



**NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM**

**PROGRAMME: B.A., LL.B (HONS)FYIC**

**DETAILS OF COURSE OFFERED**

**EVEN SEMESTER (X)– ACADEMIC YEAR :.....**

<b>SL. NO.</b>	<b>COURSE CODE</b>	<b>COURSE TITLE</b>	<b>L</b>	<b>T/ P</b>	<b>CR</b>	<b>CH</b>
<b>1</b>	<b>BL 1004.10 IPR, SP VII</b>	<b>OVERVIEW OF PLANT VARIETY &amp; FARMERS' RIGHTS, TRADITIONAL KNOWLEDGE (TK), TRADITIONAL CULTURAL EXPRESSIONS (TCES) AND BIODIVERSITY LAWS</b>	<b>4</b>	<b>1</b>	<b>4</b>	

**A. CODE AND TITLE OF THE COURSE: BL 1004.10, OVERVIEW OF PLANT VARIETY & FARMERS' RIGHTS, TRADITIONAL KNOWLEDGE (TK), TRADITIONAL CULTURAL EXPRESSIONS (TCES) AND BIODIVERSITY LAWS**

**B. COURSE CREDIT: 4 (TOTAL MARKS 200)**

**C. MEDIUM OF INSTRUCTION: ENGLISH**

**D. COURSE COMPILED BY: DR. SHARMISTHA BARUAH, RESEARCH OFFICER, DPIIT-IPR CHAIR, NLUJAA**

**E. COURSE INSTRUCTOR:**

## **1. COURSE OBJECTIVES**

This course aims to provide the students with a comprehensive understanding of Plant Variety & Farmers' Rights, Traditional Knowledge (TK), Traditional Cultural Expressions (TCEs) and Biodiversity Laws. Through a detailed examination of relevant legal frameworks, case studies, and contemporary issues, students will develop a nuanced perspective on the intersection of Agriculture, Intellectual Property, and Environmental Conservation. The objective of the course is to equip students with the knowledge and analytical skills necessary to navigate the complexities of plant-related legal matters, fostering a deeper appreciation for the delicate balance between innovation, agricultural sustainability and the protection of farmers' rights.

## **2. TEACHING METHODOLOGY**

The course will employ a dynamic lecture-cum-discussion approach, promoting interactive classroom sessions enriched by practical applications for value-based learning. Essential materials will be regularly disseminated to students, ensuring comprehensive coverage. Emphasising a contemporary perspective, the teaching methodology will spotlight recent developments in relevant areas and illuminate key case studies for in-depth analysis. This approach aims to enhance understanding, fostering a holistic grasp of Plant Variety & Farmers' Rights, Traditional Knowledge (TK), Traditional Cultural Expressions (TCEs) and Biodiversity Laws among the students.

## **3. COURSE LEARNING OUTCOMES**

Upon completion of the course, the students are expected to demonstrate a profound understanding of Plant Variety & Farmers' Rights, Traditional Knowledge (TK), Traditional Cultural Expressions (TCEs) and Biodiversity Laws. They will acquire the ability to critically analyse and apply legal frameworks governing plant varieties and agricultural practices. Students will develop expertise in navigating intellectual property issues related to agriculture and comprehend the intricate balance between innovation, environmental conservation, and farmers' rights. The curriculum's emphasis on recent developments and vital case studies will equip graduates with practical problem-solving skills, enabling them to navigate and address contemporary challenges effectively in this specialised legal domain.

## **4. COURSE EVALUATION METHOD**

The Course shall be assessed for 200 marks. The Evaluation Scheme would be as follows:

Internal Assessment: 70% (140 marks)  
Semester End Examination: 30% (60 marks)

Sl. No.	Marks Distribution	
1	Project Work	40 marks
2	Seminar/Group Discussion	20 marks
3	Assignment/Assessment	30 marks
4	Mid-Semester Test	40 marks
5	Attendance in class	10 marks
6	Semester End Examination	60 marks

## **5. DETAILED STRUCTURE OF THE COURSE (SPECIFYING COURSE MODULES AND SUB-MODULES)**

### **MODULE I: Legal Framework of Plant Variety Protection and Farmers' Rights**

- 1.1. Understanding Plant Variety Protection: Significance and Scope
- 1.2. International Legal framework:
  - 1.2.1. UPOV Convention
  - 1.2.2. International Treaty on Plant Genetic Resources for Food and Agriculture
  - 1.2.3. TRIPS
- 1.3. Historical Evolution of Plant Variety Laws in India
- 1.4. Role of Traditional Knowledge in Indian Agricultural Practices
- 1.5. Overview of the Protection of Plant Varieties and Farmers' Rights Act, 2001:
  - 1.5.1. Key Definitions
  - 1.5.2. Registration of plant varieties and essentially derived varieties, duration and effect of registration
  - 1.5.3. Rights and Obligations of Breeders and Farmers
  - 1.5.4. Access and Benefit Sharing
  - 1.5.5. Infringement and Remedies

### **MODULE II: Traditional Knowledge and Traditional Cultural Expressions**

- 2.1. Meaning of Traditional Knowledge & Traditional Cultural Expressions
- 2.2. Role of Indigenous and Local Communities - Benefit Sharing
- 2.3. Protection Mechanism of TK & TCEs – Overview of:
  - 2.3.1 WIPO Inter-Governmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC);

2.3.2 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (2003); and

2.3.3 Traditional Knowledge Digital Library (TKDL)

2.4. Interface between TK, Biodiversity and Patent regime

2.5. TCEs and Copyrights' connection

### **MODULE III: Biodiversity Conservation**

3.1. Conservation and Sustainable Use of Biodiversity:

3.1.1. CBD (Convention on Biological Diversity)

3.1.2. Access and Benefit Sharing (ABS) mechanisms

3.2. Significance of Biodiversity in Indian Agriculture

3.3. Bio-piracy and its prevention

3.4. Overview of the Biological Diversity Act, 2002

3.4.1. Objectives and key definitions

3.4.2. Applicability and scope of the Act

3.4.3. Functions and Powers of National Biodiversity Authority, State Biodiversity Board, Biodiversity Management Committees

3.4.4. Community involvement in Biodiversity Conservation

## **6. PRESCRIBED READINGS**

*Students are advised to go through the recent editions of the recommended books*

### **Books**

1. Law relating to Intellectual Property Rights by V.K. Ahuja
2. Farmer's Rights under Intellectual Property Law by Digvijay Singh
3. Law of Plant Varieties Protection by Elizabeth Verkey
4. Plant Varieties and Farmers' Rights: A Practical Guide to the Protection of Plant Varieties by Prabuddha Ganguli and Suman Sahai
5. Protection of Plant Varieties and Farmers' Rights: law, Practice and Procedure by R.R. Hanchinal & R. Ganesh
6. Biodiversity, Biotechnology and Traditional Knowledge: Understanding Intellectual Property Rights by Aravind Kumar & Govind Das (eds.)
7. Intellectual Property, Biodiversity, and Sustainable Development: Resolving the difficult issues by Martin Khor
8. Legal Protection for Traditional Knowledge: Towards A New Law for Indigenous Intellectual Property by Anindya Bhukta
9. Legal Protection for Traditional Knowledge: Towards A New Law for Indigenous

Intellectual Property by Anindya Bhukta

10. Traditional Cultural Expressions and the Law in India by Pinaki P Baruah and Debasis Poddar
11. Traditional Knowledge in Modern India: Preservation, Promotion, Ethical Access and Benefit Sharing Mechanisms by Nirmal Sengupta
12. The Protection of Traditional Knowledge on Genetic Resources by Frantzeska Papadopoulou
13. Traditional Knowledge, Traditional Cultural Expressions and Intellectual Property Law in the Asia Pacific Region by Christoph Antons (ed.)
14. Intellectual Property Rights and Plant Genetic Resources: Options for a Sui Generis System by M. S. Swaminathan and Uma Lele
15. Biodiversity Law and Governance: Legal Doctrines, Norms, and Techniques by M.V. Shiju
16. Protection of Biodiversity and Traditional Knowledge in the International Law of Intellectual Property by Jonathan Curci
17. Law and Biodiversity in India: Some Critical Issues and Perspectives by Lalit Kumar

#### **Further Readings**

1. Sui Generis Systems for Plant Variety Protection: Options under TRIPS - A Discussion Paper by Biswajit Dhar
2. Inter- Governmental Committee on Traditional Knowledge, Traditional Cultural Expression and Genetic Resources, *available at: <https://www.wipo.int/tk/en/igc/>*
3. Convention on Biological Diversity, 1992 and International Treaty on Plant Genetic Resources for Food and Agriculture, 2002
4. UNESCO/WIPO Model Provisions for Protection of Folklore/ Cultural Expressions.
5. Documents of Inter-Governmental Committee, WIPO on TK & TCE protection, WIPO, Geneva