**Annexure XVI**

**Faculty of Law**

Osmania University

**LL.M. Syllabus**

*(Revised w.e.f. the Academic Year 2017-2018)*

**Duration : 02 Years**

**Total No. of Semesters : 04**

**Duration of each semester : 15 weeks**

**BRANCH-VIII**

**Intellectual Property Rights**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Year** | **Semester/**  **Paper No.** | **Paper** | **Marks in End**  **Semester Exam** | **Marks in Internal exams** | **Total Marks** |
| First Year- First Semester | I/I | Schools of Jurisprudence and Theories of Law | 80 | 20 | 100 |
| ʺ | I/II | Intellectual Property Rights: Concepts | 80 | 20 | 100 |
| First Year-Second Semester | II/III | International Legal Regime Relating to Intellectual Property Rights | 80 | 20 | 100 |
| ʺ | II/IV | Law Relating to Copyright and Neighboring Rights | 80 | 20 | 100 |
| Second Year-Third Semester | III/V | Legal Research Methodology | 80 | 20 | 100 |
| ʺ | III/VI | Law Relating to Patents in India | 80 | 20 | 100 |
| Second Year-Fourth Semester | IV/VII | Law Relating to Trademarks and Designs | 80 | 20 | 100 |
| ʺ | IV/VIII | Indian Constitutional Law: The New Challenges  Thesis | 80 | 20 | 100 |
| ʺ | IV/IX | Dissertation | 160 for thesis | 40 for viva-voce | 200 |
|  |  |  | **Grand Total** | | **1000** |

##### SEMESTER-I

**PAPER-I**

**SCHOOLS OF JURISPRUDENCE AND THEORIES OF LAW**

**(Common Paper for All the Branches)**

##### UNIT-I

Nature and scope of Jurisprudence – Classification of Jurisprudence into Schools-Salient features of Analytical, Historical, Philosophical and Sociological Schools.

##### UNIT-II

Meaning of Positivism-Analytical positivism of Bentham and Austin­ Kelsen's Pure Theory of Law-Hart's Concept of Law-Dworkin's criticism-Hart-Fuller controversy-Hart-Devlin's debate-Modern trends in Analytical and Normative Jurisprudence-Rawls and Distributive Justice-Nozick and the Minimal State.

##### UNIT-III

Historical and Ancient Indian Jurisprudence-Savigny's concept of Volksgeist-Contribution of Henry Maine; Economic theory of law-Views of Karl Marx and Friedrich Engles; Sociological theories of law­ Contribution of Ihering-Contribution of Ehrlich-Duguit's theory of Social Solidarity-Roscoe Pound's Social Engineering and Classification of Interests-American and Scandinavian Realism-Critical Legal Studies Movement.

##### UNIT-IV

Theories of Natural Law-Meaning of Natural Law-History of Natural law –Greek origins-Medieval period-View of St.Thomas Acquinas-Period of Renaissance/Reformation-Grotius and International Law­ Transcendental Idealism-View of Immanuel Kant":Natural Law and Social Contract theories-Stammler and Natural Law with variable content-Fuller and the Morality of Law-Hart on Natural Law-Finnis and Restatement of Natural law-Positivists and Naturalists debate.

##### Suggested Readings:

* G.W.Paton: A Text book of Jurisprudence, Clarendon Press, Oxford.
* *R.W.M. Dias,* Jurisprudence, Aditya Books Private Ltd., New Delhi
* W.Friedmann: Legal Theory, Columbia University Press, New York
* Dennis Lloyd: Lloyd's Introduction to Jurisprudence, Sweet and Maxwell, London .
* Julius Stone: The Province and Function of Law; Associated General Publications Pvt. Ltd. Sydney.
* Howard Davies and David Holdcraft: Jurisprudence: Texts and Commentary; Butterworths, London, Dublin, Edinburgh .
* S.N.Dhyani: Fundamentals of Jurisprudence: The lndian Approach, Central Law Agency, Allahabad .
* Edgar Bodenheimer: Jurisprudence; The Philosophy and Method of the Law, Universal Book Traders, Delhi.
* Rama Jois, Seeds of Modern Public Law in Ancient Jurisprudence, Eastern Book Company, Lucknow.
* Rama Jois, Ancient Indian Law-Eternal Values in Manu Smriti, Universal Law Publishing Co., New Delhi.

**PAPER-II**

**Intellectual Property Rights: Concepts**

**Unit-I**

Conceptual Framework of Property-Legal concept of Property-Elements of Property-Classification of Property- Theories of Property: Occupation Theory-Locke's Labour Theory of Property - Hegel's Personality Theory of Property -Marxian Theory on Private Property and IP -Economic Theory and Social Trust Theory

#### UNIT-II

Jurisprudential aspects of property-ownership, Possession and title­ Constitutional Aspects of Property - Meaning, nature and evolution of Intellectual Property-Position in Ancient India-Analysis of WIPO definition of Intellectual Property-Theoretical justification for protection of IP

**UNIT-III**

Classification of Intellectual Property-Industrial Property, Literary Property and Emerging Forms-Traditional forms of IP-Patents, Trademarks, Trade Names and Descriptions, Industrial designs, Geographical Indications of Goods, Copyright and Related Rights and Trade Secrets-Their characteristic

#### UNIT-IV

Emerging forms of IP-New Plant Varieties, IP in Life forms and Micro-Organisms, Lay-out Designs, Traditional Knowledge and Indigenous Knowledge-Business Methods-Computer Programmes-Traditional Cultural expressions- Bio-piracy, Bio-prospecting and Bio-ethical Issues relating to IP Protection

**Suggested Readings:**

1. P.Narayanan, Intellectual Property Law, Eastern Law House,Kolkata.

2.Pola Koteshwara Rao, Supreme Court and Parliament : Right to Property and Economic Justice, Law Book Agency, Hyderabad.

3. Prabhuddha Ganguli, Intellectual Property Rights-Unleashing Knowledge Economy, Tata-Mcgraw Hill,NewDelhi.

4. Shahid Ali khan & Raghunath Mashelkar, Intellectual Property and Competitive Strategies in the 21stCentury , KluwerLawInternational,London.

5.N.S.Gopalakrishnan,Intellectual Property and Criminal Law , National Law School of lndia University,Bangalore.

6.GB.Reddy:Intellectual Property Rights and Law: Gogia Law Agency, Hyderabad.

7.S.K.Verma:Intellectual Propety Rights,ILI,NewDelhi.

8.David Bainbridge: Intellectual Property,Pearson

Education Ltd, NewDelhi.

**9**.Pearson&Miller:CommercialExploitationoflntellectual

Property(2004),Universal Law Publishing Co. Pvt.Ltd, Delhi.

**10**.www.wipo.int

11. R.S.Bhalla, The Institution of Property-Legally, Historically and Philosophically Regarded, EBC,Delhi.

**SEMESTER-II**

**Paper III**

**International Legal Regime Relating to Intellectual Property Rights**

**Unit - I**

Meaning, Nature and Classification of Intellectual Property -Transnational Character of Intellectual Property- International Players in the Field of Intellectual Property - International Efforts to Protect IPR.

**Unit-II**

International Instruments relating to IPR Protection- Paris Convention for the Protection of Industrial Property (1883)- Berne Convention for the Protection of Copyright (1886) – Madrid Convention for International Registration of Trademarks1891 - Rome Convention – **The Hague Convention - PCT** - **WCT** - ***WPPT*** – **PL**T

**Unit - III:**

International Conventions and Agreements Relating to international Trade and IPR – TRIPS Agreement - SAFTA·- NAFTA

**Unit-III**

International and Regional Institutions Relating to IPR - W I P O - UNESCO-ARIPO- Their Composition, Powers, Functions, and Jurisdiction.

**Suggested Readings:**

1. W.R.Cornish, Intellectual Property: Patents, Copyright, Trademarks and Allied Rights, Sweet and Maxwell, London.
2. Marshal A.Leaffer, International Treaties on Intellectual Property, the Bureau of National Affairs Inc, Washington D.C.
3. Hillary E.Pearson &Miller C.G., Commercial Exploitation of Intellectual Property, Universal Book Traders, NewDelhi.
4. WIPO, Background Reading on Intellectual Property
5. Report of the Commission on Intellectual Property Rights, London, 2002-“IntegratingIntellectualPropertyRightsandDevelopmentPolicy".
6. GB.Reddy,Intellectual Property Rights and the Law, ,Gogia Law Agency, Hyderabad
7. Jayasree Watal: Intellectual Property Rights, OUP (2002), New Delhi.
8. Sender Martha Cross: Border Enforcement of Patent Rights, (2002), OUP, New York.
9. Dreyfuss, Expanding Boundaries of Intellectual Property Rights, (2001), OUP, New York.

**Paper IV**

**Law Relating to Copyright and Neighboring Rights**

**Unit-I**

Concept of copyright-Idea and Expression dichotomy-meaning and subject matter of copyright –Position under the Copyright Act,1957; Berne Convention, UCC, WCT and WPPT­ judicial interpretation of meaning and subject matter of copyright.

**Unit-II**

Copyright protection in India-Ownership and authorship-Economic and moral rights of authors/owners-Term of copyright-assignment and Iicensing of copyright including compulsory licensing-Impact of the 2012 Amendment to copyright law

**Unit-III**

Meaning of neighboring rights-Rights of Producers of phonograms ,Broadcasting Organizations and performers-Broadcast Reproduction Right and Performers Rights-Collective management of copyright and related rights –Digital rights Management- Registrar and Copyright Board—Powers and functions.

**Unit-IV**

Infringement of copyright and neighboring rights-Exceptions to infringement of copyright-Doctrine of Fair Use-Remedies for infringement of copyright (Administrative, Civil and Criminal)-Protection of International Copyright- Emerging issues in copyright protection

**Suggested Readings:**

* + David Bainbridge, Intellectual Property, Pearson Education Limited,London.
  + Brad Sherman &Lionel Bentley, The Making of Modern Intellectual
  + Prope1ty Law, Cambridge University Press, London.
  + W.R.Cornish, Intellectual Property: Patents, Copyright, Trademarks
  + and Allied Rights,1999,Sweet and Maxwell, London.
  + David Saunders, Authorship and Copyright, Routledge , London.
  + John Gurnsey,Copyright Theft,1995,ASLIB Gower, Hampshire, England.
  + G.B.Reddy, Copyright Law in India, Gogia Law Agency, Hyderabad.
  + P.Narayanan,Copyright Law and Industrial Designs , Eastern Law House, Kolkata.
  + Gillian Davis: Copyright Law and public Interest, Sweet & Maxwell, Londo
  + T. Vidya Kumari, Copyright Protection Current Indian &
  + International Perspectives, Asia Law House
  + Robin Jacob: A Guidebook to Intellectual Property, Sweet & Maxwell, London.
  + Relevant International Instruments relating to copyright like, Berne Convention , Rome Convention, WCT, UCC and WPPT etc.

**SEMESTER-III**

**Paper V**

**Legal Research Methodology**

**(Common Paper for All the Branches)**

**Unit-I:**

Meaning of Research-Types of Research-Scientific Method-Social Science Research- Scope and importance of Legal Research-Concepts-Variables­ Definitions-Relevance of empirical research in law-Induction and Deduction-Case study.

**Unit-II:**

Finding the Law-Sources of legal material including e-sources-Law reporting in India-Using a law library-Survey of available legal material-bibliographical search. Research Methods-Socio-legal research-doctrinal and non-doctrinal research.

Unit III:

Research tools and techniques for collection of data-Observation ­Questionnaire-Schedule-Interview-Sampling techniques-Types of sampling. Formulation of Research Problem-Hypothesis-Research Design.

## Unit-IV:

## Data processing and analysis-Use of Statistics in the analysis and interpretation of data-Use of computers in Legal Research-Report writing. Legal Research and Law Reforms-Types of Research needed for Law Reforms-Analytical Research, Historical Research.

#### Suggested Readings:

1. Goode & Hatt: Methods in Social Research:McGraw-Hill Book Company,Singapore 1981
2. C.R.Kothari: Research Methodology :Methods and Techniques,2"dEdition,WishwaPrakashan,NewDelhi,1995.
3. Wilkinson & Bhandarkar, Methodology and Techniques of Social Research,9th Edition, Himalaya Publishing Housing, Bombay-Delhi-Nagpur 1994.
4. Pauline V Young :Scientific Social Survey and research,3rd Edition,PrenticeHall,NewYork,1960.
5. B.N.Ghosh, Scientific Method and Social Research;4th Edition Sterling Publishers Private Limited,NewDelhi,1987.
6. S.K.Verma & Afzalwani, Legal Research and Methodology; ILI Publication, New Delhi,
7. Hans Raj, Theory and Practice in Social Research;4th Edition, Surjeet Publicatios,NewDelhi,1992.

**Paper VI**

**Law Relating to Patents in India**

**Unit-I**

Evolution of patent-meaning, definition and nature of patent-Classification of patents- Subject-matter of patenting (patentable and non-patentable subject-matter)-The Patents Act,l970.

**Unit-II**

Essential conditions for grant of patent-Specifications: meaning, kinds and contents-Procedure for registration of patent in India and at international level.-Stages of patenting-Opposition to grant of patent-Grant of patents- standards of patentability in the changing technological context

**Unit-III**

Rights, duties and limitations of/on patent holders ­Surrender and revocation of patents-Term of patent protection-Transfer of patent rights with special reference to Licensing-compulsory1icensing-acquisition by government

**Unit-IV**

Infringement of patent rights-Remedies (Administrative, Civil and Criminal)-Authorities under the Act-Controller of patents & IPAB-Their powers, functions and jurisdiction.

**Suggested Readings:**

1 B.L.Wadhera, Law Relating to Patents, Trademarks, Copyright, Designs &

Geographical Indications, Universal Law Publishing Co.Ltd.,New Delhi.

1. Prof.Willem Hoyng & Frank Eijsvogels, Global Patent Litigation, Wolters Kluwer,Bedfordshire, U.K.
2. David Bainbridge, Intellectual Property, Pearson Education Ltd, London.
3. W.R.Comish, Intellectual Property: Patents, Copyright, Trademarks and allied Rights, Sweet & Maxwell,London.
4. Manish Arora,Guide to New Patent Law, Universal Law Publications Co. Pvt. Ltd.
5. P.Naryanana: Patent Law ,Eastern law House,Kolkata
6. Sender Marta, Cross: Border Enforcement of Patent Rights OUP, New York.
7. Bio-Technology and Intellectual Property Rights ,NLSIU, Bangalore.
8. Relevant Intellectual Instruments like Paris Convention, PCT, PLT, Strasburg Intellectual Patent classification etc.
9. [www.wipo.int](http://www.wipo.int)

11. Elizabeth Varkey, [Law of Patents, EBC](https://www.amazon.in/Law-Patents-Elizabeth-Verkey/dp/8170128706/ref=sr_1_3/258-4333583-6119011?s=books&ie=UTF8&qid=1506524921&sr=1-3&refinements=p_27%3AElizabeth+Verkey" \o "Law of Patents)

**SEMESTER-IV**

**Paper-VII**

**Law Relating to Trademarks and**

**Designs**

**Unit-I**

Concept of Trademarks, Tradenames and Service marks-meaning, definition, purpose and nature-trademarks and property marks-classification of trademarks - subject-matter of trademark protection (Goods, Services and Domain names)-The Trademarks Act,1999- Conventional and non-conventional trademarks

# UNIT-II

Registration of Trademarks-Essential conditions for registration of TMs-Characteristics of a good TM-Procedure for registration of TMs in India and abroad- Impact of non-registration

**UNIT-III**

Rights of proprietors and registered users of TMs-Transfer of TMs­Licensing-Infringement and passing-off of TMs-Remedies (Administrative, Civil and Criminal)-Authorities under the Act-their powers,functions and jurisdiction.

**UNIT-IV**

Concept of Industrial Designs-meaning, definition and nature-subject­matter of design protection-Essential conditions for registration of designs-rights of design holders-infringement and piracy of designs ­Remedies (Administrative, Civil and Criminal)- Authorities under the Act-their powers, functions and jurisdiction.

**Suggested Readings:**

1. Eric M.Dobrusin ,Esq. ,Katherine E.White, Intellectual Property Litigation: Pretrial Pracice, Wolters Kluwer, Bedfordshire, U.K.
2. WIPO,Background Reading on Intellectual Property .
3. Report of the Commission on Intellectual Property Rights, London, 2002 -"Integrating Intellectual Property Rights and Development Policy".
4. GB.Reddy,Intellectual Property Rights and the Law, Gogia Law Agency. Hyderabad
5. P.Narayana: TradeMark, Tradename and Passing off (Vol. I &II Eastern LawHouse, Kolkata.
6. Unni.V.K: Trademarks & the Emerging concepts of Cyber Property Rights,(2002)Eastern Law House , Kolkata.
7. Adams John, Merchandising Intellectual Property, Butterworths, London.
8. www.wipo.int
9. Relevant International Instruments including Madrid Agreement, TLT and Nice Agreement.

**Paper VIII**

**Indian Constitutional Law: The New Challenges**

**(Common Paper for All the Branches)**

**UNIT-I**

Concept of Federalism-Allocation of resources-Inter State Disputes ­Central-State Relations-Special status of certain States-Concept of Secularism and religious fanaticism-Definition of State-Need for widening the definition in the wake of recent developments.

# UNIT-II

Right to Equality-its new dimensions-Protective Discrimination in the wake of privatization –gender Justice-Rights of third gender-Uniform Civil Code-Freedom of Speech and Expression ­Right to broadcast and telecast-Right to Strike, *Hartal* and *Bandh.*

# UNIT-III

New regime of Constitutional Rights-Reading Directive Principles and Fundamental Duties in to Fundamental Rights-Theory of Emanation-Compensatory Jurisprudence-Right to Education-Right to Information-Right to wholesome environment- Doctrine of public trust

# UNIT-IV

Institutional Dynamics-An overview of functioning of three organs of State with special reference to the Indian experience of post independence era -Separation of Powers, and theory of checks and Balances-Privileges and Immunities of Legislatures and their members-Judicial Activism and Judicial Accountability-Contempt of Courts-Political Morality and effect of Anti-defection Law

## Suggested Readings:

1. H. M. Seervai, Constitutional Law of India (in 2-Volumes),Universal Book Traders, New Delhi.
2. Granville Austin, Indian Constitution-Cornerstone Nation, Clarendon Press, Oxford.
3. Constituent Assembly Debates (Official Report),(in 5 Books and 12 Volumes),Lok Sabha Secretariat, New Delhi.
4. B.Shiva Rao, Framing of the Indian Constitution (in 5-Volumes),Indian Institute of Public Administration, New Delhi.
5. M.P.Jain, Constitutional Law of India, Wadhwa and Co., Nagpur.

# Granville Austin, Working a Democratic Constitution: A History of the Indian Experience, OUP

1. Landmark and Recent Articles on relevant topics published in Standard Law Journals like Journal of Indian Law Institute, Indian Bar Review, All India Reporter and Supreme Court Cases & landmark judgments of Indian Higher Judiciary on the given topics.

**Paper IX:**

**DISSERTATION**

LL.M. IV Semester students shall have to submit Dissertation on the topic approved by the concerned Committee before the expiry of the date as per the almanac in accordance with guidelines given below. Further the topics for thesis should be got approved before the expiry of the III semester. The candidates who fail to submit the thesis before the stipulated date will have to submit the same along with the next batch.

1. *LL.M. IV Semester students shall prepare a synopsis on the topics allotted to them.*
2. *It must be approved by the Guide and be submitted to the concerned Principals in the first week, after commencement of LL.M. IV semester.*
3. *A Record shall be maintained by the students in which the summary of study and the progress made by them shall be entered once in every 15 days and it is to be signed by the guide in approval of the same.*
4. *Thorough discussion shall be had by the students with the Guide at the end of the study, and the thesis shall be prepared on the lines indicated by the Guide.*
5. *The thesis shall correspond with the notes/record maintained by the Guide.*

The thesis shall be equivalent to two theory papers, and there will be 200 marks out of which 160 shall be for evaluation and 40 shall be for *viva-voce examination.*

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