



## **National Law University and Judicial Academy, Assam**

### **Course:**

### **BL107-C - Intellectual Property Rights Regime: Theory to Praxis**

This course delves into the theoretical foundations and practical application of intellectual property (IP) rights. Designed for law students seeking a comprehensive understanding of IP law, it equips you with the knowledge and skills to navigate the legal framework governing various forms of IP, analyze real-world scenarios, and develop practical strategies for protecting and enforcing intellectual creations.

#### **Course Objectives:**

- Gain a solid understanding of the theoretical justifications for intellectual property rights, including natural rights theories, utilitarian theories, and economic justifications.
- Analyze the historical development of IP law and its evolving role in fostering innovation and creativity.
- Explore the major forms of intellectual property protection under Indian law, including patents, trademarks, copyrights, designs, and geographical indications (GIs).
- Examine the legal requirements for obtaining and enforcing each form of IP protection, including registration procedures, infringement analysis, and available remedies.
- Develop critical thinking skills by analyzing landmark Supreme Court and High Court decisions in the area of intellectual property law.
- Apply theoretical concepts to real-world scenarios through case studies involving disputes over patents, trademarks, copyrights, and other forms of IP.
- Develop legal research and writing skills through drafting mock legal opinions and infringement notices.
- Understand the international framework for IP protection, including international treaties and the role of the World Intellectual Property Organization (WIPO).

## **Course Structure:**

### **Module 1: Foundations of Intellectual Property Law**

- **Theories of Intellectual Property:** Examining the philosophical justifications for IP rights, including natural rights theories, utilitarian theories, and economic justifications.
- **Historical Development of IP Law:** Understanding the historical evolution of IP law from early common law concepts to the development of modern statutory frameworks.
- **The Role of IP in Society:** Analyzing the role of IP in fostering innovation, creativity, and economic growth.

### **Module 2: Forms of Intellectual Property Protection**

- **Patents:** Exploring the legal requirements for patentability, including novelty, non-obviousness, and utility. Analyzing the patent application process, claim drafting strategies, and patent prosecution.
- **Trademarks:** Understanding the function of trademarks, legal requirements for trademark registration, and protection against infringement. Analyzing trademark dilution and the concept of "likelihood of confusion."
- **Copyrights:** Examining the scope of copyright protection for original creative works, including literary, artistic, musical, and cinematographic works. Exploring fair use limitations and exceptions to copyright protection.
- **Designs:** Understanding the legal framework for protecting the ornamental or aesthetic aspects of articles, including industrial designs and layout-designs of integrated circuits.
- **Geographical Indications (GIs):** Analyzing the legal framework for protecting geographical indications, highlighting their importance for agricultural products and rural development.

### **Module 3: Registration, Enforcement, and Remedies**

- **Registration Procedures:** Understanding the process for registering trademarks, copyrights, designs, and GIs in India, including online filing systems and practical considerations.
- **Infringement Analysis:** Developing skills for analyzing potential infringement of different forms of IP and identifying actionable claims.

- **Available Remedies:** Exploring legal remedies for IP infringement, including injunctions, damages, and seizure of infringing goods.
- **Civil and Criminal Enforcement:** Understanding the options for pursuing civil litigation or criminal prosecution in case of IP infringement.

#### **Module 4: Theory Meets Praxis: Case Studies**

- **Landmark IP Cases:** Analyzing and discussing leading Supreme Court and High Court decisions in India that have shaped the development of IP law in various areas.
- **Real-World Scenarios:** Applying theoretical concepts to case studies involving actual disputes over patents, trademarks, copyrights, designs, and GIs.
- **Guest Lectures:** Inviting IP practitioners, such as patent attorneys or trademark attorneys, to share their practical experiences and perspectives on IP litigation and enforcement.

#### **Module 5: International IP Framework**

- **International Treaties:** Understanding the major international treaties governing intellectual property rights, including the Paris Convention, the Berne Convention, and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).
- **Role of WIPO:** Examining the role of the World Intellectual Property Organization (WIPO) in facilitating international cooperation on IP issues.
- **Enforcement Challenges in the Global Marketplace:** Analyzing the challenges of enforcing IP rights in the global marketplace, including counterfeiting and online piracy.