

**SCHOOL OF LAW
PONDICHERRY UNIVERSITY**

PG DIPLOMA IN INTELLECTUAL PROPERTY RIGHTS (PGDIPR)

Innovation has been the barometer of social progress. Innovation has also led to new products and services and new markets to these products and services. Preserved markets for protected goods and services have projected Intellectual Property Rights (IPRs) as the fulcrum of globalization. IPRs are not merely rights but valuable assets that determine the rank and competitiveness of nations and corporate organizations in the global knowledge economy. Thus, Intellectual Property is an important and an effective policy instrument relevant to a wide range of socio-economic, technological and political concerns and IP education is promoted by the policy makers.

In order to cater to the needs of the stakeholders of knowledge economy the PG Diploma in Intellectual Property Rights is designed for those interested in pursuing a career in IPR, which opens opportunities in the fields of IP Analysts, IP Attorneys, IP Consultants, IP Managers and the like.

PROGRAMME:

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

DURATION:

The duration for this PG Diploma in Intellectual Property Rights is One year full time and offered in CBCS Model in two Semesters.

ELIGIBILITY:

Any Degree with 50% Marks in Under Graduation under 10+2+3 system or equivalent.

SELECTION CRITERIA:

The admission to this PG Diploma is done through an admission test, Group Discussion and Personal Interview. The admission procedure varies based on uniform norms for all PG Diplomas' implemented by University from time to time.

INTAKE: 20 Students (5 sponsored)

ACADEMIC PROGRAMME:

The programme is offered on Full time basis for select days in a week during the Academic Calendar. All the subjects 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. Presentation of the project and viva voce will also form a part of the teaching methods.

EVALUATION:

Internal Assessment 40% of Marks, End Semester is for 60% marks. Internal Assessments consist of Term tests, written assignments, and presentations. End Semester Exam consists of 3 hours Written Test. End Semester Examination will consist of Question in Part A and Part B.

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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

**PG DIPLOMA IN INTELLECTUAL PROPERTY RIGHTS (PGDIPR)
SEMESTER - I
GENERAL PRINCIPLES OF INTELLECTUAL PROPERTY RIGHTS**

Course Code: IPR 311

Hard Core: 4 Credits

Unit 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

Unit II: Concept of Property

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

Unit 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.

Unit 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.

Unit V: Forms of IPR

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

Reference Books

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

Unit 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.

Unit II: Patentability

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

Unit III: Procedure of Patenting

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

Unit 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

Unit 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.

Reference Books

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

Unit I: Introduction:

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

Unit 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.

Unit III: Procedure for Registration

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

Unit IV: Infringement and Remedies

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

Unit 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.

Reference Books

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

Unit I: Introduction

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

Unit 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.

Unit III: Process and Procedure

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

Unit 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.

Unit V: Infringement and Enforcement Mechanisms

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

Reference Books

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

Unit I: Introduction

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

Unit 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.

Unit 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

Unit IV: Infringement

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

Unit V: Remedies

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

Reference Books

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, Lexis Nexis
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

Unit 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.

Unit 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.

Unit III: Prohibited Activities under Competition Law

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

Unit IV: Authorities and Enforcement of Competition Law

Competition Commission of India – Constitution of Commission – Powers and Functions. Competition Appellate Tribunal (ComAT) – Constitution and Jurisdiction. Judicial Review by High Court and the ComAT

Unit V: Competition Law: The way forward

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

Reference Books

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*, Academic Foundation, (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

Unit 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.

Unit II: Recognition and Documentation

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

Unit 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.

Unit IV: Plant Varieties Protection

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

Unit 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.

Reference Books

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

Unit I: Introduction

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

Unit 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

Unit 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

Unit 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

Unit V: Valuation of Intellectual Property:

Need for IP Valuation – Approaches of IP Valuation – Cost Approach – Income Approach – Market Approach – 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

Reference Books

1. Sunita K. Sreedhararn , *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.