

# BANASTHALI VIDYAPITH

## Master of Laws



## Curriculum Structure

First Semester Examination, December, 2019  
Second Semester Examination, April/May, 2020

**BANASTHALI VIDYAPITH**  
**P.O. BANASTHALI VIDYAPITH**  
**(Rajasthan)-304022**

July, 2019

82

No. F. 9-6/81-U.3

**Government of India  
Ministry of Education and Culture  
(Department of Education)**

New Delhi, the 25th October, 1983

**NOTIFICATION**

In exercise of the powers conferred by Section 3 of the University Grants Commission Act, 1956 (3 of 1956) the Central Government, on the advice of the Commission, hereby declare that Banasthali Vidyapith, P. O. Banasthali Vidyapith, (Rajasthan) shall be deemed to be a University for the purpose of the aforesaid Act.

Sd/-

**(M. R. Kolhatkar)**

Joint Secretary of the Government of India

**NOTICE**

Changes in Bye-laws/Syllabi and Books may from time to time be made by amendment or remaking, and a Candidate shall, except in so far as the Vidyapith determines otherwise, comply with any change that applies to years she has not completed at the time of change.

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## CONTENTS

<b>S.No.</b>	<b>Curriculum Structure</b>	<b>Page No.</b>
1.	Maser of Laws (Business Laws)	10
2.	Maser of Laws (Intellectual Property Laws)	12
	<b>Course Name</b>	
3.	Comparative Public Law	17
4.	Competition Law	20
5.	Intellectual Property Rights Law	23
6.	Law and Justice in a Globalizing World	26
7.	Research Methods and Legal Writing	28
8.	Corporate Law	31
9.	International Trade Law	34
10.	International Intellectual Property Law and Policy	37
11.	Law of Patents	41
12.	Law of Copyright	43
13.	Law of Trademarks	46
	<b>Discipline Elective</b>	
14.	Bio-Diversity Protection	48
15.	Plant Variety and Framers Right	49
16.	Principles of Taxation	52
17.	Securities and Investment Law	54
18.	Law of Geographical Indications and Plant Varieties	57
	<b>Reading Elective</b>	
19.	ADR and IP Disputes	59
20.	Emerging Forms of IPR	61
21.	Green Technology and IPR	63
22.	Traditional Knowledge, Traditional Cultural Expression and Genetic Resources	65

## **LL.M. (Business Laws)**

### **Programme Educational Objectives**

The Vidyapith has long history of nurturing women leaders in all walks of life. Of late its IT, Management and Technology graduates/post graduates have won accolades for themselves and their alma mater. In consonance with the value education imparted at Banasthali Vidyapith, it conceptualized an all women's Law School to nurture Legal professionals of the highest order from the academic year 2013-14. Further, in order to strengthen this academic leadership in the area of law and prepare legal experts with strong conceptual and research skill, Vidyapith offered LL.M. in the emerging areas of Business Laws and Intellectual Property Laws from the academic session 2018-19.

The one year LL.M. programme designed amidst the five-fold education model of Vidyapith would comprise a unique mix of foundational and variety of disciplinary courses in field of Business Law to enable the students to find a new career perspectives and play a leading role in growing corporate world.

The main objectives of LL.M. (Business Law) programme are:

1. To provide holistic development of the students by providing a combination of technology and value based traditional education.
2. To develop critical understanding of existing as well as emerging areas in the field of Business Law with an analytical and comparative approach.
3. To train women law graduates as legal experts with strong conceptual and research skill and to provide a centre where scholars might contribute to an understanding of law and participate creatively in its growth and improvement.
4. To demonstrate how the legal rules have developed, the reasons underlying them and to make them understand the nexus between legal and social history.
5. To inculcate the principles underlying the existing legal rules and to point the right road for future development and preparing the students to take up leadership roles in their specialised areas.

## Programme Outcomes

- PO1: Knowledge:** The students with pre-developed understanding for basic legal principles will be able to analyse and evaluate the intricacies involved in Business and IP laws.
- PO2: Planning abilities:** The students will be equipped with different legal abilities after the completion of the course by which they can deal with the different legal issues associated with the corporate world.
- PO3: Problem Analysis:** They will be able to understand the real nature of issues and problems related to Business Laws and can suggest various alternatives to issues by applying their analytical skills.
- PO4: Modern Tool Usage:** Case analysis, Debates, Alternate Dispute Resolution methods, etc. will be used to improve their argumentative and writing skills.
- PO5: Leadership Skills:** Today legal education is getting redefined in terms of information technology, globalisation, environment and start-ups, the focus of this programme is on developing professional leaders among women in consonance with value education imparted at Banasthali Vidyapith with traditional as well as modern approach.
- PO6: Professional Identity:** Legal profession is a noble profession and it is not limited to the technical knowledge of legal rules. The prescribed course will help in nurturing the students in a way so that they can meet the standards of different avenues opening in legal profession.
- PO7: Ethics:** The learner will be imbued with the ethical standards of legal profession & the values nurtured at the Vidyapith that are required for practical and impartial behaviour of a law student.
- PO8: Communication:** Students will be able to express complex ideas effectively and accurately in every walk of life whether it is professional or social.

- PO9: Local and Global Citizenship:** Students will be able to assess the way in which legislation and government policies are formed and influenced the social, economical and legal order in national as well as global context. They will be able to understand and empathise cultural differences and practices required to work effectively in multi-cultural environment.
- PO10: Environment and sustainability:** Learners will involve in various co-curricular activities related to society and environment, at departmental as well as institutional level to gain practical exposure that will help them in adapting the socio-economic, legal and political environment.
- PO11: Life Long Learning:** The habit of continuous learning & life-long useful practical skills developed and acquired through the course that will motivate the students for further researches in the field of law, performing different professional roles, ultimately for leading a successful life.

## **LL.M. (IP Laws)**

### **Programme Educational Objectives**

The Vidyapith has long history of nurturing women leaders in all walks of life. Of late its IT, Management and Technology graduates/post graduates have won accolades for themselves and their alma mater. In consonance with the value education imparted at Banasthali Vidyapith, it conceptualized an all women's Law School to nurture legal professionals of the highest order from the academic year 2013-14. Further, in order to strengthen this academic leadership in the area of law and prepare legal experts with strong conceptual and research skill, Vidyapith offers LL.M. in the emerging areas of Business Laws and Intellectual Property Laws from the academic session 2018-19.

The one year LL.M. programme designed amidst the five-fold education model of Vidyapith comprises a unique mix of foundational and variety of disciplinary courses in field of Corporate Law to enable the students to explore emerging career perspectives and play a leading role in growing corporate world.

The main objectives of **LL.M. (IP Laws)** programme are:

1. To provide holistic development of the students by providing a combination of technology and value based traditional education.
2. To develop critical understanding of existing as well as emerging areas in the field of Intellectual Property Laws with an analytical and comparative approach.
3. To train women law graduates as legal experts with strong conceptual and research skills in domain of copyright, patent and other IPRs and to provide a centre where scholars might contribute to an understanding of law and participate creatively in its growth and improvement.
4. To demonstrate how the legal rules have developed, the reasons underlying them, and to make them understand the nexus between legal and social history.
5. To inculcate the principles underlying the existing legal rules and to point the right road for future development and preparing the students to take up leadership roles in their specialised areas.

## Programme Outcomes

- PO1: Knowledge:** The students with pre-developed understanding for basic legal principles will be able to analyse and evaluate the intricacies involved in Corporate and IP laws.
- PO2: Planning abilities:** The students will be equipped with different legal abilities after the completion of the course by which they can deal with the different legal issues associated with the corporate world.
- PO3: Problem Analysis:** They will be able to understand the real nature of issues and problems related to IP Laws and can suggest various alternatives to issues by applying their analytical skills.
- PO4: Modern Tool Usage:** Case analysis, Debates, Alternate Dispute Resolution methods, etc. will be used to improve their argumentative and writing skills.
- PO5: Leadership Skills:** Today legal education is getting redefined in terms of information technology, globalisation, environment and start-ups; the focus of this programme is on developing professional leaders among women in consonance with value education imparted at Banasthali Vidyapith with traditional as well as modern approach.
- PO6: Professional Identity:** Legal profession is a noble profession and it is not limited to the technical knowledge of legal rules. The prescribed course will help in nurturing the students in a way so that they can meet the standards of different avenues opening in legal profession.
- PO7: Ethics:** The learner will be imbued with the ethical standards of legal profession & the values nurtured at the Vidyapith that are required for practical and impartial behaviour of Law students.
- PO8: Communication:** Students will be able to express complex ideas effectively and accurately in every walk of life whether it is professional or social.



- PO9: Local and Global Citizenship:** Students will be able to assess the way in which legislation and government policies are formed and influenced the social, economical and legal order in national as well as global context. They will be able to understand and empathise cultural differences and practices required to work effectively in multi-cultural environment.
- PO10: Environment and sustainability:** Learners will involve in various co-curricular activities related to society and environment at departmental as well as institutional level to gain practical exposure that will help them in adapting the socio-economic, legal and political environment.
- PO11: Life Long Learning:** The habit of continuous learning & life-long useful practical skills developed and acquired through the course that will motivate the students for further researches in the field of law, performing different professional roles, ultimately for leading a successful life.

**Curriculum Structure**  
**Master of Laws (Business laws)**  
**First Year**

**Semester - I**

<b>Course</b>	<b>Code</b>	<b>Course Name</b>	<b>L</b>	<b>T</b>	<b>P</b>	<b>C*</b>
LAW	619	Comparative Public Law	5	0	0	5
LAW	620	Competition Law	5	0	0	5
LAW	625	Intellectual Property Rights Law	5	0	0	5
LAW	628	Law and Justice in a Globalizing World	5	0	0	5
LAW	634	Research Methods and Legal Writing	5	0	0	5
<b>Semester Total:</b>			<b>25</b>	<b>0</b>	<b>0</b>	<b>25</b>

**Semester - II**

<b>Course</b>	<b>Code</b>	<b>Course Name</b>	<b>L</b>	<b>T</b>	<b>P</b>	<b>C*</b>
LAW	621	Corporate Law	5	0	0	5
LAW	627	International Trade Law	5	0	0	5
LAW	622D	Dissertation	0	0	18	9
		Discipline Elective	5	0	0	5
		Open Elective	5	0	0	5
		Reading Elective	0	0	0	2
<b>Semester Total:</b>			<b>20</b>	<b>0</b>	<b>18</b>	<b>31</b>

### List of Discipline Elective

Course	Code	Course Name	L	T	P	C*
LAW	618	Bio-Diversity Protection	5	0	0	5
LAW	633	Plant Variety and Farmers Right	5	0	0	5
LAW	701	Principles of Taxation	5	0	0	5
LAW	702	Securities and Investment Law	5	0	0	5

### List of Reading Elective

Course	Code	Course Name	L	T	P	C*
LAW	617R	ADR and IP Disputes	0	0	0	2
LAW	623R	Emerging Forms of IPR	0	0	0	2
LAW	624R	Green Technology and IPR	0	0	0	2
LAW	635R	Traditional Knowledge, Traditional Cultural Expression and Genetic Resources	0	0	0	2

**\* L - Lecture hrs/week; T - Tutorial hrs/week;  
P-Project/Practical/Lab/All other non-classroom academic activities,  
etc. hrs/week; C - Credit Points of the Course**

Student can opt open (Generic) elective from any discipline of the Vidyapith with prior permission of respective heads and time table permitting.

Every Student shall also opt for:

Five Fold Education: Physical Education I, Physical Education II,  
Five Fold Education: Aesthetic Education I, Aesthetic Education II,  
Five Fold Education: Practical Education I, Practical Education II  
one each semester

## Curriculum Structure

### Master of Laws (Intellectual Property Laws)

#### First Year

##### Semester - I

Course	Code	Course Name	L	T	P	C*
LAW	619	Comparative Public Law	5	0	0	5
LAW	626	International Intellectual Property Law and Policy	5	0	0	5
LAW	628	Law and Justice in a Globalizing World	5	0	0	5
LAW	631	Law of Patents	5	0	0	5
LAW	634	Research Methods and Legal Writing	5	0	0	5
<b>Semester Total:</b>			<b>25</b>	<b>0</b>	<b>0</b>	<b>25</b>

##### Semester - II

Course	Code	Course Name	L	T	P	C*
LAW	629	Law of Copyright	5	0	0	5
LAW	632	Law of Trademarks	5	0	0	5
LAW	622D	Dissertation	0	0	18	9
		Discipline Elective	5	0	0	5
		Open Elective	5	0	0	5
		Reading Elective	0	0	0	2
<b>Semester Total:</b>			<b>20</b>	<b>0</b>	<b>18</b>	<b>31</b>

### List of Discipline Elective

Course	Code	Course Name	L	T	P	C*
LAW	618	Bio-Diversity Protection	5	0	0	5
LAW	633	Plant Variety and Farmers Right	5	0	0	5
LAW	621	Corporate Law	5	0	0	5
LAW	630	Law of Geographical Indications and Plant Varieties	5	0	0	5

### List of Reading Elective

Course	Code	Course Name	L	T	P	C*
LAW	617R	ADR and IP Disputes	0	0	0	2
LAW	623R	Emerging Forms of IPR	0	0	0	2
LAW	624R	Green Technology and IPR	0	0	0	2
LAW	635R	Traditional Knowledge, Traditional Cultural Expression and Genetic Resources	0	0	0	2

\* **L - Lecture hrs/week; T - Tutorial hrs/week;**  
**P-Project/Practical/Lab/All other non-classroom academic activities, etc. hrs/week; C - Credit Points of the Course**

Student can opt open (Generic) elective from any discipline of the Vidyapith with prior permission of respective heads and time table permitting.

Every Student shall also opt for:

Five Fold Education: Physical Education I, Physical Education II,  
 Five Fold Education: Aesthetic Education I, Aesthetic Education II,  
 Five Fold Education: Practical Education I, Practical Education II  
 one each semester

### Evaluation Scheme and Grading System

Continuous Assessment (CA) (Max. Marks)					End-Semester Assessment (ESA) (Max. Marks)	Grand Total (Max. Marks)
Assignment		Periodical Test		Total (CA)		
I	II	I	II			
10	10	10	10			
					40	
					60	100

In all theory, laboratory and other non classroom activities (project, dissertation, seminar, etc.), the Continuous and End-semester assessment will be of 40 and 60 marks respectively. However, for Reading Elective, only End semester exam of 100 marks will be held. Wherever desired, the detailed breakup of continuous assessment marks (40), for project, practical, dissertation, seminar, etc shall be announced by respective departments in respective student handouts.

Based on the cumulative performance in the continuous and end-semester assessments, the grade obtained by the student in each course shall be awarded. The classification of grades is as under:

Letter Grade	Grade Point	Narration
O	10	Outstanding
A+	9	Excellent
A	8	Very Good
B+	7	Good
B	6	Above Average
C+	5	Average
C	4	Below Average
D	3	Marginal
E	2	Exposed
NC	0	Not Cleared

Based on the obtained grades, the Semester Grade Point Average shall be computed as under:

$$SGPA = \frac{CC_1 * GP_1 + CC_2 * GP_2 + CC_3 * GP_3 + \dots + CC_n * GP_n}{CC_1 + CC_2 + CC_3 + \dots + CC_n} = \frac{\sum_{i=1}^n CC_i * GP_i}{\sum_{i=1}^n CC_i}$$

Where n is the number of courses (with letter grading) registered in the semester,  $CC_i$  are the course credits attached to the  $i^{\text{th}}$  course with letter grading and  $GP_i$  is the letter grade point obtained in the  $i^{\text{th}}$  course. The courses which are given Non-Letter Grades are not considered in the calculation of SGPA.

The Cumulative Grade Point Average (CGPA) at the end of each semester shall be computed as under:

$$CGPA = \frac{CC_1 * GP_1 + CC_2 * GP_2 + CC_3 * GP_3 + \dots + CC_n * GP_n}{CC_1 + CC_2 + CC_3 + \dots + CC_n} = \frac{\sum_{i=1}^n CC_i * GP_i}{\sum_{i=1}^n CC_i}$$

Where n is the number of all the courses (with letter grading) that a student has taken up to the previous semester.

Student shall be required to maintain a minimum of 4.00 CGPA at the end of each semester. If a student's CGPA remains below 4.00 in two consecutive semesters, then the student will be placed under probation and the case will be referred to Academic Performance Review Committee (APRC) which will decide the course load of the student for successive semester till the student comes out of the probationary clause.

To clear a course of a degree program, a student should obtain letter grade C and above. However, D/E grade in two/one of the courses throughout the UG/PG degree program respectively shall be deemed to have cleared the respective course(s). The excess of two/one D/E course(s) in UG/PG degree program shall become the backlog course(s) and the student will be required to repeat and clear them in successive semester(s) by obtaining grade C or above.

**After successfully clearing all the courses of the degree program, the student shall be awarded division as per following table.**

Division	CGPA
Distinction	7.50 and above
First Division	6.00 to 7.49
Second Division	5.00 to 5.99
Pass	4.00 to 4.99

**CGPA to % Conversion Formula: % of Marks Obtained = CGPA \* 10**

## LL.M.

### One Year Programme

#### (i) Business Laws (ii) Intellectual Property Laws

While the Vidyapith has been nurturing women for leadership role in all walks of life over the last eight glorious decades, there was a need felt to provide opportunities to women who wish to venture in the field of Law. To prepare law professional with a difference, the Vidyapith commenced a Five Year UG Law programme from the academic year 2013-14. In order to strengthen the academic leadership in the area of law and prepare legal experts with strong conceptual and research skills, Vidyapith LL.M. in the emerging areas of Business Laws and Intellectual Property Laws from the academic session 2018-19.

Banasthali Vidyapith offer LL.M. programme may be offered in two specializations;

- (i) Business Laws
- (ii) Intellectual Property Laws

**Duration:** The programme shall be of two semesters duration spread over one year.

The course matrix shall consist of three types of courses:

- (i) Foundation Courses (3)
  - a. Research Methods and Legal Writing
  - b. Comparative Public Law
  - c. Law and justice in a Globalizing world
- (ii) Specialization Courses (6)
- (iii) Dissertation

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## First Semester

### LAW 619 Comparative Public Law

**Max. Marks : 100**

**(CA: 40 + ESA: 60)**

**L T P C**

**5 0 0 5**

#### **Learning Outcomes:**

After Completion of the course student will able to:

- Understand the similarities and differences between leading legal traditions in key areas like separation of powers, protection of rights and the role of judiciary.
- Get familiar with the methodology of comparative public law.
- Use comparative methodology in public law analysis.

**Note:** The paper will contain 3 questions from every section aggregating nine questions. Candidates are required to attempt total of six questions, taking at least one question from each section.

#### **SECTION A**

Meaning and Idea of Constitution, Nature and Goals, Living Constitution, Constitution as Supreme Law, Relevance Problems and Concerns in Using Comparison, Supremacy of Legislature in Law Making, Rule of law- Dicey's Concept of Rule of Law, Position of Rule of Law under the Indian Constitution, Modern Concept of Rule of Law, Social and economic rights as part of rule of law, Separation of Powers, Checks and Balances - Meaning & Concept, Montesquieu's theory of Separation of Powers; Models of Separation of Powers & Checks & Balances- USA & India.

#### **SECTION B**

Meaning & Concept of Governance, Forms of Government- Federal and Unitary Forms· Features, Advantages and Disadvantages. Models of Federalism- USA, India and Concept of Quasi-federalism, Role of Courts in Preserving Federalism. Parliamentary and Presidential Forms of Government- Features, Advantages & Disadvantages, Models of Parliamentary and Presidential forms of Government - UK, India & USA.

## SECTION C

Concept and Origin of Judicial Review. Methods of Constitutional Review- Judicial and Political Review, Concentrated and Diffused Review, Anticipatory and Successive Review, Limitations on Judicial Review, Various Methods of Amendment, Limitations on Amending Power: Comparative Perspective, Theory of Basic Structure: Origin and Development

### Suggested Readings:

1. Dicey, A. V., & Wade, E. C. S. (2016). *Introduction to the study of the law of the constitution*. London: Macmillan and Co., Limited.
2. Forsyth, C. F., Elliott, M. C., Jhaveri, S., Ramsden, M., Scully-Hill, A., & Oxford University Press. (2010). *Effective judicial review: A cornerstone of good governance*. Oxford: Oxford University Press.
3. Strauss, D. A. (2010). *The living Constitution*. Oxford: Oxford University Press.
4. Giussani, E. (2008). *Constitutional and administrative law*. London: Sweet & Maxwell.
5. Basu, D. D. (2008). *Comparative constitutional law*. New Delhi:
6. Wadhwa and Company.
7. In Choudhry, S., In Khosla, M., & In Mehta, P. B. (2017). *The Oxford handbook of the Indian Constitution*.
8. Chemerinsky, E. (2015). *Constitutional law--principles and policies*.
9. Shiva, R. B., Menon, V. K. N., Kashyap, S. C., Iyengar, N. K. N., & Indian Institute of Public Administration. (2004). *The framing of India's Constitution: Select documents*. New Delhi: Indian Institute of Public Administration.
10. Jennings, I. (1944). *The law and the constitution: 3.ed., rev. & enlarged. Reprint*. London.

11. In Tushnet, M. V., In Fleiner-Gerster, T., & In Saunders, C. (2015). *Routledge handbook of constitutional law*. Abingdon, Oxon: Routledge.
12. Jain, M. P., Jain, S. N., & In Dharmadhikari, D. M. (2017). *Principles of administrative law: An exhaustive commentary on administrative law and constitutional principles, with Indian & foreign case-law references*.
13. Jain, M. P. (1994). *Cases & materials on Indian administrative law*. Agra/Nagpur: Law Publishers.
14. Devins, N., & Fisher, L. (2015). *The democratic constitution*. New York, New York: Oxford University Press.
15. Bingham, T. H. (2011). *The rule of law*. London: Penguin Books
16. Amar, V., & Tushnet, M. V. (2009). *Global perspectives on constitutional law*. New York: Oxford University Press.
17. Jaffe, L. L. (1965). *Judicial control of administrative action*. Boston: Little, Brown.
18. Shukla, KamlaShanker & Singh, S. S. (SheoShanker) (1988). *Lokayukta (Ombudsman in India): a socio-legal study*. Indian Institute of Public Administration, New Delhi
19. Singh, Mahendra Pal. (1989). *Comparative constitutional law*. Eastern Book Co, Lucknow
20. Pylee, M. V. (MoolamattomVarkey) (2002). *Select constitutions of the world* (2002). Universal Law Pub. Co, Delhi
21. Ray, S. N. (SamirendraNath) (1974). *Judicial review and fundamental rights*. Eastern Law House, Calcutta
22. Bignami, F. (January 01, 2012). *Comparative administrative law. The Cambridge Companion to Comparative Law*, 145-170.
23. Swamy, K. Sudhir. (2009). *Democracy and constitutionalism in India - A Study of the Basic Structure Doctrine*. Oxford University Press.

### Suggested E-Learning Material:

1. Ehrlich, L. (1921). Comparative Public Law and the Fundamentals of Its Study. *Columbia Law Review*, 21(7), 623-646. doi:10.2307/1112768
2. Paleker, S. (2006). Federalism: A Conceptual Analysis. *The Indian Journal of Political Science*, 67(2), 303-310. Retrieved from <http://www.jstor.org/stable/41856217>
3. Beshara, C. (2015). Basic Structure Doctrines and the Problem of Democratic Subversion: Notes from India. *Verfassung Und Recht in Übersee / Law and Politics in Africa, Asia and Latin America*, 48(2), 99-123. Retrieved from <http://www.jstor.org/stable/26160109>
4. Kumar, V. (2007). Basic structure of the Indian Constitution: Doctrine of Constitutionally Controlled Governance [From KesavanandaBharati to I.R. Coelho]. *Journal of the Indian Law Institute*, 49(3), 365-398. Retrieved from <http://www.jstor.org/stable/43952120>
5. Tewari, M., & Saxena, R. (2017). The Supreme Court of India: The Rise of Judicial Power and the Protection of Federalism. In Aroney N. & Kincaid J. (Eds.), *Courts in Federal Countries: Federalists or Unitarists?* (pp. 223-255). Toronto; Buffalo; London: University of Toronto Press. Retrieved from <http://www.jstor.org/stable/10.3138/j.ctt1whm97c.12>

## LAW 620 Competition Law

**Max. Marks : 100**  
**(CA: 40 + ESA: 60)**

<b>L</b>	<b>T</b>	<b>P</b>	<b>C</b>
<b>5</b>	<b>0</b>	<b>0</b>	<b>5</b>

### Learning Outcomes:

After the completion of the course student will be able to

- Students will be able to understand various aspects of Competition Law and how it emerged on national and international level.
- Understand the recent issues of Competition Law which will encourage the students for further research

**Note:** The paper will contain 3 questions from every section aggregating nine questions. Candidates are required to attempt total of six questions, taking at least one question from each section.

## **SECTION - A**

### **Introduction, Emergence of Competition Law in India:**

Historical development of competition law, Socialism and competition law, Competition and common law, Classical and neoclassical competition law, Economic rationale for competition law, Goals of competition law, Monopolies and Restrictive Trade Practices Act, 1969, Failure of the MRTP Act, The Competition Act, 2002, objectives and application of the Act

## **SECTION - B**

### **Anti-competitive Agreements, Abuse of Dominant Position and Control over Combinations:**

Rationale for prohibition, Types of anti-competitive agreements, Exemptions, Meaning of dominant position, What is abuse of dominant position, Assessing relevant market, Instruments of abuse, Remedies, Definition of Combination, Different types of merger and acquisition, , Analysis of Acquisitions and Mergers, Regulation of Combinations

## **SECTION - C**

### **Competition Law, IPR, International Trade and Competition Authorities:**

TRIPS and competition issues, Application of section 3 of the Competition Act, 2002, International effects of cartels and competition law, Extraterritorial application of US, EU and Indian competition law, Competition policy at the international level, Competition Commission of India (CCI), Composition of CCI, Functions of CCI, Competition Appellate Tribunal.

**Suggested Readings:**

1. Abir, R. & Jayant, K. (2008). *Competition Law in India*. Kolkata: Eastern Law House.
2. Ramappa, T. (2006) *Competition Law in India: Policy, Issues, and Developments*. New Delhi: Oxford University Press.
3. Mittal, D.P. (2011) *Taxmann's Competition Law & Practice* (3rd Edition). New Delhi, Taxmann Publication.
4. Dhall, V. (Ed.). (2007) *Competition Law Today: Concepts, Issues, and the Law in Practice*. New Delhi: Oxford University Press.
5. Cortés, S. (Ed.) (2002). *From Negotiation to Antitrust Clearance: National and International Mergers in the Third Millennium*. The Hague: Kluwer Law International.
6. Mark, F. (2004). *Competition Law of EC and UK*. New York: Oxford University Press.
7. Rowley, J. W. & D.L. Baker. (Eds.) (2001) *International Mergers: The Antitrust Process*, London: Sweet & Maxwell.

**Suggested E-Learning Material:**

1. Chauhan, B.S. (2012). Indian Competition Law: Global Context. *Indian Law Institute*. Retrieved from <https://www.jstor.org/stable/44782475>
2. Mansingh, S. (2006). India and China: competition & cooperation. *Foreign Policy Association*. Retrieved from <https://www.jstor.org/stable/43682457>
3. AdélNémeth. (2006). Trade And Competition Policy Reforms. *Akadémiai Kiadó*. Retrieved from <https://www.jstor.org/stable/40729773>
4. Ramaswamy, K.V. (2006). Competition Policy And Practice In Canada: Salient Features And Some Perspectives For India. *Economic and Political Weekly*. Retrieved from <https://www.jstor.org/stable/4418213>

5. Amarnath, A. B. (2013). The Oligopoly Problem: Structural And Behavioural Solutions Under Indian Competition Law. *Indian Law Institute*. Retrieved from <https://www.jstor.org/stable/43953671>
6. Sethi, R. &Dhir, S. (2013). Anti-Competitive Agreements Under the Competition Act, 2002. *Student Advocate Committee*. Retrieved from <https://www.jstor.org/stable/44283760>
7. Vickers, J. (2005). Abuse of Market Power. *Wiley on behalf of the Royal Economic Society*. Retrieved from <https://www.jstor.org/stable/3590440>
8. Pandey, B. N. &Saha, P.K. (2015). Competition Flexibilities In The Trips Agreement: Implications For Technology Transfer And Consumer Welfare. *Indian Law Institute*. Retrieved from <https://www.jstor.org/stable/44782491>
9. Handoll, J. (2015). Establishing Breach of Section 3 Of The Competition Act, 2002 "The Indian Bid Rigging Cases". *Student Advocate Committee*. Retrieved from <https://www.jstor.org/stable/44283654>

## **LAW 625 Intellectual Property Rights Law**

**Max. Marks : 100**

**(CA: 40 + ESA: 60)**

**L T P C**

**5 0 0 5**

### **Learning Outcomes:**

After the completion of the course student will be able to

- The learners will be able to use the principles of various IP laws while analyzing a problem related to IPR.
- Learners will further be able to assess the ways in which legislation and global policy influence the socio-economic environment in India and abroad.

- Proficiency with the ability to engage in competitive exams like CLAT, Patent Attorney, Bar Council of India, and other higher education and specialized courses will be developed.

**Note:** The paper will contain 3 questions from every section aggregating nine questions. Candidates are required to attempt total of six questions, taking at least one question from each section.

## **SECTION – A**

### **Introduction to IPR and its Philosophical Justification:**

Concept & Meaning of Intellectual Property, Nature and Characteristics of Intellectual Property, Origin and Development of Intellectual Property, Kinds of Intellectual Property, Importance of Intellectual Property Rights and the need for their Legal Protection Western Theories on Private and IP, Locke's Labour Theory of Property , Hegel's Personality Theory of Property, Marxian Theory on Private Property and IP. Indian Theory on Private Property

## **SECTION - B**

### **Intellectual Property Rights: International Relevance:**

Constitutional Aspects of Property, Constitutional Protection of Property and IP, Paris Convention for the Protection of Industrial property, 1883, The Berne Convention, 1886, TRIPS Agreement, 1994- - basic principles and minimum standards - limits of one- Size-fit for all -flexibilities under TRIPS, International Institutions Concerned with Intellectual Property

## **SECTION – C**

### **Intellectual Property: Issues and Challenges and its Contemporary Trends:**

Copyright protection with reference to performer's rights and Artist rights, Global governance towards Patents, Trade Marks: Legal recognition, Comparative analysis in India, EU and USA, Trade secrets: Legal recognition, Comparative analysis in India, EU and USA, Benefit sharing and contractual agreements - International Treaty on Plant Genetic



Resources for Food and Agriculture - issues on patent policy and farmers' rights- CBD, Nagoya Protocol and Indian law, UNESCO - protection of folklore/cultural expressions, Developments in WIPO on traditional knowledge and traditional cultural expressions

### **Suggested Readings:**

1. Ahuja, V. K. (2016). *Law Relating to Intellectual Property Rights*. (2nd Edition) Gurgaon, LexisNexis
2. Narayana, P. (2017). *Intellectual Property Law*. (3<sup>rd</sup> Edition Revised). Kolkata, Eastern Law House.
3. Sreenivasulu, N. S. (2018), *Law Relating to Intellectual Property*. (2<sup>nd</sup> Edition) Gurgaon: Universal Law Publishing
4. Steward, S. M. (1983). *International Copyright and Neighboring Rights*. London: Butterworth.
5. Wadhwa, Dr. B. L. (2018). *Law Related to Intellectual Property Right*. (5<sup>th</sup> Edition). New Delhi: Universal Publisher.

### **Suggested E-Learning Material:**

1. Trade Related Aspects of Intellectual Property Rights (2018, January 15). <[https://www.wto.org/english/docs\\_e/legal\\_e/27-trips\\_01\\_e.htm](https://www.wto.org/english/docs_e/legal_e/27-trips_01_e.htm)>
2. What is intellectual Property? (2017, December 26) <<https://www.wipo.int/about-ip/en/>>
3. Traditional Knowledge and IPR (2018, January 15) <[https://www.wipo.int/pressroom/en/briefs/tk\\_ip.html](https://www.wipo.int/pressroom/en/briefs/tk_ip.html)>
4. Ludwig, S. Peter & Gogoris, Adda C. (1998) The GATT-TRIPS agreement—What it is and how it has changed the playing field for all applicants for United States patents, <<https://www.sciencedirect.com/science/article/pii/S0167450198800289>>

## **LAW 628 Law and Justice in a Globalizing World**

**Max. Marks : 100**

**(CA: 40 + ESA: 60)**

**L T P C**

**5 0 0 5**

### **Learning Outcomes:**

After the completion of the course student will be able to:

- Find solutions to pressing problems of globalization in the domain of global justice
- Familiarize themselves with the multiple dimensions of the theoretical literature in relation to globalization.
- Critically evaluate the liberal, republican, and discursive democratic thoughts in relation to globalization.

**Note:** The paper will contain 3 questions from every section aggregating nine questions. Candidates are required to attempt total of six questions, taking at least one question from each section.

### **SECTION – A**

#### **Introduction and its Legal Theories:**

Meaning, Significance& Dimensions of Globalization; Concept of Justice in a Globalized world-Globalization and Universal Values, Concept of Global Justice, Cosmopolitanism, Models to Achieve Global justice- Social justice/Distributive justice-John Rawls Theory of Justice; Gandhian model of justice, The concept of justice and its relation to law in Western and Indian Legal thought and concept of Dharma as a legal tradition. The relation between law and justice, Normative Jurisprudence, the western heritage, classical utilitarianism, Benthamite and modified Benthamite utilitarianism.

### **SECTION - B**

#### **Globalisation: Legal Theory and Central Challenges Global Justice:**

Globalization and legal theory, the need for the study of concept of law from a global perspective, Basic concepts of law in western legal thought. A brief analysis of positivist, normative and realist theories of law in

western tradition, Impact on sovereignty of States, on federalism and Democratic Law making, Impact on Environment & Natural Resources- Displacement for Development, Impact of globalization on Human Rights and Trade Law

## **SECTION - C**

### **Globalization and Economic Development in India and Reforms in Justice Delivery System in India:**

Economic development and economic justice, Impact of WTO and TRIP's on Indian Economy- WTO & Indian Agricultural Challenges, Industrial Reforms: - Free enterprise versus State regulation., Concept of Plea Bargaining , Justice to victims of crime shift from adversarial system to accusatorial & inquisitorial system, ADR's UNCITRAL Model

#### **Suggested Reading:**

1. Helpman,E.( 2018).*Globalization and Inequality*. Cambridge, Harvard University Press.
2. Verma M. *Globalisation, Environment and Social Justice*, Abingdon: Taylor & Francis Inc.
3. Goldman M. (2005). *Imperial Nature – The World Bank and Struggles for Social Justice in the Age of Globalisation*, New Haven, Yale University Press.
4. Marc Coicaud J., Doyle M. (2003). *The Globalization of Human Rights*. Tokyo; United Nations University Press.
5. Baylis J, Smith S. ( 2008) *The Globalization of World Politics: An Introduction to International Relations*.Oxford ;Oxford University Press.
6. Solanki R.S.(2015), *Law & Financial Reforms*, New Delhi, Regal publishers

#### **Suggested E- Learning Material:**

1. Pierrick G. (2007)., “Global Law: A Legal Phenomenon Emerging from the Process of Globalization”, 14 Indian Journal of Global Legal Studies 119.Retrieved from [https://www.researchgate.net/publication/236792361\\_Global\\_Law\\_A\\_Legal\\_Phenomenon\\_Emerging\\_from\\_the\\_Process\\_of\\_Globalization](https://www.researchgate.net/publication/236792361_Global_Law_A_Legal_Phenomenon_Emerging_from_the_Process_of_Globalization)

2. Chimni B.S. (2004) *International Institutions Today: An Imperial Global State in the Making* European Journal of International Law Volume 15 Number 1 ; Retrieved from [www.ejil.org/pdfs/15/1/334.pdf](http://www.ejil.org/pdfs/15/1/334.pdf)
3. Kingsbury B, Krisch N. (2005). *The Emergence of Global Administrative Law*; Law and Contemporary Problems Journal ; Retrieved from [https://www.researchgate.net/publication/30503833\\_The\\_Emergence\\_of\\_Global\\_Administrative\\_Law](https://www.researchgate.net/publication/30503833_The_Emergence_of_Global_Administrative_Law)
4. Marks S, (2011) *Human Rights and Root Causes*; 74 (1) Modern Law Review 57-78 (January). Retrieved from [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1736880](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1736880)

## LAW 634 Research Methods and Legal Writing

**Max. Marks : 100**

**(CA: 40 + ESA: 60)**

**L T P C**

**5 0 0 5**

### Learning Outcomes:

After the completion of the course student will be able to

- Understand various intricacies associated with research
- Acquire knowledge related tool and techniques of research in Law.
- Make research proposal, research design, research report and thesis

**Note:** The paper will contain 3 questions from every section aggregating nine questions. Candidates are required to attempt total of six questions, taking at least one question from each section.

### SECTION - A

#### Meaning, objectives, kinds of Research and research design:

Meaning and objectives of research, Legal Research - Meaning, scope and purpose. Relation between law and society, Research methods vis a vis Research Methodology, Types/kinds: Doctrinal and Non-Doctrinal (empirical), Research Design, Various Steps in Research: Research Process, Research Problem: Identification and Formulation, Hypothesis -

Formulation of Hypothesis - Its Importance and Kinds, Use of Library, Database for Legal Research: Legislations, Judicial Decisions, Juristic Writings and Traditional and Online Database.

## **SECTION - B**

### **Research Techniques and Data Processing Report Writing:**

Use of Modern Technology/ Computer Assisted Research, Tools and Techniques for Collection of Data· Primary and Secondary Sources, Literature Review· Observation Method· Questionnaire· Interview· Case study Sampling· Jurimetrics, Data Analysis and Interpretation -Use of Deductive and Inductive Methods in Research, Report Writing, Supervision, Guidelines for researchers , Research Ethics

## **SECTION - C**

### **Legal Writing:**

Essentials of Good Legal Writing, Structured Legal Writing: Organization of Legal Materials, Framing of Write Up: Research Question, Title, Identifying relevant areas of law, Identifying Literature and Case Laws, Analysis, Discussion, Recommendations and Conclusion, Kinds: Informative, Persuasive; Writing for Individual Purposes; Writing for Academic Purpose; Writing for Court Purposes: Briefs, Plaints etc.; Writing for Publication: reviews, articles, books etc.; Judicial writing, Citation, Reference and Footnoting, Editing and Proof reading, Writing of Research Proposal, Dissertation/ Thesis Writing

### **Suggested Readings:**

1. L BERG, B. R. U. C. E. (2001). Qualitative research methods for the social sciences.
2. McConville, M. (Ed.). (2017). *Research methods for law*. Edinburgh University Press.
3. Kothari, C. R. (2004). *Research methodology: Methods and techniques*. New Age International.
4. Forcese, D., & Richer, S. (1970). *Stages of social research: contemporary perspectives*. Prentice Hall.

5. Thakur, D. (2012). *Research methodology in social sciences*. Deep & Deep Publications pvt. Limited.
6. Hicks, F. C. (1923). *Materials and Methods of Legal Research with Bibliographical Manual*. Lawyers Co-operative Publishing Company.
7. Goode William, J. (1952). *Methods In Social Reseaech*. Mcgraw-Hill Book Company; New York; Toronto; London.
8. Galtung, J. (1967). *Theory and methods of social research*. Universitetsforlaget.
9. Creswell, J. W., & Creswell, J. D. (2017). *Research design: Qualitative, quantitative, and mixed methods approaches*. Sage publications.
10. Gupta, V. K. (1995). *Decision Making in the Supreme Court of India: A Jurimetric Study*. Kaveri Books.
11. Watt, R., & Johns, F. (2009). *Concise legal research*. Federation Press.
12. Young, P. V., & Schmid, C. F. (1966). Scientific social surveys and research. An introduction to the background, content, methods, principles and analysis of social studies. *Scientific social surveys and research. An introduction to the background, content, methods, principles and analysis of social studies*.

### **Suggested E-Learning Material:**

1. Basics of Doctrinal Legal Research by Prof Shashikala Gurpur <https://www.youtube.com/watch?v=YYUxGnKntYU>
2. Legal research by P Chynoweth (2019, Jan 30). Retrieved from [http://www.csas.ed.ac.uk/\\_\\_data/assets/pdf\\_file/0005/66542/Legal\\_Research\\_Chynoweth\\_-\\_Salford\\_Uni..pdf](http://www.csas.ed.ac.uk/__data/assets/pdf_file/0005/66542/Legal_Research_Chynoweth_-_Salford_Uni..pdf)
3. Jurimetrics: The Methodology of Legal Inquiry (2019, Jan 30). Retrieved from <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=2945&context=lcp>
4. Jurimetrics: the science of law(2019, Jan 30). Retrieved from <https://www.youtube.com/watch?v=0WU2E2sKk3I>

## Second Semester

### LAW 621 Corporate Law

**Max. Marks : 100**

**(CA: 40 + ESA: 60)**

**L T P C**

**5 0 0 5**

#### **Learning Outcomes:**

After Completion of the course student will able to

- Develop an understanding on the working of Indian Corporates.
- Understand various provisions of the Company Law and other related legislations.
- Develop an analytical view of the subject and are updated with latest amendments in law & landmark judgment

**Note:** The paper will contain 3 questions from every section aggregating nine questions. Candidates are required to attempt total of six questions, taking at least one question from each section.

#### **SECTION A**

##### **Company Nature and its Incorporation:**

Structure of Corporate Management in India with Comparative Study of England and USA, Kinds of Company and their incorporation, Corporate Personality, Corporate veil & its lifting, Constitutional documents of a Company: MOA & AOA, Clauses in Memorandum of Association, Approval of Name, Alteration in MOA and AOA, Effect of Incorporation, The Doctrine of Ultra Vires, Constructive Notice & Indoor Management, Importance of Promoters: Position, Duties & Liabilities, Prospectus: Meaning, Consequences of Misstatements in Prospectus.

#### **SECTION B**

##### **Corporate Capital Unit and Management and Control of Companies:**

Capital, Kinds of Capital; Shares, Modes of Capital Raising, Procedure for

issue of Shares & Share Certificates; Procedure for increase and reduction of Share Capital; Debt Capital; Meaning and Kinds of Debt; Charge: Creation of Charges, Secured and Unsecured borrowings, Floating charge and Fixed charge; Debentures: Issue of Debentures, Kinds of Debentures, Rights of Debenture Holders, Loan from directors and Loan to directors; Restriction on borrowing powers of the company; Corporate Guarantees; Inter-Corporate Loans and Guarantees; Directors: Kinds, Appointment & Removal; Legal position of directors; powers of directors and restrictions thereof; Contract with directors; duties and liabilities of directors; Meetings; Kinds of Meetings of Directors, Majority rule and minority Rights; Protection of Minority Shareholders; Oppression and Mismanagement and remedies in case of Oppression & Mismanagement, Class Action Suit, National Company Law Tribunal (NCLT) and National Company Law Appellate Tribunal (NCLAT).

## **SECTION C**

### **Corporate Governance, Social Responsibility and Corporate Crimes and Law Relating to Multinational Corporations:**

Importance of Corporate Governance, Legislative framework for Corporate Governance under the Companies Act, 2013, Case Study: Enron and Satyam, Corporate Crimes and Criminal Liability of the officers of the Company, Insider Trading, Price Sensitive Information, Legal Reforms of Corporate Governance in India, Corporate Social and Environmental Responsibility, Meaning and Definition of Multinational Corporation, Problems of definitions and criteria of Determination, Regulation of MNC's.

#### **Suggested Readings:**

1. Singh, A. (2018). *Company Law*. Lucknow: Eastern Book Company.
2. Taxman (2019), *A Compendium of Companies Act 2013 along with Relevant rules*, New Delhi: Taxman



3. Chandratre, K. R. (2018), *Compendium of Key Issues under Corporate Law*; New Delhi: Bloomsbury India.
4. Jain,D.K.(2018), *Company Law Ready Reckoner*, New Delhi: Bharat Law House.
5. Garg,K.(2018), *Corporate Social Responsibility With Companies (Corporate Social Responsibility Policy) Rules, 2014*, New Delhi: Bharat Law House.

#### **Suggested E-Learning Material:**

1. Gelfond S, Schwenkel R. and Cohen H. (2017), Private Company Boards, *The Journal of Private Equity* Vol. 20, No. 3. Retrieved from <https://www.jstor.org/stable/44397520?>
2. Derek F , Christopher R,Stephen W. Mayson, *French & Ryan on Company Law*, Retrieved from [https://searchworks.stanford.edu/articles/nlebk\\_\\_678144](https://searchworks.stanford.edu/articles/nlebk__678144)
3. Szabo, Gergely D. and Engsig K. (2018), Corporate Governance Codes and Groups of Companies: In Search of Best Practices for Group Governance , *European Company and Financial Law Review* , Retrieved from [https://searchworks.stanford.edu/articles/edsgao\\_\\_edsgcl.564646255](https://searchworks.stanford.edu/articles/edsgao__edsgcl.564646255)
4. Lawrence L., *Impact of CSR mandate on Indian companies*. Retrieved from [http://www.academia.edu/7492295/Impact\\_of\\_CSR\\_mandate\\_on\\_Indian\\_companies](http://www.academia.edu/7492295/Impact_of_CSR_mandate_on_Indian_companies)
5. Choudhury B. &Petrin M. , Corporate governance that ‘works for everyone’: promoting public policies through corporate governance mechanisms,*Journal of Corporate Law Studies*, Retrieved from <https://www.tandfonline.com/doi/full/10.1080/14735970.2017.1414984>

## LAW 627 International Trade Law

**Max. Marks : 100**

**(CA: 40 + ESA: 60)**

**L    T    P    C**

**5    0    0    5**

### **Learning Outcomes:**

- The students will be able to understand the basic practicalities of International Trade.
- Students understanding about the various aspects of International Trade Law and all the steps taken on domestic and International level will be developed.
- Analytical skills will be developed among the students in relation to International Trade.

**Note:** The paper will contain 3 questions from every section aggregating nine questions. Candidates are required to attempt total of six questions, taking at least one question from each section.

### **SECTION - A**

#### **Introduction to International Trade Law and different organizations:**

Definitions: international trade, commerce and development, International trading system: liberalization of trade and commerce , History and Development of International Trade Law, International legal framework for the international trade, International Trade and Economic Theories Mercantilism, Adam Smith, David Ricards, Heckschler Ohlin, Paul Krugman, Brief Role of International Organisation in the Development of the International Trade - World Bank, International Finance Corporation, Asian Development Bank (ADB), Organization for Economic Co operation and Development(OECD), Organization for the Petroleum Exporting Countries (OPEC), Federation of International Trade Association (FITA), International Chamber of Commerce (ICC)

## **SECTION - B**

### **Unification of international trade Law, GATT and WTO:**

Role of Conventions, Treaties and Agreements for the Unification of International Trade Law, Role of Regional Trading Blocks and Organizations for the Unification of International Trade Law (UNIDROIT, UNCITRAL, UNCTAD), Association of South East Asian Nation (ASEAN), European Coal and Steel Community (ECSC) ,South Asian Association for Regional Co Operation (SAARC), SAARC Chamber of Commerce and Industry (SCCI) Bretton Woods System, General Agreement on Tariffs and Trade, 1947-1994(Uruguay Round),World Trade Organisation (WTO), Structure, Scope and Functions of WTO, Dispute Settlement in WTO, Principle of MFN and corresponding legal regime of trade, Principle of national treatment and corresponding regime of trade, Discriminatory regimes in international trade. GATT/WTO and the principles of free trade, Regional Trade Agreements and WTO

## **SECTION - C**

### **International Sale of Goods, International trade, ICC INCOTERMS , Foreign Trade:**

Role of UNCITRAL and UNIDROIT in International Sale of Goods, Introduction to the United Nation's Convention on Contracts for the International Sale of Goods, Definitions, General Principles, Fundamental Breach, Rule of Avoidance, Rule of Specific Performance, Modification and Termination of Contract, Formation of Contract under CISG ,Sale of Goods under CISG, Obligation of the Seller and the Buyer under CISG, Remedies under CISG (For Seller, Buyer and for both), Passing of Risk under CISG, Damages under CISG, the limits of liability and the force majeure and other exception clauses; Principles of international commercial contracts (UNIDROIT, 1994),General characteristics of INCOTERMS, Characteristics of the groups of terms (Group E, Group F, Group C, Group D), EXW, FCA, FOB, FAS, CIF, CFR, CIP, CPT, DES, DEQ, DDP, DAF etc., Foreign Trade in India, Policies and Issues.

**Suggested Readings:**

1. Carr, I. (2005). *International Trade Law* (3<sup>rd</sup>ed.). Routledge-Cavendish.
2. Boscche, P. (2017). *The Law and Policy of WTO* (4<sup>th</sup>ed.). Cambridge University Press
3. Vij, N. (2016). *International Trade Law*. Universal Law Publishing Co.
4. Myneni, S.R. (2017). *International Trade Law* (3<sup>rd</sup>ed.). Allahabad: Allahabad Law Agency.

**Suggested E-Learning Material:**

1. Pillai, P. N. (1977). Review of International Trade Law by K.W. Ryan: *National University of Singapore (Faculty of Law)*. Retrieved from <https://www.jstor.org/stable/24863262>
2. Simmons, P. (1999). Reviewed Work(s): Principles of International Trade Law by Indira Carr. *Cambridge University Press on behalf of the British Institute of International and Comparative Law*. Retrieved from <https://www.jstor.org/stable/761753>
3. Hoya, T.W. (1973). Comecon and the Unification of International Trade Law. *Cambridge University Press*. Retrieved from <https://www.jstor.org/stable/25660478>
4. Foster, C. (2000). The Jurisprudence of the GATT and the WTO: Insights on Treaty Law and Economic Relations by John H. Jackson. *Cambridge University Press on behalf of Editorial Committee of the Cambridge Law Journal*. Retrieved from <https://www.jstor.org/stable/4508726>
5. American, S. (1861). Foreign Trade. *Scientific American, a division of Nature America, Inc.* Retrieved from <https://www.jstor.org/stable/10.2307/24957249>
6. Duhl, G. (2012). International Sale of Goods. *American Bar Association*. Retrieved from <https://www.jstor.org/stable/23526821>

**First Semester**  
**Master of Laws (Intellectual Property Laws)**  
**LAW 626 International Intellectual Property Law**  
**and Policy**

**Max. Marks : 100**  
**(CA: 40 + ESA: 60)**

<b>L</b>	<b>T</b>	<b>P</b>	<b>C</b>
<b>5</b>	<b>0</b>	<b>0</b>	<b>5</b>

**Learning Outcomes:**

After the completion of the course student will be able to:

- Understand the basics understand of international intellectual property right law.
- Get adequate knowledge of various International Treaties related to IPR accustom with the international perspective of IP law, their dispute redressal mechanism and various issues attached with the International IP law.

**Note:** The paper will contain 3 questions from every section aggregating nine questions. Candidates are required to attempt total of six questions, taking at least one question from each section.

**Section A**

**WIPO**

World Intellectual Property Organisation (WIPO), 1967 - Object of the WIPO, Function, Membership, Organs of the WIPO, Relation between WIPO and WTO.

**Section B**

**Trade Related Aspects of Intellectual Property (TRIPS), 1994**

General Provisions And Basic Principles Part

TRIPS and Intellectual Property Conventions

Standards Concerning The Availability, Scope And Use Of Intellectual Property Rights: Copyright And Related Rights, Trademarks, Geographical

Indications,. Industrial Designs, Patents, Layout-Designs (Topographies) Of Integrated Circuits, Protection Of Undisclosed Information.

Relation of TRIPS to other WTO Agreements

Trade Related Aspects of Intellectual Property (TRIPS), 1994

- i. Enforcement Of Intellectual Property Rights
- ii. Acquisition And Maintenance Of Intellectual Property Rights And Related Inter-Partes Procedures Part
- iii. Dispute Prevention And Settlement
- iv. Transitional Arrangements Part
- v. Institutional Arrangements

### **Section C**

#### **Various International Treaties related to IPR**

Paris Convention for the protection of Industrial Property, 1983

Hague Agreement Concerning the International Deposit of Industrial Designs, 1934 and 1960.

Budapest Treaty on International Recognition of the Deposit of Micro-organisms for the purpose of Patent Procedure, 1977

International IP Disputes & Mechanism post-WTO:

- i. Dispute Settlement Understanding
- ii. TRIPS, Vienna Convention and DSU
- iii. Role of WIPO
- iv. Reporting to TRIPS Council and compliance issues
- v. anti-dumping Agreement
- vi. Software and IPR
- vii. International competition regime in IP matters
- viii. Out of court settlement and competition issues

### **Suggested Readings:**

1. "Hand Book on WIPO on Intellectual Property Rights", 2nd Edition, WIPO publication, Geneva, 2004.
2. Hugh C. Hansen, International Intellectual Property Law & Policy, Juris Publication.
3. Matthew Kennedy, WTO Dispute Settlement and the TRIPS Agreement, Cambridge University Press, 2016.
4. Melville B. Nimmer - Copyright and other Aspects of literary , musical and Artistic Works, 2nd Edn.
5. Baxi, U.The Law of Intellectual Property : Copyright law in India (1989)
6. P. Narayanan - Copyright and Industrial Design, 2nd Edn. 1995.
7. P. Narayanan - Trademark, Trade name and Passing off Cases 2nd Edn. Vol.I & II, 1997.
8. Thairani, K- Copyright: The Indian Experience (1987).
9. Lal's Copyright Act, 3rd Edn. 1995 Law Publications
10. Report on an Analysis of the Economic/Legal Literature on Intellectual Property (IP) Rights: A Barrier to Entry? Committee on Development & Intellectual Property, World Intellectual Property Organization, Available on [http://www.wipo.int/edocs/mdocs/mdocs/en/cdip\\_8/cdip\\_8\\_inf\\_6\\_corr.pdf](http://www.wipo.int/edocs/mdocs/mdocs/en/cdip_8/cdip_8_inf_6_corr.pdf)
11. Valentine Korah, "An Introductory Guide to EC Competition Law and Practice", 8th Edition, Oxford & Portland, Oregon, 2004, Chapter 10, 291-313
12. MahevM.Dabbah, "EC & UK Competition Law, Commentary, Cases & Materials", 1st Edition, 2004, Cambridge University press, Chapter 6, pp. 199-231
13. Mark Furse, "Competition Law of the EC & UK", 4th Edition, Oxford University Press, Oxford, Chapter 14, pp. 259-262.

14. NunoPiresdeCarvalho, "The TRIPs Regime on Patent Rights", 2nd Edition, Kluwer Law International, The Hague, Netherlands, 2005, Preamble, pp.48-51, Part - V, pp. 401-416
15. Palmeter and Mavroidis, "Dispute Settlement in WTO : Practice and Procedure", 2nd Edition, Cambridge University Press, Newyork, 2004
16. RavindraPratap, "India at the WTO Dispute Settlement System", 1st Edition, Manak Publications Private Limited, New Delhi, 2004
17. "Hand Book of WIPO on Intellectual Property Rights", 2nd Edition, WIPO Publication, Geneva, 2004, Chapter - V, pp. 241-366
18. "WTO Dispute Settlement Procedures : A Collection of the Relevant Legal Test", 2nd Edition, A WTO Secretariat Publication, Cambridge University Press, Newyork, 2004
19. "Resource Book on TRIPs and Development", UNCTAD-ICTSD, 1st Edition, Cambridge University Press, U.S.A., 2005, Part - V, pp.637-704
20. "Anti-dumping, subsidies, safeguards: contingencies, etc", Understanding the WTO: the Agreements, can be accessed from [https://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/agrm8\\_e.htm](https://www.wto.org/english/thewto_e/whatis_e/tif_e/agrm8_e.htm)
21. "Intellectual property: protection and enforcement" Understanding the WTO; can be accessed from [https://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/agrm7\\_e.htm](https://www.wto.org/english/thewto_e/whatis_e/tif_e/agrm7_e.htm)
22. Cornish.W.R&Llewelyn.D, Intellectual Property: Patents, Copyright, Trademarks and Allied Rights, Thomson Sweet & Maxwell, London, 2003
23. Chisum Donald S, Chisum on Patents, Matthew Bender Publications, New York, 2003
24. Elizabeth Verkey, Law of Patents, Eastern Book Company, Lucknow, 2005
25. Philip W. Grubb, Patents for Chemicals Pharmaceuticals and Biotechnology, Oxford University Press, New York, 2004.



26. Matsushita, Mavroidis, the World Trade Organisation, Law, Practice, and Policy, Oxford University Press, 2003.
27. Sheela Rai, Anti-Dumping Measures under GATT/WTO, Eastern Book Company, 2005.
28. Edwin Vermulst, The WTO Anti-Dumping Agreement, Oxford University Press, 2005.
29. Michael Blakeney, "Protection of Plant Varieties and Farmers' Rights", European Intellectual Property Review, 2004, 24(1), 9-19

### **Suggested E – Learning:**

1. Seshia, "Plant Variety Protection & Farmers' Rights in India : Law-Making & the Cultivation of Varietal Control", <http://www.gapresearch.org/governance/EPWarticleShaila.pdf>
2. Anitha Ramanna, "India's Plant Variety & Farmers' Rights Legislation : Potential Impact on Stake Holders Access to Genetic Resources", <http://www.igidr.ac.in/facu/anithar.htm>

\* Suggested Readings are not exhaustive. Need to be supplemented with additional readings.

## **LAW 631 Law of Patents**

**Max. Marks : 100**

**(CA: 40 + ESA: 60)**

<b>L</b>	<b>T</b>	<b>P</b>	<b>C</b>
<b>5</b>	<b>0</b>	<b>0</b>	<b>5</b>

### **Learning Outcomes:**

After the completion of the course student will be able to:

- Understand the various aspect of Patents law in Indian context.
- Get adequate knowledge of Various International Treaties related to Patent Laws.

**Note:** The paper will contain 3 questions from every section aggregating nine questions. Candidates are required to attempt total of six questions, taking at least one question from each section.

## SECTION – A

### **Patents and Patentable subject-matter:**

Overview , Historical development , Concepts: Novelty, Utility, Inventiveness/Non-obviousness, Patent Act 1970 - amendments of 1999, 2000, 2002 and 2005, Pharmaceutical products and process and patent protection ,Software Patents , Business Method , Protection of Plant Varieties and Farmers' Rights Act, 2001, Patenting of Micro-organism

## SECTION - B

### **Procedure for Obtaining of Patents:**

Contents of a Patent Application. 3.2 Specification: Provisional 3.2.2 Complete, Disclosure aspects 3.4 Claims, Principal 3.4.2 Dependant 3.4.3 Omnibus, Examination of application, Opposition of Application, Sealing of Patents

## SECTION - C

### **Working of Patents - Compulsory License and Infringement:**

Commercialization of Inventions, Licence- Terms of License Agreement 4.1.2 Assignment of patents, Revocation of Patents, Meaning of Infringement, Method of determination of Infringement, Infringer- Direct, Contributory, and Induced, Defences to Infringement - Research exemption , invalidity , misuse failure to mark, , laches and estoppels, and first sale doctrine.

### **Suggested Reading:**

1. Nard, C. (2016). *The Law of Patents (4<sup>th</sup> ed.)*. Wolters Kluwer.
2. Merges, R. & Duffy, J. (2017) .*Patent Law and Policy (7<sup>th</sup> ed.)* .Carolina Academic Press
3. Mueller, J.M. (2012). *Patent Law (4<sup>th</sup> ed.)*. Aspen Publishers.

**Suggested E-Learning Material:**

1. Hargreaves, S. (2007). Novartis Pressured to Drop Patent Case. *British Medical Journal*. Retrieved from <https://www.jstor.org/stable/20506448>
2. Joshi, S. & Barker, R. (2005). Changes to India's Patent Law. *British Medical Journal*. Retrieved from <https://www.jstor.org/stable/25459558>
3. Lignac, A. (1969). Comparative Foreign Patent Procedure. *American Bar Association*. Retrieved from <https://www.jstor.org/stable/40704585>
4. Rangnekar, D. (2006). No Pills for Poor People? Understanding the Disembowelment of India's Patent Regime. *Economic and Political Weekly*. Retrieved from <https://www.jstor.org/stable/4417764>
5. Dale, S. (1915). Compulsory work of Patents. *Scientific American, a division of Nature America, Inc.*. Retrieved from <https://www.jstor.org/stable/10.2307/26023050>

**Second Semester****LAW 629 Law of Copyright****Max. Marks : 100****(CA: 40 + ESA: 60)****L T P C****5 0 0 5****Learning Outcomes:**

- The students will be able to understand various complexities associated with copyright law.
- The students will be able to file an application for copyright.
- The students will acquire knowledge about the contemporary issues relating to copyright law.

**Note:** The paper will contain 3 questions from every section aggregating nine questions. Candidates are required to attempt total of six questions, taking at least one question from each section.

### **Section A**

Concept of property, The economic importance of Copyright, Nature, Scope and Justification of copyright as an intellectual property, Historical development of copyright law, International Treaties: Berne Convention, Universal Copyright Convention, 1952 , Rome convention, TRIPs, Geneva Convention, 1971, WIPO Copyright Treaty, 1996 , International Copyright Order, 1999 and Beijing Treaty on Audiovisual Performances, 2012, 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, UNESCO - protection of folklore/cultural expressions, Rights of the owner's of the Copyright: a. Economic Rights, The Right of Reproduction, Right to communicate the work to the public, Right to distribute the Work, Right of adaptation translation etc., Rights of Broadcasting organizations and of Performers, Moral Rights.

### **Section B**

Authorship: Ownership & Licensing and Assignment of Copyrighted work: (a) who owns the work? (b) Duration of Copyright (c) Assignment of Copyright (d) Licensing of Copyright: Voluntary license (e) Statutory license (f) Compulsory license, Enforcement of Copyright at National and International Level, Elements of infringement of Copyright ,Secondary liability of infringement; Exceptions; Fair dealing ,Remedies for infringement: Civil remedies, Criminal Remedies, Administrative remedies

### **Section C**

Procedure of Registration , Effect of Registration and its protection outside India, Termination of Copyright & its effects; Authorities; Copyright office, Copyright Board, Copyright Societies., Copyright: A human right and Free Speech implications , First Sale Doctrine, Exhaustion of Copyright and Doctrine of Fair Dealing, Copyright and Contract: Technological protection / Digital Rights Management (DRM) ,Concept of Orphan works, Developments in WIPO on traditional knowledge and traditional cultural expressions.

**Suggested Readings:**

1. Garnett, K., James, J. R. & Gillian. (2013). *Copinger and Skone James on Copyright*. London: Sweet & Maxwell.
2. P. Narayanan. (2007). *Copyright and Industrial Designs (3<sup>rd</sup> ed.)*. New Delhi: Eastern Law House.
3. Nimmer, D. (2010). *Nimmer on Copyright*. New Delhi: Lexis Nexis,.
4. Cornish, W.R. (2010). *Intellectual Property: Patents Copyright Trademarks and allied rights*. London: Sweet & Maxwell,.
5. Sivakumar, S. & Lukose, L.P. (2013) *Broadcasting Reproduction Right in India: Copyright and Neighboring Right Issues*. New Delhi: ILI.
6. Kaul, A.K. & Ahuja, V.K. (2001) *Law of Copyright: From Gutenberg's Invention to Internet*. Delhi: University of Delhi.
7. Padmanabhan, A. (2012). *Intellectual Property Rights Infringement and Remedies*. New Delhi: Lexis Nexis.
8. Rajan, M.S. (2011). *Moral Rights: Principles, Practice, and New Technology*. Oxford University Press.
9. Goldstein, P. (2012). *International Copyright: Principles, Law, and Practice*. Oxford University Press.
10. Netanel, N.W. (2011). *Copyright's Paradox*. Oxford University Press.

**Suggested E-Learning Material:**

1. Beer, J.D. (2013). Copyright Royalty Stacking. *University of Ottawa Press*. Retrieved from URL: <https://www.jstor.org/stable/j.ctt5vkcpr.15>
2. Davidson, M.W. (2000). Copyright. *Music Library Association*. Retrieved from <https://www.jstor.org/stable/899643>
3. Goldstein, P. (1992). Copyright. *Duke University School of Law*. Retrieved from <https://www.jstor.org/stable/1191775>
4. Reese, R. A. What should copyright protect?. *ANU Press*. Retrieved from <https://www.jstor.org/stable/j.ctt1q1crjg.7>

## LAW 632 Law of Trademarks

**Max. Marks : 100**  
**(CA: 40 + ESA: 60)**

<b>L</b>	<b>T</b>	<b>P</b>	<b>C</b>
<b>5</b>	<b>0</b>	<b>0</b>	<b>5</b>

### Learning Outcomes:

After the completion of the course the student will be able to:

- Understand the basics of trademark law.
- Get adequate knowledge of Various International Treaties related to of trademark law.
- Accustom themselves with the Indian legislation on of trademark law.

**Note:** The paper will contain 3 questions from every section aggregating nine questions. Candidates are required to attempt total of six questions, taking at least one question from each section.

### SECTION -A

#### An Introduction to Trademark:

Historical development of the concept of trademark and trademark Law- National and International -- Introduction to Trademarks, Need for Protection of Trademarks, Kinds of Trademarks, International Legal Instruments on Trademarks, Well known Trademark.

### SECTION - B

#### Registration of Trademarks:

Grounds of refusal of registration, absolute grounds, Relative grounds, procedure for registration of Trademarks: application.-intent to use ,opposition, registration, rights of registered trademark owners, assignment and licensing of Trademarks

### SECTION - C

#### Infringement of Trademarks:

Passing Off, defences, remedies for Infringement and Passing Off: Civil remedies & criminal remedies.

**Suggested Readings:**

1. W.R. Cornish, Intellectual Property, Sweet & Maxwell, London (2000)
2. Kerly's Law of Trade Marks and Trade Names, 14th Edition, Thomson, Sweet &Maxweel.
3. K. BanSal, Law of Trade Marks in India (2009 Edition) Institution of Constitutional and Parliamentary Studies and Centre for Law, Intellectual Property and Trade, New Delhi.
4. ChristoherWadlow, The Law of Passing Off, 1995
5. Marsha A. Echols, Geographical Indications for Food Products, International Legal and Regulatory Perspectives (2008), Wolters Kluwer.
6. N.S. Gopalakrishnan& T.G. Agitha, Principles of Intellectual Property (2009), Eastern Book Company, Lucknow.

**Suggested E- Learning Material:**

1. Gerald D. O'Brien. (1967). The Role of Patents and Trademarks in International Trade. *American Bar Association*. Retrieved from <https://www.jstor.org/stable/40705195>
2. Lisa P. Lukose. (2015). Non-Traditional Trademarks: A Critique. *Indian Law Institute*. Retrieved from <https://www.jstor.org/stable/44782501>
3. John R. Ewbank. (1958). What The General Practitioner Should Know About Trademarks And Copyrights. *American Bar Association*. Retrieved from <https://www.jstor.org/stable/25720487>

## Discipline Elective

### LAW 618 Bio-diversity Protection

**Max. Marks : 100**

**(CA: 40 + ESA: 60)**

**L T P C**

**5 0 0 5**

#### **Learning Outcomes:**

After the completion of the course student will be able to

- The learners will be able to know the importance of Biodiversity.
- Learners will further be able to acquaint themselves with legal and ethical issues relating to biodiversity.

**Note:** The paper will contain 3 questions from every section aggregating nine questions. Candidates are required to attempt total of six questions, taking at least one question from each section.

#### **SECTION A**

Meaning and Importance, Role of Flora and Fauna in Maintaining Biodiversity, Dependence of human life on the existence in flora and fauna, Utilization of flora and fauna for bio-medical purpose, Experimentation on animals: Legal and ethical issues, Genetic mutation of seeds and micro-organisms, Genetic engineering

#### **SECTION B**

Significance of wild life , Medicinal plants , Plant and micro-organism, Threats to Biodiversity, Need for Protection of Biodiversity, Biodiversity and Economic Valuation

#### **SECTION C**

Convention on Biological Diversity, 1992, The Biological Diversity Act, 2002, Legal mechanisms of control, Recognition of regional and local agencies, Development Projects and Destruction of Bio diversity



**Suggested Readings:**

1. Handbook of the Convention on Biological Diversity Paperback – Import, 1 Oct 2000 by **Secretariat To The Cbd (Author)**
2. Biological Diversity Act, 2002 along with Rules, 2004 Paperback – 2017 by Professional (Author)
3. Biodiversity : Concepts and Conservation Hardcover – 2016 by B.B. Hosetti (Author), S. Ramkrishna (Author)

**Suggested E- Learning Material:**

1. Vandana Shiva. (1993). Farmers' Rights, Biodiversity and International Treaties. *Economic and Political Weekly*. Retrieved from <https://www.jstor.org/stable/4399549>
2. Ashish Kothari and R. V. Anuradha. (1997). Biodiversity, Intellectual Property Rights, and GATT Agreement: How to Address the Conflicts? *Economic and Political Weekly*. Retrieved from <https://www.jstor.org/stable/4406014>

**LAW 633 Plant Varieties and Farmers Rights**

**Max. Marks : 100**  
**(CA: 40 + ESA: 60)**

<b>L</b>	<b>T</b>	<b>P</b>	<b>C</b>
<b>5</b>	<b>0</b>	<b>0</b>	<b>5</b>

**Learning Outcomes:**

After the completion of the course student will be able to

- Know the significance of plant varieties in agrarian economy.
- acquaint themselves with legal provision under Plant Verities act

**Note:** The paper will contain 3 questions from every section aggregating nine questions. Candidates are required to attempt total of six questions, taking at least one question from each section.

**SECTION A**

What is Plat Variety, Agricultural research and new and novel varieties?  
 Significance of plant varieties in agrarian economy.

Promotion of agricultural research and protection of plant variety system.  
 Sui generis system for the protection of plant varieties.

Historical evolution of plant variety protection system. International developments on the protection of plant varieties: Conventions on Plant Genetic Resources and UPOV.

## **SECTION B**

Types of plant Varieties, characteristics of Plant varieties, Sui generis system, historical background of sui generic system. The need for the protection.

Plant variety protection system in India

The objectives and salient features of The Plant Variety and Farmers rights, Protection Act: A brief overview.

## **SECTION C**

Concept of farmer's rights, Sui-generis protection for the protection of farmer's rights: A pecuniary requirement of agrarian countries.

Plant breeder's rights and Farmer's rights; Farmers Rights movement, UPOV and other international convention on farmer's rights.

The social angle in the protection of farmer's rights, protection for varieties produced and evolved by farmers. Varieties under the Seeds Act.

### **Suggested Readings:**

1. Protection of Plant Varieties & Farmers Rights Act, 2001 along with Rules, 2003 & Regulations, 2006 Paperback – 2015 by Professional (Author)
2. Plant Varieties & Farmers' Rights by R.R. Hanchinal & Raj Ganesh | 1 January 2018 Hardcover
3. Plant Variety Protection Act: & Regulations & Rules of Practice Paperback – Import, 1 Jul 1999 by Marsha A. Stanton (Editor)

### Suggested E- Learning Material:

1. Shaila Seshia. (2002). Plant Variety Protection and Farmers' Rights: Law-Making and Cultivation of Varietal Control. *Economic and Political Weekly*. Retrieved from [https://www.jstor.org/stable/pdf/4412328.pdf?ab\\_segments=0%252Fdefault-2%252Fcontrol&refreqid=excelsior%3A6bf7a0f6860e6be0feba416b10b72adf](https://www.jstor.org/stable/pdf/4412328.pdf?ab_segments=0%252Fdefault-2%252Fcontrol&refreqid=excelsior%3A6bf7a0f6860e6be0feba416b10b72adf)
2. K. Ravi Srinivas. (1994). Power without Accountability: Draft Bill on Plant Breeders' Rights. *Economic and Political Weekly*. Retrieved from [https://www.jstor.org/stable/pdf/4400991.pdf?ab\\_segments=0%252Fdefault-2%252Fcontrol&refreqid=excelsior%3A7e412fcc0b71150e15fc0306a54f62a2](https://www.jstor.org/stable/pdf/4400991.pdf?ab_segments=0%252Fdefault-2%252Fcontrol&refreqid=excelsior%3A7e412fcc0b71150e15fc0306a54f62a2)
3. Suman Sahai. (2001). Plant Variety Protection and Farmers' Rights Law. *Economic and Political Weekly*. Retrieved from [https://www.jstor.org/stable/pdf/4411047.pdf?ab\\_segments=0%252Fdefault-2%252Fcontrol&refreqid=excelsior%3Afd73cee723935d18b035846f904abb4c](https://www.jstor.org/stable/pdf/4411047.pdf?ab_segments=0%252Fdefault-2%252Fcontrol&refreqid=excelsior%3Afd73cee723935d18b035846f904abb4c)
4. Suman Sahai. (1999). Protection of New Plant Varieties: A Developing Country Alternative. *Economic and Political Weekly*. Retrieved from [https://www.jstor.org/stable/pdf/4407726.pdf?ab\\_segments=0%252Fdefault-2%252Fcontrol&refreqid=excelsior%3A61c0942d7c86848ba575f13ad72acf21](https://www.jstor.org/stable/pdf/4407726.pdf?ab_segments=0%252Fdefault-2%252Fcontrol&refreqid=excelsior%3A61c0942d7c86848ba575f13ad72acf21)
5. Konstantinos Giannakas. (2002). Infringement of Intellectual Property Rights: Causes and Consequences. *American Journal of Agricultural Economics*. Retrieved from [https://www.jstor.org/stable/pdf/1244967.pdf?ab\\_segments=0%252Fdefault-2%252Fcontrol&refreqid=excelsior%3A7579e283fb4b1d1f1e4c5330e4291247](https://www.jstor.org/stable/pdf/1244967.pdf?ab_segments=0%252Fdefault-2%252Fcontrol&refreqid=excelsior%3A7579e283fb4b1d1f1e4c5330e4291247)

6. Suman Sahai. (1994). Government Legislation on Plant Breeders' Rights. *Economic and Political Weekly*. Retrieved from [https://www.jstor.org/stable/pdf/4401386.pdf?ab\\_segments=0%252Fdefault-2%252Fcontrol&refreqid=excelsior%3Ad62e6a88027d995720bee164901ac652](https://www.jstor.org/stable/pdf/4401386.pdf?ab_segments=0%252Fdefault-2%252Fcontrol&refreqid=excelsior%3Ad62e6a88027d995720bee164901ac652)
- C. Niranjana Rao. (2004). Indian Seed System and Plant Variety Protection. *Economic and Political Weekly*. Retrieved from <https://www.jstor.org/stable/4414678>

## LAW 701 Principles of Taxation

**Max. Marks : 100**

**(CA: 40 + ESA: 60)**

L	T	P	C
5	0	0	5

### Learning Outcomes:

After the completion of the course student will be able to

- The students will be able to define the procedure of tax assessment.
- The students will be imbued with the practical knowledge to compute total income and define tax complications and structure.
- The Students will get problem solving skills, proficiency in matters related to taxation law

**Note:** The paper will contain 3 questions from every section aggregating nine questions. Candidates are required to attempt total of six questions, taking at least one question from each section.

### SECTION - A

Social welfare concept of taxation, History of Taxation in India, Basis of Charge, residential status, exempted income, heads of income, Clubbing of income, set-off & carry forward of losses, Deductions and exemptions from gross total income, Income tax authorities.

## SECTION - B

### **Goods and Service Tax Law:**

Constitutional aspect; Levy and collection of CGST & IGST; Concept of supply; Charge of tax, Exemptions from tax, Provisions relating to electronic commerce, Administration of GST., Offences and penalties under the Goods and Services Tax Law

## SECTION - C

### **Taxation of International Transactions and non-resident taxation:**

Provisions under Income tax Act, 1961 relating to non-residents; double taxation relief etc., Overview of Model tax Conventions - OECD and UN; Application and interpretation of Tax Treaties.

### **Suggested Readings:**

1. Singhanian, Vinod K. (2018) *Student Guide to Income Tax*, Taxman.
2. Rai Kailash. (2016). *Taxation Laws*. Allahabad Law Agency.
3. Myneni, S.R. (2018). *Law of Taxation*. Allahabd Law Series.
1. Ahuja, Girish. (2018). *Systematic Approach to IncomeTax*. Delhi: Bharat Law House Pvt. Limited
2. Palkivala, Nani. *Income Tax*. Lexis Nexis Butterworths Publications,
3. The Income Tax Act, 1961
4. Datey V. S. (2009). *Indirect Taxes Law and Practice*, Taxman.
5. The Central Goods and Services Act, 2017.

### **Suggested E-Learning Material:**

1. Direct Taxation Group \_I study Notes- I by Icmαι. Retrieved from [http://icmai.in/upload/Students/Syllabus-2012/Study\\_Material\\_New/Inter-Paper7-Revised.pdf](http://icmai.in/upload/Students/Syllabus-2012/Study_Material_New/Inter-Paper7-Revised.pdf)
2. Direct Tax *Complete Theory* by Badlani classes. Retrieved from <https://www.badlaniclassess.online/copy-of-ay-17-18-income-tax>.

3. Agrawal, CS K.K. Fast Track Quick Revision Income Tax. Retrieved from <https://taxguru.in/wp-content/uploads/2014/04/FT-QR-IT.pdf>
4. Study Material of The Institute of chartered Accountants of India on Direct Tax. Retrieved from [https://www.icai.org/post.html?post\\_id=13752](https://www.icai.org/post.html?post_id=13752)
5. Study Notes of The Institute of chartered Accountants of India- Intermediate Paper- I on Indirect Taxation. Retrieved from <http://icmai.in/upload/Students/Syllabus2016/Inter/Paper-11-NEW-GST-Revised.pdf>
6. Reading Material on Indirect Taxation of the Institute of Company Secretaries of India. Retrieved from <https://www.icsi.edu/media/webmodules/Reading%20Material%20Indirect%20Tax.pdf>

## **LAW 702 Securities and Investment Law**

**Max. Marks : 100**

**(CA: 40 + ESA: 60)**

<b>L</b>	<b>T</b>	<b>P</b>	<b>C</b>
<b>5</b>	<b>0</b>	<b>0</b>	<b>5</b>

### **Learning Outcomes**

After the completion of the course student will be able to

- An understanding about the various aspects of Securities Laws and all the steps taken to deal with stock exchange and listing of shares and investors protection will be developed.
- The students will get to know about the recent issues of Securities Laws in India.
- Analytical skills will be developed among the students in relation to Securities and Investment law

**Note:** The paper will contain 3 questions from every section aggregating nine questions. Candidates are required to attempt total of six questions, taking at least one question from each section.

## SECTION – A

### **Historical evolution of securities laws:**

International perspective, Indian Perspectives- Preindependence period, Post- independence period, History of capital markets in India, Need for securities legislation and investor protection, Classification of Securities- Ownership instruments, Shares, Stocks, Debt instruments :Debentures and Bonds, Offered documents-Prospectus Norms of disclosure under :(a) The Companies Act, 1956,(b) The Securities Contract Regulation Act,1957,(c) The Securities Exchange Board of India Act,1988

## SECTION – B

### **Concept of Securities Market, Stock Exchange and Listing of shares:**

Primary Market : Scheme of Primary Market, Advantages and Disadvantages to companies and investors, Players in Primary Market- Underwriters, Brokers to an issue, Managers to the issue, Bankers to the issue and Registrar to the issue, Secondary Market :Players in the Secondary Market, Brokers, Over the Country Exchange of India (OCTEL), The Companies Act, 2013, The Securities Exchange Board of India Act, 1988, The Securities Contract Regulation Act, 1957, The Stock Exchange Act.

## SECTION – C

### **Investors Protection and Principles of International Investment Law:**

Role and functions of SEBI Tribunal, Depositories Act, Dematerialisation, Advantages and Disadvantages. Investment in Mutual Funds: Investment by Financial Institutions& Foreign Financial Institutions, International treaties, Types of Investment contracts, Applicable law, Stabilization clauses, Renegotiation and adaptation

### **Suggested Reading:**

1. Chandratre, K.R. (2010). *Bharat's SEBI Compendiu*( 4th Ed.). New Delhi: Bharat Law House.

2. Eilis, F. (2008). *Principles of Corporate Finance Law*. Oxford: Oxford University Press.
3. Khilnani, D.T. (2007). *FEMA Ready Reckoner*. (12th Ed.). New Delhi: Snow White Publications Pvt.
4. Myneni, S.R. (2006). *Law of Investment and Securities*. Hyderabad: Asia Law House,
5. Puliani, R. (2007). *Bharat's Manual of SEBI Act, Rules, Regulations, Guidelines, Circulars, ETC*. New Delhi: Bharat Law House Pvt.
6. Ashok, S. (2008). *Bharat's Foreign Exchange Management Manual*. New Delhi: Bharat Law House.
7. Singh, A. (2004). *Company Law* (14th ed.) Lucknow: Eastern Book Company.
8. Taxman. (2011). *Taxman's Foreign Exchange Management Manual: With Foreign Exchange Laws Ready Reckoner* (18<sup>th</sup> ed.). New Delhi: Taxman Publications.

#### **Suggested E-Learning Material:**

1. Cambridge University Press. (1956). International Investment Law Conference. *Cambridge University Press*. Retrieved from <https://www.jstor.org/stable/2194597>
2. Mahoney, P.G. (2009). The Development of Securities Law in the United States. *Wiley on behalf of Accounting Research Center, Booth School of Business, University of Chicago*. Retrieved from <https://www.jstor.org/stable/25548022>
3. Chang, K.Y. (2005). The Effective Regulation of Transnational Securities Fraud in Global Markets. *Institute of International Affairs, Graduate School of International Studies, Seoul National University*. Retrieved from <https://www.jstor.org/stable/43107122>



4. Sebastian, B.J. (1989). The Role of the Securities Market in Mobilizing Resources for the Region. *Sir Arthur Lewis Institute of Social and Economic Studies, University of the West Indies*. Retrieved from: <https://www.jstor.org/stable/27864906>
5. Garbade, K.D. & Silber, W.L. (1976). Price Dispersion in the Government Securities Market. *The University of Chicago Press*. Retrieved from <https://www.jstor.org/stable/1831329>
6. McConnell, J.J & Sanger, G.C. (1987). The Puzzle in Post-Listing Common Stock Returns. *Wiley for the American Finance Association*. Retrieved from <https://www.jstor.org/stable/2328423>
7. Baker, H.K., Nofsinger, J. R. & Weaver, D.G. (2002). International Cross-Listing and Visibility. *Cambridge University Press on behalf of the University of Washington School of Business Administration*. Retrieved from <https://www.jstor>

## **LAW 630 Law of Geographical Indications and Plant Varieties**

**Max. Marks : 100**

**(CA: 40 + ESA: 60)**

L	T	P	C
5	0	0	5

After the completion of the course student will be able to

- Understand the basics of geographical indications and plant varieties.
- Get adequate knowledge of Various International Treaties related to geographical indications and plant varieties.
- Accustom themselves with the Indian legislation on geographical indications and plant varieties.

**Note:** The paper will contain 3 questions from every section aggregating nine questions. Candidates are required to attempt total of six questions, taking at least one question from each section.

## SECTION - A

### **Geographical Indications:**

Introduction, Objective, Justification for protection for Protection of GI, Higher Level of Protection of GIs and TRIPS, Article 23 Controversy, International treaties on GI; Lisbon Agreement, TRIPS Agreement

## SECTION - B

### **Geographical Indication of Goods (Protection & Registration) Act, 1999:**

Overview, Definition, Criteria, The Register and Conditions for Registration, Prohibition of Registration of Certain Geographical Indications, Registration of Homonymous Geographical Indications, procedure for *Registration*, renewal, effect of Registration, infringement, *Penalties and Remedies*, duration of Protection, *difference* between Trademark and GI, genericides of Geographical Indications

## SECTION – C

### **Protection of Plant Varieties : International Scenario and Registration and Duration of Plant Varieties**

Plant Variety Protection and Patent Act, new Varieties, Extent Varieties, farmers varieties, criteria for Protection under Indian Act - Novelty, Distinctiveness, Uniformity, stability, filing of Applications, Right of Priority, Examination of the Application, scope of the Breeder's Right, exceptions to the Breeder's, duration of the Breeder's Right

### **Suggested Readings:**

1. Cornish, W.R. (2000) *Intellectual Property*. Sweet & Maxwell, London.
2. Marsha, E. A. (2008). *Geographical Indications for Food Products, International Legal and Regulatory Perspectives*. Wolters Kluwer.
3. Krishnan, N.S. & Agitha T.G. (2009). *Principles of Intellectual Property*. Lucknow: Eastern Book Company.

**Suggested E-Learning Material:**

1. Sahai, S. (1996). Of Basmati and Champagne: Protection under TRIPS. *Economic and Political Weekly*. Retrieved from <https://www.jstor.org/stable/4403852>
2. Deselnicu, O. & Costanigro, M. (2013). A Meta-Analysis of Geographical Indication Food Valuation Studies: What Drives the Premium for Origin-Based Labels?. *Western Agricultural Economics Association*. Retrieved from <https://www.jstor.org/stable/23496751>
3. Suh, J. & MacPherson, A. (2007). The Impact of Geographical Indication on the Revitalisation of a Regional Economy: A Case Study of 'Boseong' Green Tea. *Wiley on behalf of The Royal Geographical Society (with the Institute of British Geographers)*
4. Ahuja, V.K. (2004). Protection of Geographical Indications: National and International Perspective. *Indian Law Institute*. Retrieved from <https://www.jstor.org/stable/43951907>

**Reading Electives****LAW 617R ADR and IP Disputes****Max. Marks : 100****(ESA: 100)**

<b>L</b>	<b>T</b>	<b>P</b>	<b>C</b>
<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>

**Learning Outcomes:**

After the completion of the course student will be able to

- Understand the role of ADR system in IP dispute settlement, so that they can help their clients and society by adopting just and humane methods.
- Get the knowledge about the response of Indian ADR system.

**Note:** Question paper will contain five questions and candidate will be required to attempt any three.

**Course Content:**

1. Role of ADR system in IP dispute settlement
2. The WIPO Arbitration and Mediation Centre
3. Role of Mediation in IP dispute settlement
4. Arbitration and Expedited Arbitration
5. Response of Indian ADR system to IP dispute settlement

**Suggested readings:**

1. Tyler, M.C. (2008). *Intellectual Property Dispute Resolution: Leading Lawyers on Performing Due Diligence, Pursuing the Right ADR Approach, and Settling Infringement Claims*. Aspatore Books.

**Suggested E-Learning Material:**

1. WIPO. (2012). Guide to WIPO mediation center. *World Intellectual Property Organization*. Retrieved from [https://www.wipo.int/edocs/pubdocs/en/arbitration/919/wipo\\_pub\\_919.pdf](https://www.wipo.int/edocs/pubdocs/en/arbitration/919/wipo_pub_919.pdf)
2. WIPO. (2012). WIPO Alternative Dispute Resolution (ADR) for Intellectual Property Rights. *World Intellectual Property Organization*. Retrieved from <https://www.wipo.int/amc/en/center/specific-sectors/ipoffices/>
3. WIPO. (2012). WIPO Guide on Alternative Dispute Resolution (ADR) Options for Intellectual Property Offices and Courts, Korean Intellectual Property Office. *WIPO Center*. Retrieved from [https://www.wipo.int/edocs/pubdocs/en/wipo\\_pub\\_guide\\_adr.pdf](https://www.wipo.int/edocs/pubdocs/en/wipo_pub_guide_adr.pdf)
4. Sweta, M. & Bindal, S. (2017). Alternative Dispute Resolution and the Law of Intellectual Property. *Singhania & Partners LLP*. Retrieved from <https://singhania.in/alternative-dispute-resolution-ip-law-india/>

## LAW 623R Emerging Forms of IPR

**Max. Marks : 100**

**(ESA: 100)**

**L T P C**

**0 0 0 2**

### Learning Outcomes:

After the completion of the course student will be able to

- Develop a critical approach towards the understanding of recent trends in IP laws.
- Know about the recent issues and domains of IPR to motivate further research.

**Note:** Question paper will contain five questions and candidate will be required to attempt any three.

### Course Content:

1. Intellectual Property Rights and Human Rights.
  - Right to Health and IPR
  - Right to Food and IPR
  - Right of Impoverished Masses and IPR
  - Human Genomes and Human Rights.
2. Trade Secrets Protection and IP Laws.
3. Biotechnology and Bioethical Implication of IPR.
  - Moral Issues in Patenting Biotechnological Inventions.
  - Human Genomes and Right to Privacy.
4. Trends and Technology challenges in current Patent laws
5. Trademark and Differently-abled persons.

**Suggested Readings:**

1. Yadav, M. & Shahi, S. (2017). *Law Related to Trade Secrets and Technology Transfer*. Satyam Law International.
2. Islamoglu, R. (2012). *Bioethics and Biotechnology Related Bioethical Issues*. Ramazan Islamoglu.

**Suggested E-Learning Material:**

1. Geoffrey Tansey. (2002). Food for Thought: Intellectual Property Rights, Food, and Biodiversity. *Harvard International Review*, Vol. 24, No. 1 (SPRING 2002). Retrieved from <https://www.jstor.org/stable/42762789>
2. Mark J. Hanson. (1997). Special Supplement: Religious Voices in Biotechnology: The Case of Gene Patenting. *The Hastings Center*. Retrieved from <https://www.jstor.org/stable/3527723>
3. Robert L. Ostergard, Jr. (1999). Intellectual Property: A Universal Human Right? *The Johns Hopkins University Press*. Retrieved from <https://www.jstor.org/stable/762740>
4. Padrón, M.S., & Uranga, M.G. (2001). Protection of Biotechnological Inventions: A Burden Too Heavy for the Patent System. *Taylor & Francis, Ltd.* Retrieved from <https://www.jstor.org/stable/4227663>
5. Sengar, D.S. (2011). Protection of Trade Secrets and Undisclosed Information: Law and Litigation. *Indian Law Institute*. Retrieved from <https://www.jstor.org/stable/43953505>
6. Aksan, A.M. (2013). Appropriate Health R&D and Intellectual Property Rights Reform in Developing Countries. *Wiley on behalf of The London School of Economics and Political Science and The Suntory and Toyota International Centers for Economics and Related Disciplines*. Retrieved from <https://www.jstor.org/stable/24029606>

7. Singh, K. (2008). Human Genome and Human Rights: An Overview. *Indian Law Institute*. Retrieved from <https://www.jstor.org/stable/43952133>
8. Park, W. & Allred, B. (2007). Patent Rights and Innovative Activity: Evidence from National and Firm-Level Data. *Palgrave Macmillan Journals*. Retrieved from <https://www.jstor.org/stable/4540465>
9. Vasudha, P.K. (2000). Patenting Biotech Products: Complex Issues. *Economic and Political Weekly*. Retrieved from <https://www.jstor.org/stable/4409857>
10. Convention on Rights of Person with Disabilities. (2006). Retrieved from [https://www.ohchr.org/Documents/Publications/AdvocacyTool\\_en.pdf](https://www.ohchr.org/Documents/Publications/AdvocacyTool_en.pdf)

## **LAW 624R Green Technology and IPR**

**Max. Marks : 100**  
**(ESA: 100)**

<b>L</b>	<b>T</b>	<b>P</b>	<b>C</b>
<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>

### **Learning Outcomes:**

After the completion of the course student will be able to

1. Understand the nature and characteristics of Traditional Knowledge.
2. Get the knowledge of the interface between IPRs & Traditional Knowledge that can be used in practical way.

**Note:** Question paper will contain five questions and candidate will be required to attempt any three. After the completion of the course student will be able to

### **Course Content:**

1. Meaning and scope of Green Technology.
2. Sustainable Development and IPR.

3. Innovation and Diffusion of Green Technologies: The Role of Intellectual Property and Other Enabling Factor.
4. Concept of Transfer of technology, issues relating to Transfer of technology and green technology.
5. Issues and Concerns of Developing Countries.

#### **Suggested Readings:**

1. Lane, E.L. (2001). *Clean Tech Intellectual Property: Eco-marks, Green Patents, and Green Innovation*. Oxford University Press, Inc.
2. Brown, A.E.L. (2013). *Environmental Technologies, Intellectual Property and Climate Change: Accessing, Obtaining and Protecting (Elgar Law, Technology and Society series)*. Edward Elgar Publishing.
3. Rimmer, M. (2011). *Intellectual Property and Climate Change: Inventing Clean Technologies*. Edward Elgar Publishing.

#### **Suggested E-Learning Material:**

1. Rai, A.K. (2004). “Green” Technology and IP: A Diverse Landscape. Duke Law School. Retrieved from <https://www.law.berkeley.edu/files/rai.pdf>
2. Srinivas, Ravi. (2012). A wide view of green technology and IP. *Journal of Intellectual Property Law & Practice*. Retrieved from <https://doi.org/10.1093/jiplp/jpr186>



## **LAW 635R Traditional Knowledge, Traditional Cultural Expressions and Genetic Resources**

**Max. Marks : 100**

**(ESA: 100)**

**L    T    P    C**

**0    0    0    2**

### **Learning Outcomes:**

After the completion of the course student will be able to

- Understand the nature and characteristics of Traditional Knowledge.
- Get the knowledge of the interface between IPRs & Traditional Knowledge that can be used in practical way.

**Note:** Question paper will contain five questions and candidate will be required to attempt any three.

### **Course Content**

1. Meaning, Nature and Characteristics of Traditional Knowledge.
2. Need for the Protection of Traditional Knowledge, Traditional Cultural Expressions, and Genetic Resources.
3. Interface between IPRs & Traditional Knowledge
  - Issues Concerning Traditional Knowledge
  - Bio-Prospecting & Bio-Piracy
  - Need for A Sui Generis Regime
  - Traditional Knowledge Digital Library.
4. International Initiatives on Traditional Knowledge Protection
  - The Convention on Biological Diversity, 1992
  - Bonn Guidelines on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising out of their Utilization, 2002

- UN Declaration on the Rights of Indigenous Peoples, 2007
- Nagoya Protocol on access to Genetic Resources and Equitable Sharing of Benefits, 2010

### **Suggested Readings:**

1. Antons, C. (2009). *Traditional Knowledge, Traditional Cultural Expressions and Intellectual Property Law in the Asia Pacific Region*. Kluwer Max Planck Series.
2. Antons, C. (2008). *Indigenous Heritage and Intellectual Property: Genetic Resources, Traditional Knowledge and Folklore (2<sup>nd</sup> ed.)*. Kluwer Law International.
3. Verkey, E. (2007). *Law of Plant Varieties Protection (2007 e.d.)*. Eastern Book Company.
4. Cooper, I.P. (2014). *Biotechnology and the Law*. Thomson Reuters South Asia Private Limited.
5. Brush, S.B, & Stabinsky, D. (1996). *Valuing Local Knowledge-Indigenous people and Intellectual Property Rights (1<sup>st</sup> e.d.)*. Island Press, Covelo, California.
6. Correa, C.M. (2001). *Traditional knowledge and Intellectual Property, Issues and Options Surrounding the Protection of Traditional Knowledge*. Quaker United Nations Office, Geneva.
7. Downes, D. (1997). *Using Intellectual Property as a Tool to Protect Traditional Knowledge: Recommendations for Next Steps*. Center for International Environmental Law, Washington, DC.
8. Lewinski, S.V. (2008). *Indigenous Heritage and Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore*. Kluwer Law International.
9. Watal, J. (2001). *Intellectual Property Rights in the WTO and Developing Countries*. Oxford University Press.
10. Cullet, P. (2005). *Intellectual Property Protection and Sustainable Development*. LexisNexis.

### Suggested E-Learning Material:

1. C. Madegowda. (2009). Traditional Knowledge and Conservation. *Economic and Political Weekly*. Retrieved from <https://www.jstor.org/stable/40279037>
  2. Morgera, E., Tsioumani, E., & Buck, M. (2015). Traditional Knowledge Associated with Genetic Resources. *Unraveling the Nagoya Protocol Brill*. Retrieved from <https://www.jstor.org/stable/10.1163/j.ctt1w76vvq.19>
  3. Reid, J. (2009-2010). Biopiracy: The Struggle for Traditional Knowledge Rights. *American Indian Law Review, University of Oklahoma College of Law*. Retrieved from <https://www.jstor.org/stable/25684263>
  4. Bowman, M.J.S. (1996). Biodiversity and Savanna Ecosystem Processes: A Global Perspective. *Journal of Tropical Ecology*. Retrieved from <https://www.jstor.org/stable/2560255>
  5. Shiva, V. (2007). Bio prospecting as Sophisticated Bio piracy. *The University of Chicago Press*. Vol. 32, No. 2 (Winter 2007), pp. 307-313. Retrieved from <https://www.jstor.org/stable/10.1086/508502>
  6. Hanson, M.J. (1997). Special Supplement: Religious Voices in Biotechnology: The Case of Gene Patenting. *The Hastings Center*. Retrieved from <https://www.jstor.org/stable/3527723>
  7. Lotz, M. (2002). Colliding Worlds: Indigenous Rights, Traditional Knowledge, and Plant Intellectual Property. *Philosophy Documentation Center*. Retrieved from <https://www.jstor.org/stable/27801290>
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