

SCHOOL OF LAW
PONDICHERRY UNIVERSITY



**Post-graduate Diploma in
Intellectual Property Rights
(PGDIPR)**

REGULATIONS AND SYLLABUS

(2023-2024 ONWARDS)

**SCHOOL OF LAW
PONDICHERRYUNIVERSITY**

PGDIPLOMA IN INTELLECTUAL PROPERTY RIGHTS (PGDIPR)

(Regulations and Syllabus with effect from 2023-24)

PROGRAMME:

School of Law, Pondicherry University offers a 1-year full-time PG Diploma programme in Intellectual Property Rights.

DURATION:

The duration for this PGD in Intellectual Property Rights is one-year, full-time and is offered under Choice-based Credit System (CBCS) in two Semesters.

ELIGIBILITY:

Any Degree with not less than 50% of marks (45% in case of SC/ ST) in the aggregate in Under-Graduation under 10+2+3 system or its equivalent.

SELECTION CRITERIA:

The admission to the above courses shall be made on the basis of Merit list generated from CUET score.

IN-TAKE:

22 Students (subject to Pondicherry University guidelines)

ACADEMIC PROGRAMME:

The programme is offered on full-time basis during the Academic Calendar. All the courses are Hard Core and Compulsory for the award of PG Diploma.

PEDAGOGY:

Classroom Lectures, Case Studies, Tutorials, Seminars, Expert Lectures etc., shall form part of the teaching methods.

EVALUATION:

Internal Assessment is 40% of Marks

The internal assessment marks shall be given as per the following breakup:

The internal assessment marks shall be given as per the following breakup:	
a. Internal written exam:	20 marks
b. Written assignment/ Project Submission:	10 marks
c. Seminar Presentation and Viva Voce:	05 marks
d. Attendance (as per SAMS)	05 marks
Total:	40 marks

End Semester examination is for 60% marks. All examinations will be conducted by the School of Law. End Semester Examination would be a 3-hours written test, consisting of Questions in Part A and Part B signifying long and short answer type questions. (Please see page no. 5)

ATTENDANCE:

No student who has less than 70% attendance in any course shall be permitted to attend the end-semester examination and he/she shall be given FA grade– failure due to lack of attendance. He/she shall be required to repeat that course.

PASSING BENCHMARK:

In order to declare the pass, a student should secure:

- a. A minimum of 40% marks in end-semester exam, and
- b. A minimum of 50% marks in aggregate when Internal Assessment and End-Semester marks are added.

SUPPLEMENTARY EXAMINATIONS:

- a. A failed student who meets the attendance requirement shall be permitted to register for the next end-semester examination in the following semester itself and/or in subsequent semesters.
- b. A student who fails in a course due to insufficient attendance should repeat the course as and when it is offered.
- c. A student who gets F or FA grade in a course shall be given an option either to retain the previously awarded Internal Assessment mark or to improve it, and the higher mark out of these two options will be considered for the supplementary exam.

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PG DIPLOMA IN INTELLECTUAL PROPERTY RIGHTS (PGDIPR)

CURRICULUM & COURSE STRUCTURE

SEMESTER - I

Course Code	Title of the Paper	Hard Core Credits
IPR 311	General Principles of Intellectual Property Rights	4 Credits
IPR 312	Law of Patents	4 Credits
IPR 313	Trademarks and Geographical Indications	4 Credits
IPR 314	Industrial Designs and Layout Designs of Integrated Circuits and Utility Models	4 Credits
IPR 315	Comprehensive Viva	2 Credits

SEMESTER - II

Course Code	Title of the Paper	Hard Core Credits
IPR 321	Law of Copyright and Allied Rights	4 Credits
IPR 322	Trade Secrets and Competition Law	4 Credits
IPR 323	Protection of Traditional Knowledge, Plant Varieties and Biotechnology	4 Credits
IPR 324	Management of IPRs	4 Credits
IPR 325	Comprehensive Viva	2 Credits

TOTAL CREDITS 36 CREDITS

QUESTION PAPER PATTERN:



**PONDICHERY UNIVERSITY
SCHOOL OF LAW**

**PROGRAMME NAME SEMESTER NUMBER
END TERM EXAMINATION MONTH/ YEAR
COURSE CODE COURSE NAME**

Duration: 3 hours

Max. Marks: 60

PART A Attempt any five questions.

5x8 = 40

1. Long Question
2. Long Question
3. Long Question
4. Long Question
5. Long Question
6. Long Question
7. Long Question

PART B Attempt any four questions.

4x5 = 20

8. Short note
9. Short note
10. Short note
11. Short note
12. Short note
13. Short note

PG DIPLOMA IN INTELLECTUAL PROPERTY RIGHTS (PGDIPR)

SEMESTER - I

GENERAL PRINCIPLES OF INTELLECTUAL PROPERTY RIGHTS

Course Code: IPR 311

Hard Core: 4 Credits

MODEL I: Introduction

Origin and Development of IPR – Historical and theoretical basis for protection of IPR
– Analysing and understanding the Interpretation of IP laws – Need for Protecting IP

MODEL II: Concept of Property

Theories on concept of property – Nature – Public Property Vs. Private Property, Tangible Property Vs. Intangible Property, Industrial Property

MODEL III: International IP Regime

World Intellectual Property Organisation (WIPO) – Functions of WIPO – Membership – GATT Agreement – Major Conventions on IP – Berne Convention – Paris Convention – TRIPS agreement.

MODEL IV: Indian IP Regime

Overview of IP laws in India – Major IP Laws in India – International treaties signed by India - IPR and Constitution of India.

MODEL V: Forms of IPR

Forms of IPR – Copyright – Trademark – Patents – Industrial Designs – Trade Secrets – Geographical Indications - Application of different forms of IPR.

Suggested readings:

1. *International Encyclopaedia of Laws: Intellectual Property* (Kluwer Law International, 1997) (looseleaf). I, MON K 1401 .I5828 (1997) vols. 1-5
2. V.K.Ahuja, *Law relating to Intellectual Property rights*, 2nd Edition, (2013) LexisNexis.
3. Barrett, Margreth, *Intellectual Property*, (2009) 3rd, New York Aspen publishers.
4. Nard , Craig Allen, *Law of Intellectual Property*, (2008) 2nd, New York Aspen publishers

PG DIPLOMA IN INTELLECTUAL PROPERTY RIGHTS (PGDIPR)

**SEMESTER - I
LAW OF PATENTS**

Course Code: IPR 312

Hard Core: 4 Credits

MODEL I: Introduction:

Concept of Patent – Historical view of Patent system in India and International Scenario – Evolution of Patent Laws in India – Legal basis of Patent Protection.

MODEL II: Patentability

Patentable Inventions - Process and Product (Biotechnology / Pharmaceutical Products / Software programme) – Inventions NOT patentable.

MODEL III: Procedure of Patenting

Process of Obtaining a Patent – Application- Examination – Acceptance - Opposition – Sealing of Patents – Preservation of Patents- Documentation – Register of Patents.

MODEL IV: Rights and Obligations of a Patentee

Duration of Patents – Rights of Patentee – Limitation of rights - Use and exercise of Rights – Right to Secrecy – Compulsory Licenses – Special Categories

MODEL V: Infringement and Enforcement

Infringement – Criteria of Infringement – Modes of Infringement (Doctrine of Colourable Variation) - Onus of Proof – Defences in suits of Infringement – Injunctions and related remedies.

Suggested readings:

1. Fisher, Matthew (ed.), *Fundamentals of Patent Law: Interpretation and Scope of Protection*, (2010), New Delhi, Mohan law House.
2. Miller, Joseph Scott (ed.), *Patents*, (2010), UK, Edward Elgar.
3. Kankanala, Kalyan C., *Indian Patent Law and Practice*, (2010), India, Oxford University Press
4. Dr. Bhandari, M.K. Law relating to IPR, Central Law Publication, (4th Edition 2015)

PG DIPLOMA IN INTELLECTUAL PROPERTY RIGHTS (PGDIPR)

**SEMESTER - I
TRADEMARKS AND GEOGRAPHICAL INDICATIONS**

Course Code: IPR 313

Hard Core: 4 Credits

MODEL I: Introduction:

Definition – Concept of Trademarks – Rationale behind the protection of trademarks – Agreement on TRIPS and Trademark – Trademarks Act, 1999.

MODEL II: Registrability

Protection of Well-known marks- Doctrine of honest Con-current User – Doctrine of Deceptive Similarity – Property mark Vs. Trade mark - Recent Trends in Trademark protection.

MODEL III: Procedure for Registration

Procedure for Registration: Submission of application, Acceptance, Advertisement, Rejection – Effect of Registration – Conditions for Registration – Registrar of Trademarks.

MODEL IV: Infringement and Remedies

Infringement- Passing off – Criteria of Infringement- Offences - Remedies: temporary and Permanent Injunctions, Compensations, etc.

MODEL V: Geographical Indications

Geographical Indications of Goods (Registration and Protection) Act, 1999 - Objects and Reasons of the Act – Agreement on TRIPS - Registrations – Cancellation – Rectification – Correction of Register – Infringement – Offences & Penalties - Remedies.

Suggested readings:

1. Arora, *Manish*, Guide to Trademarks, (2007) 2nd ed., Delhi, Universal.
2. Ryder, Rodney D., *Trademarks, Advertising and Brand Protection*, (2006), New Delhi, McMillan.
3. Cornish, *William Intellectual Property: Patents, Copyright, Trademarks and allied rights*, (2010) 7th ed., London Sweet & Maxwell.
4. Hyde William Cornish, *Intellectual Property Right*, New Delhi: Global Vision Publication House.

PG DIPLOMA IN INTELLECTUAL PROPERTY RIGHTS (PGDIPR)

SEMESTER - I

**INDUSTRIAL DESIGNS AND LAYOUT DESIGNS OF INTEGRATED
CIRCUITS AND UTILITY MODELS**

Course Code: IPR 314

Hard Core: 4 Credits

MODEL I: Introduction

Concept and Origin of Industrial Designs – Introduction- evolution – Legal protection -Layout Designs – Integrated circuits – Utility Models – Protection of Industrial Designs

MODEL II: Concept of Industrial Designs and Layout Designs

Industrial Designs – Subject matter of Design – Exclusion of Designs – Novelty and originality – Rights in Industrial Designs: Nature, Acquisition and duration of rights.

MODEL III: Process and Procedure

Procedure for registration of Lay-out Design: Submission, advertisement, opposition and Registration – Duration of registration.

MODEL IV: Law Relating to Industrial Designs and Layout Designs

The Semiconductor Integrated Circuits Layout-Design Act, 2000 – salient features of the Act – Layout design Appellate Board – Registrar of Semiconductor Integrated Circuits Layout Design and his Powers.

MODEL V: Infringement and Enforcement Mechanisms

Infringement of Lay-out Designs – Exemptions – Use of Layout design – Penalties – Offences - remedies

Suggested readings:

1. Prof. A Chandrasekaran, *Intellectual Property Law*, Sitaraman & Co. July (2004)
2. Arora, *Manish*, Guide to Trademarks, (2007) 2nd ed., Delhi, Universal Publications
3. Cornish, *William Intellectual Property: Patents, Copyright, Trademarks and allied rights*, (2010) 7th ed., London Sweet & Maxwell
4. Dr. Wadehra, B.L.W. “Law relating to IPR” Universal Publication, (5th Edition, 2011)

PG DIPLOMA IN INTELLECTUAL PROPERTY RIGHTS (PGDIPR)

**SEMESTER - II
LAW OF COPYRIGHT AND ALLIED RIGHTS**

Course Code: IPR 321

Hard Core: 4 Credits

MODEL I: Introduction

Concept of Copyright – Historical Evolution of Copyright – Evolution of Copyright Laws: a comparative perspective. (UK, USA and India).

MODEL II: Concept of Copyright

Meaning of Copyright – Idea Vs Expression Dichotomy – Copyright Vs Moral rights – Performer’s right - Copyright in Literary, Drama, and musical works – Sound Records – Cinematograph films – computer programme.

MODEL III: Law relating to Copyright and allied rights

Copyright Act, 1957 – Salient features of the Act (Amendment Act 2012) - Ownership of copyright – Assignment of Copyright – Term of Copyright – Copyright Office – Copyright Board – registration of Copyright

MODEL IV: Infringement

Principles relating to Infringement - Notion of Infringement – Criteria of Infringement – Importation and Infringement – Fair Use provisions in Copyright- Piracy in Internet.

MODEL V: Remedies

Remedies and Reliefs available – Injunction – Anton pillar Injunctive relief in India – Judiciary and Copyright – Copyright in the Commercial world

Suggested readings:

1. Sterling, J. L. A., *World copyright law*, (2008) 3rd ed, London, Sweet & Maxwell.
2. Ahuja, V. K., *Law of Copyright and Neighbouring Rights*, (2007), New Delhi, LexisNexis
3. Prasad, Akhil, *Copyright Law Desk Knowledge, Access and Development*, (2009), Delhi.
4. Mendis, Dinusha Kishani, *Universities and Copyright Collecting Societies*, (2009), Hague, T.M.C. Asser press

PG DIPLOMA IN INTELLECTUAL PROPERTY RIGHTS (PGDIPR)

SEMESTER - II

TRADE SECRETS AND COMPETITION LAW

Course Code: IPR 322

Hard Core: 4 Credits

MODEL I: Introduction

Trade Secrets: Concept and origin – Need to protect Trade secrets – Essentials and Misuse of Trade Secrets - How to protect Trade secrets - Concept of Competition Law – (Un) Fair Competition – Origin and Objectives of Competition Law – Scope and Limitations.

MODEL II: Sources of Competition Law

Competitions Law in a Comparative perspective (EU, US, India) – MRTP Act, 1969 – EC Competition Law – The Clayton’s Act – The Sherman’s Act – The Competition Act, 2002.

MODEL III: Prohibited Activities under Competition Law

Anti-competitive agreement – Abuse of Dominant position – Unfair Trade Practices – Bid Rigging – Predatory Pricing – Tying.

MODEL IV: Authorities and Enforcement of Competition Law

Competition Commission of India – Constitution of Commission – Powers and Functions - Appeals (NCLAT) – Constitution and Jurisdiction. Judicial Review by High Court.

MODEL V: Competition Law: The way forward

Merger Control Regulations – Interface between Competition Law and IPRs – Approaches to Competition law- Welfare measures.

Suggested readings:

1. Beebe, Barton, *Trademarks, Unfair Competition and Business Torts*, (2011), Newyork, Aspen Publishers.
2. T. Ramappa, *Competition Law in India*, 2nd ed., Oxford, (2009).
3. Vinod Dhall (ed.), *Competition Law Today*, Oxford, (2007).
4. Pradeep S. Mehta (ed.), *Towards Functional Competition Policy for India*, AcademicFoundation, (2005)

PG DIPLOMA IN INTELLECTUAL PROPERTY RIGHTS (PGDIPR)

SEMESTER - II
PROTECTION OF TRADITIONAL KNOWLEDGE, PLANT VARIETIES AND
BIOTECHNOLOGY

Course Code: IPR 323

Hard Core: 4 Credits

MODEL I: Introduction

Meaning and Scope of traditional Knowledge – Interface between IP and traditional Knowledge – Need and Significance of protection - International instruments on Traditional Knowledge – Developments in WIPO.

MODEL II: Recognition and Documentation

Recognition and Documentation of Traditional Knowledge – Databases – Traditional Knowledge Digital Library (TKDL) – AYUSH Systems of Medicines – Biodiversity Register.

MODEL III: Statutory Protection of Traditional knowledge in India

Traditional Knowledge as Property – Nature of Property in genetic Resources and associated traditional Knowledge - Ownership in Traditional Knowledge: Nature and Elements of Ownership – Exclusivity and Protection –Benefit Sharing.

MODEL IV: Plant Varieties Protection

Protection of Plant Varieties and Farmer’s rights – GM Crops – Objectives of Plant Varieties Act – Registration and its effect– Duration – Infringement – Offences – Remedies.

MODEL V: Biotechnological and Pharmaceutical

Introduction - Protection of Biological Inventions – Plant Patent Protection in India – Biotech Patents in India - Research and Development in Biotechnology – NCE – Vaccine – Antibodies – GM.

Suggested readings:

1. Christoph Antons (ed.) *Traditional Knowledge, Traditional Cultural Expressions and*
2. *Intellectual Property Law in the Asia Pacific Region*, Kluwer Max Planck Series, (2009) *Indigenous Heritage and Intellectual Property: Genetic Resources, Traditional Knowledge and Folklore*, Kluwer Law International, (2008)
3. Iver. P. Cooper, *Biotechnology and the Law*, South Asian Edition

PG DIPLOMA IN INTELLECTUAL PROPERTY RIGHTS (PGDIPR)

**SEMESTER - II
MANAGEMENT OF IPRs**

Course Code: IPR 324

Hard Core: 4 Credits

MODEL I: Introduction

Economics of Innovation: Classical Theories – Neo-classical Theories – Exogenous and Endogenous Growth Theories – Schumpeterian Growth Theories – Human Capital Theories – Evolutionary Growth Theories

MODEL II: Domain of Public funded research

Industrial Classification: Traditional Vs Knowledge Based Industries – Intangible Assets – Definition & Characteristics – Intangible Assets & Accounting Standards – Intellectual Property as Strategic Corporate Assets

MODEL III: Commercialization of Intellectual Property:

Traditional IP and Evolving IP - Assignment – Licensing – Cross License – Patent Pool – Negotiations – Defensive Publications – Technical Disclosures – Patent Pooling – Patent Trolling - Brand Management- Brand and Pricing Strategies – Patent Mining – Patent Landscaping and Patent Mapping

MODEL IV: Strategic Management of Intellectual Property:

Defensive & Offensive Strategies – Intellectual Asset Management - Intellectual Property Audit – Identification & Grouping of Intangible Assets into Bundles - Intangible Asset Management Plan – Value Maximization Strategies – Value Extraction Strategies – Licensing Process and Management

MODEL V: Valuation of Intellectual Property:

Need for IP Valuation – Approaches of IP Valuation: Cost, Income, and Market – Methods of IP Valuation – "25% Rule" Method - Industry Standards Methods - Ranking Method - Surrogate Methods - Disaggregation Methods - Monte Carlo Method - Real Options Methods - The CAV Method - Market Value Method -Collateralization of IPA

Suggested readings:

1. Sunita K. Sreedharam, *An Introduction to Intellectual Asset Management*.
2. Patrick H. Sullivan, *Profiting from Intellectual Capital: Extracting Value from Innovation*
3. Tulika Rastogi, *IP Audit: Your Way to Healthy Organisation*
4. Gordon V. Smith and Russell L. Parr, *Valuation of Intellectual Property and Intangible Assets*, 3rd Edition
5. Bruce Berman, *From Assets to Profits: Competing for IP Value and Return (Intellectual Property-General, Law, Accounting & Finance, Management, Licensing, Special Topics)*.
6. Loganathan, E.T. "IPR" (IPRS), TPIPS Agreement and Indian Laws.