The Supreme Court of India – A Socio-Legal Critique of its Juristic Techniques* (1977), Tripathi – Bombay.
7. Virendra Kumar, *Basic Structure of the Indian Constitution: Doctrine of Constitutionally controlled Governance*, 49 *Journal of the Indian Law Institute*, PP 365-395, (2007).
8. A. S. Anand, *Judicial Review – Judicial Activism–Need for Caution*, 42 *Journal of Indian Law Institute* P. 149 (2000).
9. Upendra Baxi, “*On how not to Judge the Judges*” 25 *Journal of the Indian Law Institute*, P. 211 (1983).
10. Henry J. Abraham, *The Judicial Process* (1998), Oxford.
11. S.P.Sathe, *Judicial Activism in India: Transgressing borders and Enforcing Limits*, Oxford New Delhi. (2002).

LL.M. 1ST SEMESTER

Paper - V
Subject: Project Work

L- T/P2 C2
Paper Code: GEN-151

Project Work will be on some current topic of legal importance or inclusive of other disciplines. Practical training will be in the form of internship, organizing programmes etc.

Evaluation will be made by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

**GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY
UNIVERSITY SCHOOL OF LAW AND LEGAL STUDIES**

LLM (WEEKEND PROGRAMME)

INTELLECTUAL AND INDUSTRIAL PROPERTY LAW

SEMESTER II

PAPER – I

PAPER CODE: WIPR 102

LAW OF TRADEMARK

UNIT– 1 TRADE MARKS (Trade Marks Act, 1999)

- Introduction, rationale and history of Trademarks
- Role of Trade Marks in business and economic development.
- Nature and Functions of Trade Marks.
- Trademarks as a Tool of Monopoly and Competition.
- Property Mark, Registered and Unregistered Trade Marks.

DEFINITIONS

- Trademark, Service Mark, Collective Mark, Certification Marks, Well Known marks, Internet Domain names.
- Trade Mark, Trade Name and Trade Description, Parallel Goods.
- What can be protected under Trademark Law & Exclusions
- Trademark Selection,
- Proprietors, Licensees and Franchises

UNIT - 2 REGISTRATION OF TRADE MARKS S.9 – S.17

- Specific requirements, distinctive character, should not be descriptive
- Absolute and Relative grounds for refusal of registration.
- Concept of deceptive similarity and its applicability in registration.
- Status of well known marks and its determination
- The law of concurrent registration

UNIT - 3 EFFECT OF TRADE MARK REGISTRATION S.27, 28, S.37- S.45

- Right to use and right to exclude others from using.
- Assignment and licensing of Trademark.
- Limits on effect of registered Trade Mark

UNIT - 4 PROTECTION OF TRADEMARK RIGHTS S.29, 32

- Protection through registration.
- Right to exclusive use curtailed by S.17.
- Infringement: Essential conditions of infringement, Test for determining infringement, Common forms of infringement, passing off, Difference between passing off and infringement civil and criminal remedies.
- Anton Piller Order and other interlocutory injunctions for legal protection from trademark Piracy, Counterfeiting and Imitation.
- Trademarks and the Internet.

Recommended Readings:

1. WIPO, (1995) Background Reading Material on intellectual Property (1988,1995)
2. Ashwani Kr. Bansal, (2001) *Law of Trade Marks in India*.
3. A K Koul & V K Ahuja, ed., *The Law of Intellectual Property Rights: In Prospect and Retrospect* (2001)
4. Cornish, *Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights*.
5. Kerley's *law of Trade Marks and Trade Names*.
6. S. Venkateswarn, *The Law of Trade and Merchandise Marks*.
7. Narayanan, *Trade Marks and Passing Off* (2001).
8. Matadin, *Passing Off and Infringement of Trade Marks*.
9. Ponnuswami, *Annual Survey of Indian Law on Intellectual Property*.
10. Sangal and Ponnuswami. (1994) *Intellectual Property Law*.

SEMESTER II

PAPER – 2

PAPER CODE:WIPR 104

INTRODUCTION, INTERNATIONAL TREATIES AND LAW OF GEOGRAPHICAL INDICATIONS (G.I. Act, 1999)

UNIT – 1 INTRODUCTION TO INTELLECTUAL PROPERTY

- The concept & meaning of Intellectual Property
- Types of Intellectual Property
- Intellectual Property and economic & technological development
- Industrial Property and Development
-
- and Development
- Commercial exploitation of intellectual property

UNIT – 2

- Introduction
- Meaning and Definition of Geographical Indication
- Difference between ‘Trade Mark’ and ‘Geographical Indication’.
- Protection of geographical indications through Collective Marks or Certification
Marks
- Registration of Geographical Indications (S.8 – S.26).
- Conditions for Registration, Prohibition on registration of certain Geographical indications; Procedure and duration of registration.
- Effect of Registration: Rights Conferred.

UNIT – 3 PROTECTION OF GEOGRAPHICAL INDICATIONS

- Penalty for applying false geographical indications; (S.37 – S.44)
- Infringement or Passing Off (S.22).
- Relief for infringement and for Passing Off (S.67)

Protection of Geographical indication on International Level

- Special provisions relating to applications for registration from citizens of convention countries (S.84),
- Reciprocal Provision (S.85).
- Provisions of Paris Convention for the protection of Geographical Indications.

UNIT – 4 INTERNATIONAL TREATIES AND CONVENTIONS

- Paris Convention for the Protection of industrial property
- The Berne Convention
- The Patent Cooperation Treaty
- The Agreement on Trade-Related Aspects of Intellectual property
- The Hague Agreement
- The International Convention for the protection of new Varieties of Plants.

Recommended Readings:

1. Jane Bullbrook, *Geographical indications within GATT*, Journal of World Intellectual Property (2003)
2. David Vivas-Eugui, *Negotiations on Geographical Indications in TRIPS Council & their Effect on WTO Agricultural Negotiations*; Journal of World Intellectual Property (2001)
3. JMC Martin, *The Battle between the Old and the New World over the Protection of Geographical Indications*, Journal of World Intellectual Property (2004);
4. V K Ahuja; *Protection of geographical Indications: National & International Perspective*; Journal of Indian Law Institute, Vol. 46:2.
5. Gupta, Suman, *TRIPS Agreement: Enforcement Provisions for Intellectual Property Protection's*, National Capital Law Journal, Vol. IX (2004), p.57

SEMESTER II

PAPER – 3

PAPER CODE:WIPR 106

LAW OF PATENTS (Patents Act, 1970)

UNIT – 1 PATENTS BASIC

1. INTRODUCTION

- Rationale of the Indian Patent System.
- Justification for patent rights.
- Origin of patent law in India.
- Object and significance of patent.
- What can be protected under patent law
- Exclusions from patent protection

2. CONDITIONS OF PATENTABILITY (S.2, 5, 13, 25, 64)

- Invention – Process Patent & Product Patent;
- Novelty;
- Inventive step;
- The need for a patent search
- Utility (Industrial Application) Patent

UNIT – 2 APPLICATION FOR PATENTS (S. 6 – S.11)

- Who is entitled to apply – True and First Inventor
- Particulars of Application
- Drafting and filing of patent Application
- Foreign Applications – International Applications under PCT
- Specifications – Provisional and Complete Specifications
- Priority dates;
- Anticipation (S.13, S.18, S.29 – S.34)
- Examination of patent Application

OPPOSITION TO GRANT OF PATENTS(S.25–.28, S.43–.53, S.63–S.66)

1. Grounds for Opposition

- Meaning of Person Interested; Wrongfully Obtaining; Prior Publication; Public Knowledge or Use; Lack of Inventive Steps or Obviousness; Lack of Description; Knowledge within Local or Indigenous Community

2. Grant and sealing of Patents, Rights of Patentee

- Term of Patent

3. Surrender and Revocation of patents

UNIT – 3 PATENT INFRINGEMENTS

1. INFRINGEMENT (S. 104 – S.115)

- What Constitutes Infringement;
- Doctrine of pith and marrow;
- Acts not infringement;
- Actions for Infringement:
- Grounds for defenses
- Remedies: jurisdiction, burden of proof
- Remedies: Injunctions, Damages, Account of profits, Seizure, forfeiture and destruction of infringed goods;
- Offences & Penalties; Groundless threat.

2. WORKING OF PATENT & TRANSFER OF RIGHTS

- Rights and obligations of patentee.
- Limitation on rights of patentee
- Assignment
- Voluntary Licenses and Compulsory or Non-voluntary Licenses
- General Principles Applicable to Compulsory Licenses
- Purposes for Granting Compulsory Licenses
- Power of Controller of Revocation for Non-working
- Use and acquisition of inventions by Central government
- Restrictive Terms in Patents Licenses

UNIT - 4 PATENT AUTHORITIES AND PATENT AGENTS

- Qualifications for Patent Agent.
- Rights of patent agents.
- Controller and his powers.
- Appellate Board.

EMERGING ISSUES RELATING TO PATENT

- International filing of patent application.
- Patent in computer programmes.
- Patent in Business Methods
- Patent in biotechnology & microorganism.
- Incentives for patent promotion.
- TRIPS and public health
- Traditional knowledge and patent claim
- Patent in cloning.
- Patent and ethics

Recommended Readings:

1. WIPO, (1995) Background Reading Material on intellectual Property (1988,1995)
2. A K Koul & V K Ahuja, ed., The Law of Intellectual Property Rights: In Prospect and Retrospect (2001)
3. Cornish, *Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights*.
4. Narayanan, *Patent Law*.
5. Blanco White, *Patents for Inventions*
6. Sangal and Kishore Singh, (1994) *Indian Patent System and Paris Convention: Legal Perspectives*.
7. Ponnuswami, *Annual Survey of Indian Law on Intellectual Property*.
8. Sangal and Ponnuswami. (1994) *Intellectual Property Law*.
9. Mittal, D P *Indian Patents Law & Procedure*, Taxman's (2002).

SEMESTER III

PAPER – 1

PAPER CODE: WIPR 201

COPYRIGHT AND NEIGHBOURING RIGHTS

UNIT – 1 INTRODUCTION AND SUBJECT MATTER OF COPYRIGHT

- Introduction & history of copyright
- Copyright and its relationship with other IPRs
- Subject-matter of copyright
- Exclusions from copyright protection
- Compilations, collections, and derivative works

UNIT – 2 AUTHORSHIP AND OWNERSHIP OF COPYRIGHT

- Authorship, Ownership, Collecting societies, Joint works
- Five basic Rights of copyright owners. Moral rights
- Limitation on copyright
- Registration of copyright, benefits of registration, notice
- Publication and term of copyright
- Transfer, Termination, Assignment and license of copyright

UNIT – 3 INFRINGEMENT & ENFORCEMENT OF COPYRIGHT

- Meaning & Test of copyright infringement
- Specific area of infringement & Acts not constitute infringement
- Fair use defenses & other defenses
- Civil and criminal remedies; Administrative remedies
- Offences and punishment
- Copyright authorities and copyright societies
- Piracy and Infringement
- Emerging Copyright Trends
- Copyright and the Internet
- Copyright Myths

UNIT – 4 Neighboring Rights

- Rights in broadcasting and performance
- New Issues in Copyright law:
- New Technology and Copyright: Computer program, adaptation, database, computer generated works, satellite broadcasting, electronic publishing, scientific discoveries, genetic sequences and formulae

Recommended Readings:

1. A.K. Koul, V.K.Ahuja, *Law of Copyright: From Gutenberg's Invention to Internet*, University of Delhi, Delhi, 2001.
2. W R Cornish, *Intellectual Property: Patents Copyright Trademarks and allied rights*, **Sweet & Maxwell, London**, 2003.
3. Kevin Garnett, Jonathan Rayner James, Gillian, *Copinger and Skone James on Copyright*, **Sweet & Maxwell, London**, 2003.
4. P. Narayanan, *Copyright and Industrial Designs*, Third Edition, Eastern Law House, New Delhi, 2002.
5. K. C. Kailasam, *Law of Trade Marks & Geographical Indications*, Wadhwa, Nagpur, 2003.
6. Gupta, Suman, An Author's Moral Rights: A Comparative Critique, *Copyright Law*, (ed.) Ashwani Bansal (2001), p.249.

SEMESTER III

PAPER – 2

PAPER CODE:WIPR 203

DESIGN LAW & TRADE SECRETS

UNIT – 1 DESIGN LAW

- What is a design
- Basic features of design
- Design right and copyright
- Requirements for registration
- Designs which are not registrable
- Ownership

UNIT - 2 REGISTRATION OF DESIGN

- Procedure for registration
- Rights of design holder
- Infringement & piracy of design
- Legal remedies.

UNIT – 3 SEMICONDUCTOR LAYOUT DESIGNS

- Salient features of Semiconductor Integrated Circuits Layout Design Act
- Definitions
- Registration and rights conferred by registration
- Infringement and penalty provisions

UNIT – 4 CONFIDENTIAL INFORMATION AND TRADE SECRETS

- The modern law of breach of confidence
- Obligation of confidence
- Meaning and scope of undisclosed information and trade secrets
- Definition of trade secrets
- Advantages and disadvantages of trade secrets
- Trade Secret protection methods
- Protection of trade secrets in India
- Nondisclosure Agreements
- TRIPS Agreement relating to undisclosed information

Recommended Readings:

1. W R Cornish and D Llewelyn, *Intellectual Property: Patents Copyright Trademarks and allied rights*, Thomson-Sweet & Maxwell, London, 2003.
2. D Alexander and L Lane , *A Guide Book to Intellectual Property*, Thomson-Sweet & Maxwell, London, 2004.
3. P Narayanan, *Copyright and Industrial Designs*, Eastern Law house, Kolkata, 2002.
4. Jayashree Watal, *Intellectual Property Rights in the WTO & Developing Countries*; Oxford University Press, New Delhi, 2005.
5. A K Koul, V K Ahuja, *Law of Intellectual Property Rights: In Prospect and Retrospect*, University of Delhi, Delhi, 2001.
6. R.J. Hart; *High Technology "Reverse Engineering": The Dual Standard*; European Intellectual Property Review 1987; 9. E.I.P.R. 1987, 9(5), 139-143
7. Carl A. Kukkonen; *The Need To Abolish Registration For Integrated Circuit Topographies Under Trips*; IDEA: The Journal of Law and Technology 1997; 2. 38 IDEA 105
8. Iris H-Yu Chiu, Will W. Shen, *A Sui Generis Intellectual Property Right For Layout Designs On Printed Circuit Boards? An Analysis Of Current Intellectual Property Laws And Proposal For Reform*; European Intellectual Property Review 2006; 1. E.I.P.R. 2006, 28(1), 38-50

SEMESTER III

PAPER – 3

PAPER CODE:WIPR 205

PROTECTION OF PLANT VARIETIES, BIODIVERSITY & TRADITIONAL KNOWLEDGE

UNIT – 1 PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS

(THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS 2001)

- Introduction;
- Definitions; Variety, Essentially Derived Variety, Extant Variety, Breeder,
- Farmer's Variety
- Registration of Plant Varieties and Essentially Derived Variety

UNIT – 2

- Exclusive Rights; Exclusion of certain varieties
- Researcher's Rights; Farmers' rights and Rights of Communities
- Infringement; Penalties under Sections. 70 to 73

UNIT – 3 THE BIOLOGICAL DIVERSITY

- Convention on Biological Diversity (CBD)
- The Biological Diversity Act, 2002
- Objective, definitions
- Regulation and Access to biological diversity
- Establishment of National Biodiversity Authority
- Functions and powers of national biodiversity authority.
- Equitable sharing of benefit
- Bio-piracy.

UNIT - 4 TRADITIONAL KNOWLEDGE & Folklore

- Meaning of traditional knowledge
- Need for protection of traditional knowledge
- Global initiative
- Indian Initiative

Recommended Readings:

1. Shiv Sahai Singh, *The Law of Intellectual Property Rights*, Deep and Deep Publications, Pvt. Ltd. 2004.
2. Jayashree Watal, *Intellectual Property Rights in the WTO & Developing Countries*; Oxford University Press, New Delhi, 2005.
3. A K Koul, V K Ahuja, *Law of Intellectual Property Rights: In Prospect and Retrospect*, University of Delhi, Delhi, 2001, Ch.
4. Shaila Seshia, *Plant Variety Protection & farmers Rights in India: Law- Making & the Cultivation of Varietal Control*, <http://www.gapresearch.org/governance/EPWarticleShaila.pdf>
5. Anitha Ramanna, *India's Plant Variety & Farmers' Rights Legislation: Potential Impact on Stake Holders Access to Genetic Resources*, <http://www.igidr.ac.in/facu/anithar.htm>
6. Silke von Lewinski, *Indigenous Heritage and Intellectual Property*, Kluwer Law International, London, 2004.
7. S K Tripathi, *Intellectual Property & Genetic Resources, Traditional Knowledge & Folklore: International, Regional & National Perspectives, Trends & Strategies*; *Journal of Intellectual Property Rights*, Vol. 8 November 2003.
8. V Nageswara Rao, *Diversity, Medicinal Plants and Intellectual Property & India's Interests*; *ICFAI Journal of Intellectual Property Rights*, August 2004.
9. JA Fuentes, *Protecting the Rights of Indigenous Cultures Under the Current Intellectual Property System: Is it a Good Idea?* *ICFAI Journal of Intellectual Property Rights*, August 2004.
10. Gupta, Suman, *Intellectual Property Protection for Plant Innovation: A Journey from UPOV to TRIPS*, *Delhi Law Review*, Vol. XXV (2003), p. 122.
11. Gupta, Suman, *Traditional Knowledge, Genetic Resources and Folklore: Indian Approach to Legal Obligations*.
12. Charu Walikhanna, *Protection of Expression of Folklore Through Intellectual Property*, A Ph.D. Thesis submitted to Amity University, Noida, Uttar Pradesh.

**GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY
UNIVERSITY SCHOOL OF LAW AND LEGAL STUDIES**

LLM (WEEKEND PROGRAMME)

CYBER LAW AND CYBER CRIME

SEMESTER II

PAPER – 1

PAPER CODE: WCL 112

THE DEVELOPMENT OF THE CYBER LAW

UNIT – 1 DEFINING CYBER SPACE

1. Legal environment of the business in the information age.
2. The development of the Internet law: What is Internet, History of Internet.
3. Functions on Internet, How Internet works, Accessing and using Internet.
4. Establishing and maintaining Identity on Internet: History of www, Purpose of Website, www surfing.
5. Objective, Salient features and definitions under IT Act.

UNIT- 2 THE SYSTEM OF DIGITAL AND ELECTRONIC SIGNATURES

1. Digital or Electronic Signatures: Relevance, Purpose and functions; difference; Ceremony, Approval and efficiency of e-signatures.
2. UNCITRAL Draft Uniform Rules on electronic signatures.
3. Certifying Authorities; Electronic Signature Certificates
4. Cryptography, EDI, Hash function, Verification of electronic signature.
5. Public Key infrastructure, Repositories, Key-escrow and Key recovery.
6. Evidentiary aspects, Liability and Risk allocation.

UNIT – 3 ELECTRONIC GOVERNANCE

1. Information Technology Act & E-Governance
2. Legal issues surrounding E-Governance; dispatch and receipt of electronic records; The Cyber Appellate Tribunal

UNIT- 4 CYBERSPACE JURISDICTION

- 1. *Concept; Traditional principle, Internet jurisdiction, Indian context of jurisdiction, International jurisdiction; Jurisdiction under IT Act Subject matter of jurisdiction, Personal jurisdiction; International Conventions governing jurisdiction. Case laws on cyberspace jurisdiction.***
- 2. Obtaining Redress in International disputes.**

Reference Books and Suggested Readings:

1. Nandan Kamath, *Law Relating to Computers Internet & E-Commerce*, Universal law Publishing Co. Ltd (Latest edition).
2. Justice Yatindra Singh, *Cyber Laws* Universal Law Publishing Co. Ltd (Latest edition).
3. Baumer, David, and Poindexter J.C, *Cyber Law & E-Commerce*
4. Jonathan Rosenoer, *Cyber Law: The Law of Internet*
5. Michael Rustad & Cyrus Daffary, *E-Business Legal Handbook*
6. Gerald R. Ferrera
7. Dr. Amit Verma, *Cyber Crime and law*, Central Law Publications
8. Vakul Sharma, *Information Technology – Law & Practice*

**SEMESTER II
114**

PAPER – 2

PAPER CODE:WCL

INTELLECTUAL PROPERTY IN CYBERSPACE

UNIT – 1 COPYRIGHT IN CYBERSPACE

1. What is Intellectual Property; Legal protection of intellectual property; Moral justifications for intellectual property
2. World Trade organization; World Intellectual property Organization; Copyright under TRIPS, The WIPO Copyright Treaty.
3. Protection of Computer Software: Indian and Foreign Laws.
4. Issues for the Internet: Copyright and digital dilemma, Software ownership and the open source code movement;

UNIT – 2 PROTECTION OF COPYRIGHT

1. Copyright in Digital medium; Copyright in digital goods; Upload of content, transmission of content, Access of content, Use of content, Copyright in joint works.
2. Copyright as a bundle of rights, Right of Reproduction, Public performance and Display rights, Distribution Rights, Derivative Works.
3. Catching, Types of catching, Whom to catch – Website authors, Browsers and Search Engines, Internet Service Providers (ISPs).
4. Infringement; Direct, Contributory and Vicarious Liability.

UNIT – 3 ANTI-CIRCUMVENTION LAW/ DIGITAL RIGHT MANAGEMENT

1. Limitation of liability, Collective licensing, Indigenous methods of software protection, Protection through technology.
2. Software Solutions: Commercial software, freeware, Shareware, Copylefted software and OSS licenses.
3. Defenses; ignorance, fair use. DeMinimis.
4. Case Law: The DeCoss case, Heise Online case and Sony Play Station case.

UNIT – 4 ONLINE COPYRIGHT IN PRACTICE

1. Digital Millennium Copyright Act (DMCA) – A Special law for ISP.
2. No Electronic Theft Act (The NET Act of United states).

3. Copyright violations on the Website – The Napster case, the KaZaA case, the Grokster case, pirate Bay case and P2p case.
4. Data Protection law – Indian and Foreign.

Reference Books and Suggested Readings:

1. Nandan Kamath, *Law Relating to Computers Internet & E-Commerce*, Universal law Publishing Co. Ltd (Latest edition).
2. Justice Yatindra Singh, *Cyber Laws* Universal Law Publishing Co. Ltd (Latest edition).
3. Baumer, David, and Poindexter J.C, *Cyber Law & E-Commerce*
4. Jonathan Rosenoer, *Cyber Law: The Law of Internet*
5. Michael Rustad & Cyrus Daffary, *E-Business Legal Handbook*
6. Gerald R. Ferrera
7. Dr. Amit Verma, *Cyber Crime and law*, Central Law Publications
8. Vakul Sharma, *Information Technology – Law & Practice*

SEMESTER II

PAPER – 3

PAPER CODE: WLC 116

TRADE MARK, TRADE SECRET & PATENT PROTECTION IN CYBERSPACE

UNIT – 1 TRADEMARK PROTECTION IN CYBERSPACE

1. Types of Marks, Concurrent use in cyberspace, Trademark and unfair competition in cyberspace, Online Infringement.
2. Internet Domain Names: What is domain name, registering a domain name, Domain name and the legal system, Domain name disputes, Domain Names Dispute resolution Policies (UDRP), the NSI plan, proposed Domain Name System, ICANN Policy.
3. Cyber squatting & Typo squatting, protest Website.

UNIT – 2 LINKING, FRAMING AND METATAGS

1. Linking: Type of linking, Liability for hyper linking, Legal implications.
2. Framing: Application to Copyright and Trademark law, Legal issues.
3. Metatags: Metatags and Key word dispute, legal issues.
4. Selling of trademark.

UNIT – 3 TRADESECRET PROTECTION IN CYBERSPACE

1. Trade Secret Law, Criminal Prosecution of Trade Secret Theft, Non-disclosure Agreements.
2. Trade secrets on the Internet, Trade secrets on Internet in Practice.
3. Reverse Engineering, Decompilation and Disassembly of Software.

UNIT – 4 PROTECTION OF E-COMMERCE RELATED PATENTS

1. Concept and Methods of Patent law.
2. Patents in Cyberspace.
3. Patent Infringement and patent Prosecution.
4. Patenting software, Industrial process and Business Methods.

Reference Books and Suggested Readings:

1. Nandan Kamath, *Law Relating to Computers Internet & E-Commerce*, Universal law Publishing Co. Ltd (Latest edition).
2. Justice Yatindra Singh, *Cyber Laws* Universal Law Publishing Co. Ltd (Latest edition).
3. Baumer, David, and Poindexter J.C, *Cyber Law & E-Commerce*
4. Jonathan Rosenoer, *Cyber Law: The Law of Internet*
5. Michael Rustad & Cyrus Daffary, *E-Business Legal Handbook*
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SEMESTER III

PAPER – 1

PAPER CODE: WCL 211

THE LAW OF E-COMMERCE TRANSACTIONS

UNIT – 1 E-COMMERCE AND CONTRACT LAW

1. E-Business Models, Source of e-commerce Law.
2. Privacy in information Contracts.
3. Procedural Laws of e-Commerce.
4. Contracting for Software development.

UNIT – 2 ONLINE CONTRACTING

1. Electronic Contract formation, Electronic Data Interchange (EDI).
2. Contractual protection: Shrink-wrap, Click-wrap, Browse-wrap licenses.
3. Cyber and Internet Agreements.
4. Internet payment Systems: instruments, Credit Cards, Debit cards, ENI, international Banking, E-cheque, Electronic money, letters of Credit, Bill of Lading.

UNIT – 3 INTERNET SECURITY

1. Internet and Information Security, Network Security – Local Area Network, Storage Area Network.
2. Routers, Gateways, Biometric Systems, Encryption.
3. Online Security: Encryption and Cryptography, Restrictions on Cryptography in India under IT Act, procedural Safeguards, Digital Signatures, Certificate Authorities, Virtual private networks, Security Audit products, physical Security.

UNIT – 4 INDIAN LAW ON INTERNET SECURITY

1. Security concerns, Preventive Measures, AND ITAct (Ch. V-VIII)

Reference Books and Suggested Readings:

1. Nandan Kamath, *Law Relating to Computers Internet & E-Commerce*, Universal law Publishing Co. Ltd (Latest edition).
2. Justice Yatindra Singh, *Cyber Laws* Universal Law Publishing Co. Ltd (Latest edition).
3. Baumer, David, and Poindexter J.C, *Cyber Law & E-Commerce*
4. Jonathan Rosenoer, *Cyber Law: The Law of Internet*
5. Michael Rustad & Cyrus Daffary, *E-Business Legal Handbook*
6. Gerald R. Ferrera
7. Dr. Amit Verma, *Cyber Crime and law*, Central Law Publications
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SEMESTER III

PAPER – 2

PAPER CODE:WCL 213

CYBER TORTS AND CYBER CRIMES

UNIT – 1 TORTS IN CYBERSPACE

1. General principles of Tort law; Company's Liability for Employee's Wrongdoing – direct and vicarious liability, ISPs Imputed liability.
2. Joint tortfeasures, product liability.
3. Intentional torts in Cyberspace: Assault and battery, Emotion distress, Trespass to cyber chattels, Spamming. Phishing
4. Privacy and Public nuisance.
5. Business torts in Cyberspace: Fraud and Misrepresentation, Misappropriation and unfair Competition, Interference with Business Contacts, Business defamation, Breach of fiduciary duty.

UNIT – 2 INTERNET TORTS IN CYBERSPACE

1. Hacking, Identity Theft, Computer Viruses, Worms Cyberstalking, Cyberslacking. Obscenity, Pornography; Defamation in Cyberspace, Privacy in Cyberspace.
2. Negligence in Cyberspace. Strict liability in Cyberspace.
3. Regulation of Cyberspace; preventive law.

UNIT – 3 CRIMES IN CYBERSPACE

1. Definition, Scope, Nature, Characteristics and classification of cyber crimes; Computer related offences
2. Types of Internet Crimes; Essential ingredients of Internet Crimes
3. Cyber crimes and the Information technology Act.
4. Contraventions and IT offences, Adjudication of Contravention.
5. Liability under different laws for the same Act.

UNIT – 4 OFFENCES UNDER CYBER LAW

1. Offences under the Information Technology Act.
2. Power of police officers
3. Liability of the intermediaries
4. Penalty for damage to computer/ Computer System

Reference Books and Suggested Readings:

1. Nandan Kamath, *Law Relating to Computers Internet & E-Commerce*, Universal law Publishing Co. Ltd (Latest edition).
2. Justice Yatindra Singh, *Cyber Laws* Universal Law Publishing Co. Ltd (Latest edition).
3. Baumer, David, and Poindexter J.C, *Cyber Law & E-Commerce*
4. Jonathan Rosenoer, *Cyber Law: The Law of Internet*
5. Michael Rustad & Cyrus Daffary, *E-Business Legal Handbook*
6. Gerald R. Ferrera
7. Dr. Amit Verma, *Cyber Crime and law*, Central Law Publications
8. Vakul Sharma, *Information Technology – Law & Practice*

SEMESTER III

PAPER – 3

Paper Code: WCL 215

CYBER CRIMES EVIDENCE, INVESTIGATION AND PROCEDURE

UNIT – 1 ELECTRONIC EVIDENCE

1. Evidentiary Regime and the Internet, Types of Evidence.
2. Admissibility, Threshold Requirement, Burden of proof.
3. Document & writing: Indian law, UNICITRAL Model Law, IT act.
4. Authenticity, Best Evidence Rule.
5. Forensic Computing.

UNIT – 2 CYBERCRIME INVESTIGATION AND PROCEDURE

1. Applicability of CrPC, Compounding and Cognizable offences.
2. Conducting the Investigation, investigative problems.
3. IT Act, Chapter XII and Chapter XIII.

UNIT – 3 PREVENTION OF CYBER CRIMES

National & International Control Regime

UNIT – 4 CYBERETHICS

1. Internet Regulation and Ethics
2. Pornography in cyberspace: Public Policy
3. Free Speech and Content Control in Cyberspace: Hate speech and Online threats, Anonymous speech; Blogging

Reference Books and Suggested Readings:

1. Nandan Kamath, *Law Relating to Computers Internet & E-Commerce*, Universal law Publishing Co. Ltd (Latest edition).
2. Justice Yatindra Singh, *Cyber Laws* Universal Law Publishing Co. Ltd (Latest edition).
3. Baumer, David, and Poindexter J.C, *Cyber Law & E-Commerce*
4. Jonathan Rosenoer, *Cyber Law: The Law of Internet*
5. Michael Rustad & Cyrus Daffary, *E-Business Legal Handbook*
6. Gerald R. Ferrera
7. Dr. Amit Verma, *Cyber Crime and law*, Central Law Publications
8. Vakul Sharma, *Information Technology – Law & Practice*

Recommended Readings:

1. WIPO, (1995) Background Reading Material on intellectual Property (1988,1995)
2. Ashwani Kr. Bansal, (2001) *Law of Trade Marks in India*.
3. A K Koul & V K Ahuja, ed., *The Law of Intellectual Property Rights: In Prospect and Retrospect* (2001)
4. Cornish, *Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights*.
5. Verma, S.K, (1995) *Trips and Plant Variety Protection in Developing Countries*, 6 *EIPR* 281.
6. Kerley's *law of Trade Marks and Trade Names*.
7. S. Venkateswarn, *The Law of Trade and Merchandise Marks*.
8. Narayanan, *Trade Marks and Passing Off* (2001).
9. Narayanan, *Patent Law*.
10. Blanco White, *Patents for Inventions*
11. Sangal and Kishore Singh, (1994) *Indian Patent System and Paris Convention: Legal Perspectives*.
12. Matadin, *Passing Off and Infringement of Trade Marks*.
13. Ponnuswami, *Annual Survey of Indian Law on Intellectual Property*.
14. Sangal and Ponnuswami. (1994) *Intellectual Property Law*.
15. Mittal, D P *Indian Patents Law & Procedure*, Taxman's (2002).

DISSERTATION & VIVA

PAPER CODE - WIPR 260 / WCL 262

The evaluation of the dissertation and viva voce will be conducted by external examiner deputed by the examination division , Dean, supervisors and faculty members.