

**GANDHI INSTITUTE OF TECHNOLOGY AND  
MANAGEMENT (GITAM)**  
(Deemed to be University, Estd. U/s 3 of the UGC Act, 1956)  
**VISAKHAPATNAM \* HYDERABAD \* BENGALURU**  
Accredited by NAAC with 'A+' Grade



**REGULATIONS & SYLLABUS**

**LL.M (IPR & CYBER LAW)  
(CHOICE BASED CREDIT SYSTEM)  
W.E.F. 2019-20 ACADEMIC YEAR**

**SCHOOL OF LAW**

**GITAM Deemed to be University**  
**Rushikonda, Visakhapatnam-530 045, A.P.**  
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April 2019

# **REGULATIONS**

(w.e.f. 2019-20 Admitted Batch)

## **LL.M (IPR & CYBER LAW)**

One-Year Full Time Semester Programme

**Introduction:** **GITAM School of Law**, a constituent Institute of GITAM Deemed to be University, Visakhapatnam Campus offers One Year full time **LL.M (IPR & Cyber Law)** Programme which aims at imparting quality Legal Research education leading to excellence and innovation. The students are trained to meet the needs of the society in the changing global scenario and they are equipped with theoretical foundations in Law as well as Research Orientation towards Law practice in such a way that they are not only capable to perform as effective Legal practitioners but also to shoulder greater responsibilities of the society.

This programme is uniquely comprehensive, that it helps students in developing an integrated view of Legal Research studies through a semester system, in which the courses are handled in-depth and students are evaluated continuously on various dimensions. Learning is facilitated through a mix of classroom interactions, case laws, project work, chamber visits, court visits, moot courts, and internship.

The curriculum lays the foundation for a conceptual and analytical understanding of Indian legal system and contemporary global legal regime. These programmes are designed to blend current legal theory and practice with emerging trends in the field of Law with the aim of moulding the students into competent, responsible and visionary Legal Researchers & Practitioners. The course content is constantly updated to be in tune with the emerging trends in the field of Legal Research all over the globe.

### **Objectives of the Programme:**

- To impart quality legal education, leading to excellence and innovation
- To train the students in legal education to meet the needs of the society in the changing global scenario
- To provide quality teaching and research for advancement of legal knowledge and dissemination relevant to the contemporary knowledge society.
- To provide challenging career in the world of work
- To mould students into socially responsible citizens.
- To develop a holistic personality of the students with good culture, values, ethics and attitudes.

**ONE YEAR FULLTIME LL.M (IPR & CYBER LAW)**  
**(24 Credits)**

**COURSE TITLES**

<b>Description</b>	<b>First Semester</b>	<b>Credits</b>	<b>Second Semester</b>	<b>Credits</b>
Paper-I	SOL1A101-Research Methods & Legal Writing	3	SOL1A201- Law and Justice In Globalised World	3
Paper-II	SOL1A102-Indian Constitution-New Challenges	3	SOL1A202- Law of Trade Marks	2
Paper-III	SOL1A103- Introduction to IPR	2	SOL1A203-Law of Patents	2
Paper-IV	SOL1A104- Introduction to Cyber Law	2	SOL1A204- Geographical Indications, Plant Varieties & Biological Diversity	2
Paper-V	SOL1A105-Law of Copy Rights	2	SOL1A205-Dissertation	3
	<b>Total:</b>	<b>12</b>	<b>Total:</b>	<b>12</b>

## LL.M (IPR & CYBER LAW)

### SEMESTER-1

Course Code: SOL1A101	<b>Course Title:</b> Research Methods & Legal Writing	
<b>Semester:</b> I	<b>Course Type:</b> Core	<b>Credits:</b> 2
<b>Home Programme(s):</b> LL.M (IPR & Cyber Law)		
<b>Course Leader:</b>		

**Course description and learning outcomes:** This course is designed to give an insight into the meaning and significance of research methods for legal research to the law students in contemporary times. It aims to provide an understanding of the various types of research methods and the different techniques of legal research and legal writing with a view to equip the students for further research in law.

#### Learning Objectives

- To understand importance of research in law
- To understand various legal research methods and legal research processes
- To acquaint with various legal writing techniques

On successful completion of this course, students will be able to:

S.No.	Learning Outcome	Assessment
1	Learn the general principles in legal research and types of research	Presentation/research
2	Learn various legal research methods	Presentation/research
3	Understand the legal research processes and legal source	Presentation/research
4	Learn writing legal reports	Presentation/legal writing
5	Understand the contemporary trends in legal research in India	Presentation/research

#### Course outline and indicative content

**UNIT-I: Introduction: (12 Sessions):** Research: Definition, Meaning, Objectives, Motivations, Types and Significance, Method and Methodology, Scientific Method, Research Process - Types of Research – Descriptive vs. Analytical, Applied vs. Fundamental, Quantitative vs. Qualitative, Conceptual vs. Empirical, and other types like and Action Research – Logic and Research, Scientific Method and Research – Inductive and Deductive Research Methods - Qualities of a Good Researcher.

**UNIT-II: Legal Research Methods: (12 Sessions):** Definition and Meaning of Legal Research- Objectives- Motivation- Significance, Types- Evolutive, Explicative, Identificatory, Projective, Collative, Impact Analysis, Interactive, Interpretative, Socio- Legal Research Methods, Inter/Multidisciplinary research Historical. Research, - Doctrinal Research Method and the various steps - Non-Doctrinal Research Method and the various steps.

**UNIT-III: Legal Research Process & Sources: (12 Sessions):** Criteria for a Good Research Formulating Research Problem: Literature Review, Hypothesis, Research Design Methods of Data Collection: Observation, Interview, Questionnaire, Schedules, Case Study Organization, Interpretation and Analysis of Data, Tools of Legal Research: Library, Books, Law Reports,

Law Commission Reports, Legislative and Constitutional Assembly Reports, Computer/Internet Plagiarism and Copyright Infringement.

**UNIT-IV: Legal Research-Writing: (12 Sessions):** Legal Writing – Meaning and Significance - Report Writing, How to write a Dissertation / Thesis Use of Citations, Foot Notes, Blue Book Citations - ILI Format – MLA Format – Chicago Manual - Reference, Bibliography, Indexes, Appendixes, Chicago Manual.

**UNIT-V: Legal Research in India: (12 sessions):** Legal Research – Evolution, Changing Emphasis and Contemporary Trends in general and specific to India - Legal Research and Law Reforms: Role of Judges and Jurists, Recommendations of Commissions and Committees etc.- Obstacles to Good Research in India.

**Learning and teaching activities:**

1. Case studies
2. Writing legal reports
3. Discuss contemporary developments
4. Class presentations
5. Group Discussions

**Teaching and learning resources:**

**Text Books:**

1. Tiwari H.N., Legal Research Methodology, Allahabad Law Agency, Haryana, 1997, 2003
2. Kothari C.R., Research Methodology: Methods and Techniques, 2nd Edition, New Age International Publishers.

**References:**

1. Anderson J Durstan; B. H. Pooli, Thesis and Assignment Writing, Eastern Books Limited, New Delhi, 1977.
2. Prof. Tushar Kanti Saha, Textbook on Legal Methods, Legal Systems and Research, Universal Law Publishing Co., New Delhi, 2010.

Course Code: SOL1A102	<b>Course Title:</b> Indian Constitution-New Challenges	
<b>Semester:</b> I	<b>Course Type:</b> Core	<b>Credits:</b> 2
<b>Home Programme(s):</b>		
<b>Course Leader:</b>		

**Course description and learning outcomes:** The Constitutional process founded upon written constitutions or constitutional conventions has necessarily to operate in a dynamic environment. Many changes have taken place in the global socio legal systems the world over including India. In the Indian context post-independence these changes have taken place at a rapid pace, offering opportunities and posing challenges. This paper focuses on the ways to face the challenges and to make optimal use of the opportunities.

**Learning Objectives:**

- To understand the concept of co-operative federalism in its current form in India.
- To understand the evolving nature of fundamental rights and their applicability.
- To understand the Doctrine of Separation of Powers.
- To understand the concept of grassroots democracy.

On successful completion of this course, students will be able to:

S.No.	Learning Outcome	Assessment
1	Appreciate and address emerging challenges to cooperative federalism	Group Discussion
2	Understand the concept of separation of powers	Quiz/Assignment
3	Appreciate the need for fundamental freedoms to be evolving in nature	Case Law enactment
4	Appreciate and address challenges to democratic processes	Group discussion/ Assignment

**Course outline and indicative content:**

**UNIT-I: Federalism (12 Sessions):** Creation of new states, Allocation and share of resources - distribution of grants-in aid, The inter-state disputes on resources, Rehabilitation of internally displaced persons, Internal disturbance within states, Direction of the Centre to the State under, Article 356 and 365, Federal Comity-Relationship of trust and faith between Centre and State, Special status of certain States, Tribal Areas, Scheduled Areas, Boundary disputes, Deployment of security forces etc.

**UNIT-II: Separation of Powers (12 Sessions):** Doctrine of Separation of Powers and checks and balances, Constitutional framework-Judicial interpretation and practice, Judicial activism and judicial restraining, PIL: Implementation, Judicial autonomy and independence, accountability of Executive, Legislature and Judiciary. The Executive: Constitutional status, Powers and functions of the President vis-a-vis form of Government. The Legislature: Parliamentary / Legislative Privilege: Nature, Extent, Scope and Limitation on privileges. The Judiciary: Status, Power, functions and contemporary developments, Power of judicial review.

**UNIT-III: Right to Equality (12 Sessions):** Right to equality: Need for Widening the definition in the wake of Liberalization, privatization and its impact on affirmative action, Empowerment of Women. Freedom of Press and Challenges of new scientific development.

**UNIT-IV: Democratic Process (12 Sessions):** Nexus of politics with criminals and the business, Election process, Election commission: status, Electoral reforms, Coalition government, 'stability, durability, corrupt practice, Grass root democracy, Good Governance: Principle of good governance-Administrative responsibility and accountability-Liability of the state in Torts-Constitutional torts and compensatory Jurisprudence.

**UNIT-V: Emerging Regime of New Rights And Remedies (12 Sessions):** Reading Directive Principles and Fundamental Duties into Fundamental Rights, Compensation jurisprudence, Right to education, Commercialization of Education and its impact, Brain drain by foreign education market, Right of minorities to establish and administer educational institutions and state control, Implementation of International Obligations: Human Rights, Environmental protection and International trade.

**Learning and teaching activities**

- Case Law Analysis
- Chalk and Talk
- Student Presentations
- Case law enactment
- Group Discussions

**Teaching and learning resources:**

**Textbook:** M P Jain: Indian Constitutional Law; Lexis Nexis Publicaiton

**Reference Books:**

1. D D Basu: Constitutional Law of India; Lexis Nexis Publication
2. V N Shukla: Constitutional Law of India; Universal Law Publishing Co.
3. Baxi, Upendra,. The Crisis of Indian Legal System. (1982). Vikas Publication.
4. Baxi, Upendra (ed). Law and Poverty: Critical Essays. (1988). Tripathi, Bombay.
5. S.P.Sathe, Judicial Activism in India: Transgressing borders and Enforcing Limits,
6. Oxford New Delhi. (2002).

**Journals:**

1. Indian Journal of Constitutional Law
2. Indian Journal of Constitutional and Administrative Law

Course Code: SOL1A103	<b>Course Title: Introduction to IPR</b>	
<b>Semester: I</b>	<b>Course Type: Core</b>	<b>Credits: 2</b>
<b>Home Programme(s):</b>		
<b>Course Leader:</b>		

**Course description and learning outcomes:** This course is designed to give an overview of the evolution of IPR. The paper is aimed at discussing the jurisprudence of IP. It shall be a detailed study of the concept of property and its relation with intellectual property.

### Learning Objectives

- To understand the jurisprudential and theoretical ideology behind the concepts of IPRs
- To understand the origin and development of IPRs
- To acquaint with various international conventions relating to IPR

On successful completion of this course, students will be able to:

Sl.No	Learning Outcome	Assessment
1	Learn the general principles in introduction of IPRs	Presentation
2	Explain origin and development of IPRs	Presentation
3	Understand the theoretical and ideological approaches to IP jurisprudence	Presentation
4	Understand the economic importance of IPRs	Presentation
5	Learn the international conventions and other documents pertaining to IPRs	Presentation

**UNIT-I: Introduction: (12 Sessions):** Nature and Concept; Meaning; Types of Intellectual Property Rights; Nature of Intellectual Property Rights: Monopolistic Perspective, Economic Perspective, Public welfare perspective; Concept and Theories of Intellectual Property – to cover perspective of Natural perspective, Liberalist perspective, Personhood perspective, Utilitarian Perspective, Welfare Economic Perspective and Other Perspectives.

**UNIT-II: Origin & Development: (12 Sessions):** Historical Background; Technological Development of IPRs; Intellectual Property Rights: From National to International Character; Sustainable Development; Challenges for IPR system; Role of Government in fostering the IPR

**UNIT-III: IP Jurisprudence: (12 Sessions):** Justification and Rationale for Protecting Intellectual Property; Basic elements of Property and Constitutional Aspects of Property and its Protection; Theories: Natural theory, Locke's Theory of property, Hegelian Philosophy, Utilitarian guidelines, Incentive theory, Prospect theory, Schumpeterian theory.

**UNIT-IV: Economic Development & IPR Protection (12 Sessions):** Economic importance of Intellectual Property; Monetizing Intellectual Property Law – to cover the commercialization aspects of IPR; Development and IP; Alternate models of IP; Overview of Intellectual Property Law – to cover the various categories and its interplay in innovation and technology delivery mechanisms.

**UNIT-V: International & National Regime (12 Sessions):** Introduction to the leading international instruments concerning intellectual property rights: the Berne Convention, Universal Copyright Convention, the Paris Convention, the Rome Convention, Trade Related Aspects of Intellectual Property Rights (TRIPS), the World Intellectual Property Rights Organization (WIPO) and the UNESCO; Specific reference to International treaties on Patents; International Treaties on Trademarks; International Treaties on Copyright; Background to the



national regime; Evolution and development of IPR in India in terms of pre WTO and post WTO regime.

**Learning and teaching activities**

- Case studies
- Discuss contemporary developments
- Class presentations
- Group Discussions

**Teaching and learning resources:**

**Text Book**

- Ananth Padmanabhan, Intellectual Property Rights: Infringement and Remedies, LexisNexis, Nagpur, 2012
- N.S. Gopalakrishnan, Principles of Intellectual Property, EBC, Lucknow, 2014.

**REFERENCES**

- Bently and Sherman, Intellectual Property Law, Oxford University Press, U.K., 2004
- Paul Torremans, Holyoak & Torremans Intellectual Property Law, Oxford University Press, 2010

Course Code: SOL1A104	Course Title: Introduction to Cyber Laws	
Semester: I	Course Type: Core	Credits: 2
Home Programme(s):		
Course Leader:		

**Course description and learning outcomes:** The main objective of this course is to make students familiar with the developments that are being taking place in the different areas with the help of Computer and Information Technology. The students will acquire knowledge in national and international legal order and the Fundamentals of Cyber Law. The abuse of computers has also given birth to a gamut of new age crimes that are addressed by the Information Technology Act, 2000.

### LEARNING OBJECTIVES

- To understand the origin and development of cyber laws
- To understand the various rules and procedures for the applicability of the cyber laws with reference and domestic and international laws
- To understand the contemporary issues and challenges in cyber laws

On successful completion of this course, students will be able to:

	Learning Outcome	Assessment
1	Learn the conceptual and theoretical perspective of cyber laws	Presentation
2	Understand the international development of cyber laws	Presentation
3	Understand the legalities through analysis of IT Act, 2000	Presentation
4	Understand the relation between IPR & Cyber laws	Presentation
5	Understand the importance of E-commerce	Presentation

### Course outline and indicative content

**UNIT-I: Introduction: (12 Sessions):** Conceptual and theoretical perspective of Cyber Law - Computer and Web Technology - Development of Cyber Law – National and International Perspective Cyber Law - Legal Issues and Challenges in India, USA and EU Data Protection - Cyber Security.

**UNIT-II: International Perspectives: (12 Sessions):** International Perspectives - Budapest Convention on Cybercrime - ICANN's core principles and the domain names disputes - Net neutrality - EU electronic communications regulatory framework - Web Content Accessibility Guidelines (WCAG).

**UNIT-III: Information Technology Act, 2000: (12 Sessions):** Information Technology Act, 2000 - Aims and Objects - Overview of the Act – Jurisdiction -Electronic Governance – Electronic Evidence - Digital Signature Certificates - Digital signatures - Duties of Subscribers - Role of Certifying Authorities - The Cyber Regulations Appellate Tribunal - Internet Service Providers and their Liability – Powers of Police - Impact of the Act on other Laws - Social Networking Sites Vis-à-vis Human Rights.

**UNIT-IV: Cyber Law and IPR: (12 Sessions):** Cyber Law and IPRs - Understanding Copy Right in Information Technology - Software - Copyrights Vs Patents debate - Authorship and Assignment Issues - Copyright in Internet - Multimedia and Copyright issues - Software Piracy –Patents - Understanding Patents - European Position on Computer related Patents - Legal position of U.S. on Computer related Patents - Indian Position on Computer related Patents – Trademarks - Trademarks in Internet - Domain name registration - Domain Name Disputes & WIPO - Databases in Information Technology - Protection of databases - Position in USA, EU and India

**UNIT-V: E-Commerce: (12 Sessions):** E-Commerce - UNCITRAL Model - Legal aspects of E-Commerce - Digital Signatures - Technical and Legal issues - E-Commerce, Trends and Prospects - E-taxation, E-banking, online publishing and online credit card payment - Employment Contracts – Non-Disclosure Agreements - Shrink Wrap Contract -Source Code - Escrow Agreements, etc.

**TEXT BOOK**

- Justice Yatindra Singh, Cyber Laws, Universal Law Publishing, UP, 2016.
- Farouq Ahmed, Cyber Law in India, Allahabad Law Agency, 2015

**REFERENCES**

- Karnika Seth, Computers, Internet and New Technology Laws-A Comprehensive Reference Work With Special Focus On Developments In India, LexisNexis, Nagpur, 2016.
- Kamath Nandan: Law relating to Computer, Internet and E-Commerce, Universal Law Publishing, UP, 2007.

Course Code: SOL1A105	<b>Course Title:</b> Law of Copyright	
<b>Semester:</b> I	<b>Course Type:</b> Core	<b>Credits:</b> 2
<b>Home Programme(s):</b>		
<b>Course Leader:</b>		

**Course description and learning outcomes:** This course is designed to give an overview of law relating to copyright. With trends opening up for several modes of creation, copyright laws now stand blurred. The paper aims at addressing the regular issues of copyright along with the recent advancements.

**Learning Objectives:**

- To understand the evolution and growth of copyright law
- To understand the importance of copyrights and neighboring rights
- To analyse the status of copyrights in cyber space

On successful completion of this course, students will be able to:

S.No	Learning Outcome	Assessment
1	Learn the general principles in introduction of copyrights and international conventions	Presentation
2	Understand the subject matter of copyright, procedures of registration	Presentation
3	Understand the various kinds of infringements and remedies for infringement, fair dealing, assignment and licensing of copyright	Presentation
4	Analyse the copyright issues in cyber space	Presentation
5	Understand the law relating to Designs	Presentation

**Course outline and indicative content**

**UNIT-I: Introduction: (12 Sessions):** Concept of property; Justification of copyright as an intellectual property; Historical development of copyright law; An extensive study of International Treaties: Berne Convention, Rome convention, TRIPs and Internet treaties.

**UNIT-II: Subject Matter of Copyright & Procedure for registration: (12 Sessions):** Concept of Originality and Idea Expression dichotomy; Fixation and other doctrinal requirement; Works Protected: Literary, musical, artistic, dramatic works Computer Programs and database; Cinematography films ,Sound recordings; Rights of the owners of the copyright - Economic Rights , The right of reproduction , Right to communicate the work to the public, Right to distribute the work ,Right of adaptation translation and Moral Rights, Procedure of registration; Effect of registration and its protection outside India; Termination of Copyright & its effects; Authorities - Copyright office Copyright Board, Copyright Societies.

**UNIT-III: Authorship – Ownership & Licensing And Assignment of Copyrighted Work, Infringement of Copyright: (12 Sessions):** Who owns the work; Duration of Copyright; Assignment of copyright; Licensing of copyright; Voluntary license; Statutory license; Compulsory license; Neighboring Rights; Performers Right; Broadcasting Rights. Elements of infringement of copyright; Secondary liability of infringement; Exceptions - Fair dealing; Remedies for infringement - Civil remedies, Criminal Remedies, Administrative remedies.

**UNIT-IV: Copyrights in Cyberspace: (12 Sessions):** Protection of computer programs, Copyrights vs Patents licences, Copyright in Internet - Multimedia and Copyright issues - Software Piracy, emerging copyright issues in cyberspace, ISP Liability.

**UNIT-V: Law of Designs: (12 Sessions):** The Design Act, 2000, Registration of Designs, Infringement, Copyrights Vs. Designs.

**Teaching and learning resources :**

**Text Book**

- N.S. Gopalakrishnan, Principles of Intellectual Property, EBC, Lucknow, 2014.
- Ananth Padmanabhan, Intellectual Property Rights: Infringement and Remedies, LexisNexis, Nagpur, 2012
- Dr V.K. Ahuja, Law of Copyright and Neighboring Rights: National and International Perspectives, LexisNexis, Nagpur, 2007.

**References**

- Bently and Sherman, Intellectual Property Law, Oxford University Press, U.K., 2004
- Paul Torremans, Holyoak & Torremans Intellectual Property Law, Oxford University Press, 2010

**SECOND SEMESTER**  
**LL.M (IPR & CYBER LAW)**

Course Code: SOL1A201	<b>Course Title: Law &amp; Justice in Globalised World</b>	
<b>Semester: II</b>	<b>Course Type: Core</b>	<b>Credits: 2</b>
<b>Home Programme(s):</b>		
<b>Course Leader:</b>		

**Course description and learning outcomes:** The students should understand the process of globalization in all its dimensions and perspectives, they should particularly appreciate the globalization in the context of law and justice and the *vice versa* i.e. the law and justice in the context of globalization.

**Learning Objectives:**

1. To understand importance of research in law
2. To understand various legal research methods and legal research processes
3. To acquaint with various legal writing techniques

On successful completion of this course, students will be able to:

S.No.	Learning Outcome	Assessment
1	Learn the concept of law and justice and globalisation	Presentation
2	Learn justice delivery systems and issues related	Presentation
3	Understand various decision making tools	Presentation
4	Understand the factors which influence decision making	Presentation
5	Understand the growth and development of doctrine of precedent	Presentation

**Course outline and indicative content**

**UNIT-I: Introduction: (12 Sessions):** Concept of Law & Justice, Law making power of different organs of the Government, Components of Judicial Process (Judges, Lawyers, Law Schools) commissions & committees, Types of Justice i.e. Compensatory justice, distributive justice, socio-economic justice, social justice etc. Globalisation as Process, Existing Scenarios and Issues: Economic, Social, Political Rethinking the Idea of Just World Order

**UNIT-II: Justice Delivery System and Some Related Issues: (12 Sessions):** Structure of Court system in India, U.S.A. and U.K., Organization and Independence of Courts (American Model, UK Model, Pre-1993 Indian Model, Post-1993 (Collegiums) Model, South African Model– JAC), United Nations’ Institutional Mechanism, Responsibility of Nation States Challenges and the Way Forward, Reflective Judiciary, Issues affecting Justice delivery system (Transfer, Court Packing, Judicial Accountability- Reasoned Decision, Legislative Reaction, Executive Reaction, Reaction of Public and Media, Judicial Ethics and Conduct)

**UNIT-III: Decision making and its tools: (12 Sessions):** Divergence of juristic opinion of Blackstone, Bentham, Ehrilch, American realists about the role of the judges performance and the judicial freedom of decision, The critical decision making–use of logic, History and custom, mechanical jurisprudence and method of sociology.

**UNIT-IV: Factors Influencing Decision making Process: (12 Sessions):** Making the decision–Role of Intuition, subjective influence, the role of rules and principles, Legal reasoning and justification of the decision

**UNIT-V: The doctrine of precedent and growth of law: (12 Sessions):** Precedent, Judicial creativity and judicial activism, problem of democratic accountability, Indian experiences.

**Learning and teaching activities**

- Case studies
- Discuss contemporary developments
- Class presentations
- Group Discussions

**Teaching and learning resources**

**Text Book:**

1. Andrew Byrnes, Mika Hayashi, Christopher Michaelson, International Law in the New Age of Globalization, Martinus Nijhoff Publishers, 2013.
2. Antony Anghie (Editor), The Third World and International Order: Law, Politics, and Globalization, Kluwer Law International, 2003.

**References:**

1. Joseph Stiglitz, Making Globalisation Work: The Next Step to Global Justice, Penguin 2007
2. Kai Ambos, Judith Large, Marieke Wierda, Building a Future on Peace and Justice: Studies on Transitional Justice, Peace and Development, the Nuremberg Declaration on Peace and Justice, Springer Science & Business Media, 2008.

Course Code: SOL1A202	<b>Course Title: Law of Trademarks</b>	
Semester: II	Course Type: Core	Credits: 2
<b>Home Programme(s):</b>		
<b>Course Leader:</b>		

**Course description and learning outcomes:** This course is designed to give an overview trademarks and trademark law and practice in countries around the world with special reference to India. The recent trends and the development that had taken place in the field of trademarks shall be specifically focused upon. It shall be a detailed study across the historical, philosophical and legal aspects.

### LEARNING OBJECTIVES

- To understand the evolution and growth of trademark law
- To understand the importance of trademarks and emerging issues
- To analyze the status of trademarks in cyber space

On successful completion of this course, students will be able to:

S.No.	Learning Outcome	Assessment
1	Learn the general principles in introduction of trademarks and international conventions	Presentation
2	Understand the procedures of registration	Presentation
3	Understand the various kinds of infringements and remedies for infringement	Presentation
4	Analyse the trademarks issues in cyber space	Presentation
5	Understand the emerging issues in trademark law	Presentation

### Course outline and indicative content

**UNIT-I: Introduction: (12 Sessions):** Historical development of the concept of trademark and trademark law; National and International aspects of introduction to Trademarks; Need for Protection of Trademarks; Kinds of Trademarks; International Legal Instruments on Trademarks; Purpose of trademarks; Economic and social justification of Trademarks; Overview of general types of laws applicable to trademarks/ service marks globally; Well known Trademarks and Service Marks.

**UNIT-II: Registration of Trademarks: (12 Sessions):** Grounds of refusal of registration; Absolute grounds; Relative grounds; Procedure for registration of Trademarks; Application for registration; Opposition; Registration; Principle for Registration of Trademarks; Rights Conferred by Registration of Trademarks; Deceptive Similarity; Assignment and Transmission of Trademarks; Limitations on Licensing; What marks are not registerable; Cancellation of Registration.

**UNIT-III Infringement: (12 Sessions):** Goodwill; Doctrine of Passing Off actions and its development in India with special reference to India; Infringement of trademark; Actions for infringement; Defences; Remedies for Infringement and Passing Off; Civil remedies; Criminal remedies; Penalties; Unfair Competition Law

**UNIT-IV Trademarks in Cyberspace: (12 Sessions):** Trademarks in cyberspace; Several kinds of domain name disputes viz. Typo squatting, Cyber squatting, Meta tagging; Review alternative dispute resolution procedure such as the Uniform Domain Resolution Policy (UDRP) and other similar procedures.

**UNIT-IV Emerging Issues: (12 Sessions):** Character Merchandising, Disparagement & Comparative Advertisement, Parallel importation, Comparative aspects of Trademarks across



UK, USA and India, Trademarks vs. Patent, Copyrights, Trade secrets & Geographical indications.

### **Teaching and learning resources**

#### **TEXT BOOK**

- N.S. Gopalakrishnan, Principles of Intellectual Property, EBC, Lucknow, 2014.
- Ananth Padmanabhan, Intellectual Property Rights: Infringement and Remedies, LexisNexis, Nagpur, 2012

#### **REFERENCES**

- Bently and Sherman, Intellectual Property Law, Oxford University Press, U.K., 2004
- Paul Torremans, Holyoak & Torremans Intellectual Property Law, Oxford University Press, 2010

Course Code: SOL1A203	<b>Course Title: Law of Patents</b>	
<b>Semester: II</b>	<b>Course Type: Core</b>	<b>Credits: 2</b>
<b>Home Programme(s):</b>		
<b>Course Leader:</b>		

**Course description and learning outcomes:** This course is designed to give an overview of patents, the registration procedure and the practice adopted with respect to this Intellectual Property across the globe. The recent trends and the development that had taken place in the field of patent shall be specifically focused upon. An overview of law of Semiconductor Integrated Circuits Layout-Design Act, 2000 is also dealt.

### LEARNING OBJECTIVES

- To understand the evolution and growth of patent law
- To understand the patentability, procedure, infringement & remedies perspectives of patents
- To analyse the status of patents in cyber space

On successful completion of this course, students will be able to:

S.No	Learning Outcome	Assessment
1	Learn the general principles in introduction of patents and international conventions	Presentation
2	Understand the registration procedures of patents	Presentation
3	Understand the various kinds of infringements and remedies for infringement	Presentation
4	Analyse the patent issues in cyber space	Presentation
5	Understand the law relating to Patents Law	Presentation

### Course outline and indicative content

**UNIT-I: Introduction: (12 Sessions):** Evolution and Growth; History of patent law - National and International; Study of Treaties and Conventions at both national and international levels; International Patent system and its impact on National system; Variety of patent; National and international grant of patents; Patentability-Concepts of Novelty; Utility; Inventiveness/Non-obviousness, Patent Act 1970 – amendments of 1999, 2000, 2002 and 2005, patentable subject matter

**UNIT-II: Procedure for obtaining Patents & Working and abuse of patents: (12 Sessions):** Invention and Non Invention; The Concept of Prior Art; Determining the Prior Art; Patent Search; Drafting of Patent; Types of Patent Drafting; Drafting a final specification; Disclosure requirements; Unity of Invention; Contents of a Patent Application; Specification - Provisional and Complete; Disclosure aspects; Claims - Principal and Dependant; Omnibus; Patent Office Procedures – Publication, Examination, Amendments; Grant of Patent; Opposition. Commercialization of Inventions; Licence - Terms of License Agreement; Assignment of patents; Compulsory Licensing; Revocation of Patents; Bio Patents; Surrender of Patents;

**UNIT-III: Patent Infringement: (12 Sessions):** Concept of Infringement; Factors determining Infringement; Infringer; Kinds of infringement - Direct, Contributory, and Induced; Defences to Infringement - Research exemption, invalidity, misuse, failure to mark, laches and estoppel, and first sale doctrine; Doctrines of infringement - The literal rule, Doctrine of equivalence and Patent Misuse Doctrine; Remedies available; Emerging Trends.

**UNIT-IV: Patents in Cyber Space: (12 Sessions):** Software patents, patentability requirements, Computer related Patents - Legal position of U.S. on Computer related Patents - Indian Position on Computer related Patents emerging patent law issues in cyber space

**UNIT-V: Law relating to Semiconductor Integrated Circuit: (12 Sessions):** The Semiconductor Integrated Circuits Layout-Design Act, 2000, procedure for registration, effect of registration, assignment and transmission, offences, penalties and procedure.

**Teaching and learning resources**

**TEXT BOOK**

- Elizabeth Verkey, Law of Patents, EBC, Lucknow, 2012
- N.S. Gopalakrishnan, Principles of Intellectual Property, EBC, Lucknow, 2014.

**REFERENCES**

- Ananth Padmanabhan, Intellectual Property Rights: Infringement and Remedies, LexisNexis, Nagpur, 2012
- Bently and Sherman, Intellectual Property Law, Oxford University Press, U.K., 2004
- Paul Torremans, Holyoak & Torremans Intellectual Property Law, Oxford University Press, 2010

Course Code: SOL1A204	Course Title: Geographical Indications, Plant Varieties & Biological Diversity	
Semester: II	Course Type: Core	Credits: 2
Home Programme(s):		
Course Leader:		

**Course description and learning outcomes:** This course is designed to give an overview of law relating to Geographical Indications, Protection of plant varieties and farmer rights, biological diversity. The paper aims at addressing the regular issues of Geographical Indications, plant varieties and farmers' rights, biological diversity along with the recent advancements.

**Learning objectives:**

- To understand the evolution and growth of law of geographical indications
- To understand the importance of plant varieties and farmers' rights
- To understand the importance of biological diversity and IPR

On successful completion of this course, students will be able to:

S.No.	Learning Outcome	Assessment
1	Learn the general principles in introduction of Geographical Indications and international conventions	Presentation
2	Understand the development of protection for a GI	Presentation
3	Understand procedure for registration of GI and infringement	Presentation
4	Learn about protection of plant varieties and farmers' rights	Presentation
5	Understand about biological diversity and its relation with IPR	Presentation

**Course outline and indicative content:**

**UNIT–I Introduction to Geographical Indications: (12 Sessions):** Historical Background; Study of International Conventions and Treaties; Concept of Appellations of Origin, Indication of Source and geographical Indication; International Convention/agreements.

**UNIT–II: Protection for a Geographical Indication: (12 Sessions):** Sui generis systems of protection, Collective marks and certification marks, Potential obstacles to protect GI, Conflict with a prior mark, Generic character, Homonymous geographical indication.

**UNIT–III Procedure for Registration & Infringement: (12 Sessions):** The Geographical Indications of Goods (Registration and Protection) Act, 2000; Procedure for Registration; Duration of Protection; Renewal; Infringement, Penalties and Remedies.

**UNIT–IV Protection of Plant Varieties & Farmers' Rights: (12 Sessions):** Patent and Plants-TRIPs perspective, Evolution of Sui Generis Model of Protection, International Sui Generis Model Law-UPOV, Protection of Plant Varieties and Farmers' Rights Act, 2001, Procedure for registration, Farmers' rights, Compulsory licence, Tribunals, Infringement

**UNIT–V Biological Diversity and IPR: (12 Sessions):** The Biological Diversity Act, 2002, Regulation of Access to biological diversity, National Biodiversity Authority-functions and powers, Local biodiversity fund

## **Teaching and learning resources:**

### **Text Books:**

1. Dev Gangjee, Relocating the Law of Geographical Indications, Cambridge University Press, New York, 2012
2. N.S. Gopalakrishnan, Principles of Intellectual Property, EBC, Lucknow, 2014.
3. Ananth Padmanabhan, Intellectual Property Rights: Infringement and Remedies, LexisNexis, Nagpur, 2012

### **References:**

1. Bently and Sherman, Intellectual Property Law, Oxford University Press, U.K., 2004
2. Paul Torremans, Holyoak & Torremans Intellectual Property Law, Oxford University Press, 2010

Course Code: SOL1A205	<b>Course Title: Dissertation (Including Teaching Aptitude &amp; Soft Skills)</b>	
Semester: II	Course Type: Core	Credits: 4
<b>Home Programme(s):</b>		
<b>Course Leader:</b>		

- Law Teaching & Clinical Work.
- Doctrinal research
- Viva-Voce

**Dissertation Guidelines:** All the LL.M. students are required to submit their dissertation in the area of his / her area of specialization, in consultation with the subject faculty with minimum 150 pages. After accepting the Dissertation, a Viva-Voce will be conducted. The main objective of the dissertation component are to assess the research and writing skills of the students as well as to provide a platform for creative legal scholarship. Students are especially encouraged to think about career options. Hence, writing a dissertation is a significant exercise that helps in developing one's prospects for the same. These dissertations can be further refined and submitted for publication in scholarly journals or even serve as the basis for full-length dissertations in master's programs. The planning for the dissertation should ideally begin soon in the third week of July.

**Topic selection:** The Research Supervisors will ask students to submit their initial choice of topic on or before a date notified by the institute. Preparing an initial dissertation proposal in an area of one's interest is a necessary step at this stage. This proposal should consist of a skeletal outline of the issues that the student intends to discuss as well as a preliminary list of references. Students should also feel free to consult scholars and practitioners from outside the University who may have experience and expertise in the chosen fields and the due date for submission of the dissertation proposal is on the date to be notified by the Institute, from time to time.

**Preparatory tasks, format and length of dissertations:** After the preliminary work, the onus is on the students to maintain regular contact with the respective faculty members. Supervisors may ask students to engage in several tasks such as preparing notes on the research problem, generating a survey of literature and making short presentations before faculty members from time to time. In particular, students should make full use of the library resources.

It is always worthwhile to periodically show rough drafts to the supervisors. It is advisable for students to meet their supervisors at least once every week. The dissertation should be in the following format:

Cover Page	Introduction
Declaration by student	Research Methodology
Certificate by Research Supervisor	Hypothesis
List of statutes, cases, abbreviations etc.	Research Questions
Table of Contents	Plan of Study
Synopsis	Conclusions and Suggestions
	Bibliography

The Dissertation shall be the original work of the candidate and any plagiarism if found will disqualify in that Seminar Course. The aggregate length of the main body of the dissertation should be between 150-160 pages. The Dissertation has to be typed in A4 size white paper and the pages to be printed on one side. The margins to be of 1” in left margin and 0.5” in right margin. The text in the main body should be in the Times New Roman font (size 12), with double-spacing. The footnotes should be in the Times New Roman font (size 10), with single-spacing. Students can choose Blue Book 19<sup>th</sup> Ed. style of citation after consulting with their supervisors. It must be followed in a uniform manner for the entire submission. The Cover page, Supervisor’s Certificate, Student’s Declaration and the manner of giving Acknowledgements shall be given as prescribed. The final copy of the Dissertation should be submitted in two multiple copies (hard bound) to the concerned Research Supervisor. In all the two copies of the Dissertation, the Declaration Page & Certificate page should be original. Soft copy of the final draft of the Dissertation has to be e-mailed to concerned Research Supervisors’ email id for plagiarism check.

**Submission of Dissertations:** A student must necessarily show a draft of the entire dissertation to her/his supervisor before obtaining approval for submission. The last date for submission of dissertation shall be notified from time to time. Rough drafts need to be submitted to supervisor in **October** so that supervisors have sufficient time for reviewing and editing. Once the supervisor approves the draft, two hard copies need to be submitted to concern Research Supervisor.

**Evaluation of Dissertation:** The Dissertation Paper carries a Total of 4 credits. The Written Dissertation carries 150 marks and 50 marks for teaching assignment. The candidate has to score minimum of 45% for dissertation and viva voce and shall also aggregate of 50% for dissertation and teaching assignment together. The Examiner may consider the following while evaluation of dissertation. Please note that this is merely suggestive:

**Final Submission contents:**

- (a) Research (1) Relevance and (2) Comprehensiveness
- (b) Structure and Analysis (1) Logical presentation and (2) Coherence of thought and analysis
- (c) References and Style (1) Appropriate and Imaginative referencing and (2) Accurate and uniform style of citation (Blue Book 19<sup>th</sup> Ed) and bibliography

Examiners may consider the following while conducting viva-voce. Please note that this is merely suggestive:

- (1) Comprehension (2) Articulation (3) Interaction and (4) Relevancy of answers

# REGULATIONS & GUIDELINES

(w.e.f. 2019-20 Admitted Batch)

## ONE YEAR FULLTIME LL.M COURSE STRUCTURE

- 1) **Admissions:** Admissions into One Year Fulltime LL.M (IPR & Cyber Law) Programme of GITAM School of Law are governed by GITAM Deemed to be University admissions regulations.
- 2) **Eligibility Criteria:** Admission into One Year Fulltime LL.M (IPR & Cyber Law) are based on the qualifying examination. **To be eligible into this programme**, a candidate should have passed his / her graduation in any discipline (except B.F.A & Single sitting graduates from any distance mode education) with not less than 45% marks (40% in case of SC/ST and persons with disability) and candidates who are appearing for the final year and awaiting results may also apply for the entrance test.
- 3) **Structure of the Programme:** The LL.M (IPR & Cyber Law) Programme is designed, keeping in mind the objectives stated earlier and structured by including courses on various aspects of Law. This entails an in-depth study of core courses in the TWO semesters. LL.M Course is to be pursued in a selected branch of specialization offered by the University. The course consists of 3 compulsory theory papers, one practical examination and dissertation common to all LL.M students and 6 papers of specialization opted by the candidate. The semester-wise course structure is as follows:
  - (a) In the first semester, the candidate has two compulsory theory papers (Paper 1&2) and three papers from the branch of specialization. (Branch Papers 3,4,5).
  - (b) In the second semester, the student has one compulsory theory papers (Compulsory Paper 1) and three Papers from the branch of specialization. (Branch papers 3,4,5).
  - (c) In the second semester, the student has to complete the dissertation in partial fulfillment of the LL.M degree and shall have a practical examination on teaching aptitude and soft skills.
- 4) **Medium & Method of Instruction:** The medium of instruction (including examinations and project reports) shall be English. The method of instruction shall comprise of class room lectures, guest lectures, presentations, seminars, chamber visits, court visits, moot courts, case law presentations, mediation / counseling, internship, etc.



## Learning and teaching activities

- Case studies
- Discuss contemporary developments
- Class presentations
- Group Discussions

### Assessment procedure:

Task	Task type	Task mode	Weightage (%)
A1. Project / Presentation	Individual	Project / Presentation	20
A2. End-term exam	Individual	Written (short/long)	80

Sl. No	Component of assessment	Marks allotted	Type Assessment	Scheme of Examination
1	Internal	20	Continuous evaluation	Class work & Seminar participation-10M & Home Assignment-10 Marks
	Semester-end examination	80	End semester exam	a) Five out of 8 questions =5*16=80 marks
		100		

## Transferrable and Employability Skills

S.No.	Outcomes	Assessment
1	Know how to use online learning resources: G-Learn, online journals, etc.	A1 & A2
2	Communicate effectively using a range of media	A2 & A3
3	Apply teamwork and leadership skills	A3
4	Find, evaluate, synthesize & use information	A1 & A2
5	Analyze real world situation critically	A4
6	Reflect on their own professional development	A4
7	Demonstrate professionalism & ethical awareness	A3
8	Apply multidisciplinary approach to the context	A3

## End Term Examination - General Marking Criteria

<b>Well Below Expectations</b>	<b>(0-20%)</b>	Little or no relevant material presented. Unclear or unsubstantiated arguments with very poor accuracy and understanding. Little evidence of achievement of the relevant stated learning outcomes of the course unit.
<b>Below Expectations</b>	<b>(20-40%)</b>	Reveals a weak understanding of fundamental concepts with no critical analysis. Produces answers which may contain factual and/or conceptual inadequacies. Provides poorly written answers that fail to address the question, or answers that are too brief to answer the question properly. Provides solutions to calculative questions that demonstrate inadequate analytical skills.
<b>Meets Expectations</b>	<b>(40-60%)</b>	Demonstrates good understanding of the material. Shows a basic knowledge of relevant literature but draws mainly on lecture material. Addresses the questions and demonstrates reasonable writing skills with some ability to structure the material logically. Provides solutions to calculative questions that demonstrate good analytical skills.

<b>Exceeds Expectations</b>	<b>(60-80%)</b>	Demonstrates an ability to integrate the concepts introduced and applies them to problems with some evidence of critical analysis. Shows evidence of reading beyond lecture notes that is appropriately analyzed and evaluated. Provides clear and competent answers to the questions, well written. Clearly presents solutions to calculative questions and demonstrates very good analytical skills.
<b>Well Above Expectations</b>	<b>(80-100%)</b>	Demonstrates the ability to evaluate concepts and assumptions critically and to thoughtfully apply concepts to problems. Demonstrates independent thinking and insight into theoretical issues. Shows evidence of extensive reading beyond the lecture notes and the ability to synthesize and integrate the relevant literature. Writes well and structures the response so as to provide a succinct, coherent and logical answer. Clearly presents solutions to calculative questions and demonstrates excellent analytical skills.

- 5) **Choice Based Credit System - Continuous Assessment & Examinations (From 2019-20 Admitted Batch):** The course content of individual subjects – classroom lectures as well as practicals is expressed in terms of a specified number of credits. The number of credits assigned to a subject depends on the number of contact hours (lectures & practicals) and each programme consists of total No.of **24** credits. The assessment of the students' performance in each course will be Choice Based Credit System consisting of continuous internal evaluation and semester-end examination. The marks for each of the component of assessment are as follows:

### **Examination rules & regulations:**

- Candidate shall take examination in each of the subjects prescribed for study at the end of the semester by registering for that semester examination and obtaining hall ticket for the same. Duration of the examination is three hours.
  - A candidate will be declared to have passed in the concerned paper if the candidate secures a minimum of 45%.
  - However, for practical papers, a minimum of 50% is essential.
  - For qualifying in the whole examination for obtaining the LL.M degree, the candidate has to secure a minimum overall aggregate of 50%.
  - The calculation of the aggregate percentage required for qualifying in the examination would be done only at the end of the completion of the course.
- 6) **Grading System:** Based on the students' performance during a given semester, a final grade will be awarded at the end of the each semester in each course. The grades and the corresponding grade points are as given below:

Grade	Grade points	Absolute Marks
O	10	90 and above
A+	9	80-89
A	8	70-79
B +	7	60-69
B	6	50-59
C	5.2	45-49
F	0 (Fail)	< 45

CGPA required for award of Degree on the successful completion of the LL.M programme is shown below:

Distinction	...	$\geq 8.0^*$
First Class	...	$\geq 7.0$
Second Class	...	$\geq 6.0$
Pass Class	...	$\geq 5.2$
Fail	...	$< 5.2$

\*In addition to the required CGPA of 8.0, the student must have necessarily passed all the courses of every semester in the first attempt.

**Grade Point Average:** A Grade Point Average (GPA) for the semester will be calculated according to the formula:

$$\frac{\sum C \times G}{\sum C}$$

where C = number of credits for the course,  
G = grade points obtained by the student in the course.

Grade Point Average (GPA) is awarded to those candidates who pass in all the subjects of the semester. To arrive at Cumulative Grade Point Average (CGPA), a similar formula is used considering the student's performance in all the courses taken in all the semesters completed up to the particular point of time.

7) **Eligibility for Award of the LL.M Degree:** A student is expected to complete the LL.M programme in two semesters of one year duration. However, a student may complete the programme in not more than two years including study period. The above regulation may be relaxed by the Vice Chancellor in individual cases for cogent and sufficient reasons.

A student shall be eligible for award of the One Year Fulltime LL.M (IPR & Cyber Law) or LL.M (Corporate Law) degree if he / she fulfill the following conditions.

- a. Registered and successfully completed all the courses and projects.
- b. Successfully acquired the minimum required credits as specified in the curriculum within the stipulated time.
- c. Has no dues to the Institute, hostels, Libraries, NCC / NSS etc, and
- d. No disciplinary action is pending against him / her.

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