

University of Pune, Rules for D.I.P.R.
(With effect from 2004-2005)

Eligibility for Admission - To be eligible for admission, the candidate must be a graduate of any faculty either of this university or of any other university, whose degrees are recognized as equivalent to the corresponding degrees of this university.

Duration of the Course - Duration of the course shall be one academic year commencing from June only.

Medium of Instruction - The medium of Instruction at the diploma course in Intellectual Property Rights Law shall be English.

Examination - The examination shall be held at the end of the every academic year, on the dates to be announced by the University. Second held examination may be held in case of students who have failed.

Standard of Passing or exemption -

- a) Each paper shall carry 100 marks
- b) The standard of passing for the Diploma Course in Intellectual Property Rights Law is 35 % marks in individual paper / subject and 50 % marks in aggregate. The candidate obtaining between 50 % & 54 % marks will be declared to have passed in SECOND CLASS. The candidate obtaining between 60 % & 69 % marks will be declared to have passed in FIRST CLASS. The candidate 70 % marks and above will be declared to have passed in FIRST CLASS WITH DISTINCTION.
- c) Candidate who obtains at least 50 % of the full marks in a paper shall at his option, be exempted from that paper at subsequent examination. He / She shall, however, have to pass in the remaining paper or papers in accordance with standard of passing laid above; such exemption is for six years only.

The aims of the course are: -

- To impart systematic knowledge of the basic notations of the intellectual property laws in the overall context of WTO / TRIPS rules on intellectual property rights.
- To enhance the professional competence & operational efficiency of the students in the fields of intellectual property law; and
- To acquaint students with the importance and main functions of the intellectual property rights in the national and international context.

The course will cover important international conventions on intellectual property rights – Paris Convention, Berne Convention, Rome Convention, Madrid Agreement, WTO / TRIPS Agreement as well as the Indian Law of patents, copyrights and neighboring rights trademarks; industrial designs etc.

Paper I – Patent Law

The subject will be discussed in the context of the Indian Patent Law – the patents Act, 1970, the patents (amendment) Act, 2002; International Treaties / Conventions: Paris Convention, PCT and the TRIPS Agreements; Important regional arrangements.

It will deals with:

- Historical and economic background of the Indian Patent System in the global context.
- Patentable subject matters – issue of discovery, computer software, aesthetic, animals and plants.
- Inventions specifically excluded from penetrability – public order, morality, animals and plants.
- Patent ability criteria novelty, non – obviousness or inventive step and Industrial applicability or usefulness.
- Procedure of filling patent applications, patent specification, ownership & assignment.
- Content of patents rights.
- Patents granting procedure.
- Revocation, patent infringement and remedies including execution of judgments.
- Utility models, short – term patents or petty patents.
- Concept of Intellectual Property.
- Nature of Intellectual Property.
- Commercial exploitation of Intellectual Property.
- Enforcement of rights and remedies against Infringement.
- Intellectual Property and economic development.
- International character of Intellectual Property.

References will also be made to important Indian court cases on the subject.

Paper II – Copyright and Neighboring Rights

The paper will relate to the Copyright Act, 1957 (as amended in 1999); Berne Convention, Universal copyright Convention. Rome Convention, WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, 1996 and the TRIPS Agreement. The paper will cover:

- Historical & economic background.
- Copyrightable works, literary, artistic, scientific works, computer software, works of applied art etc.
- Content of right including exception (for example, fair use): Rights accorded & there contents – moral rights, economic rights & there limitations.
- Ownership & transfer of copyright, duration of rights, renewal & termination & data based protection.
- Neighboring rights – the rights of performing artist, phonogram producers & broadcasting organizations.
- Folklore & folk rights.

- Broadcasting rights including satellite & cable distributions.
- Infringement actions, defences & relief's including execution of Judgment

Paper III – Trade Mark

This paper will be discussed in the context of the Trade and Merchandise Marks Act, 1958; Trade Marks Act, 1999; the Paris Convention; Madrid Agreement; Nice Agreement and the TRIPS Agreement. It will deal with:

- Historical & economic background of Trade Marks.
- Kinds of marks eg. Trade Marks, service and Collective Marks, Associated Marks, Certification Marks.
- What can be protected as a mark? Protection requirement content of the right including the issue of exhaustion of rights.
- Trade names & appellations of origin.
- Assignment & licensing & other forms of exploitation.
- Infringement, right of goodwill, passing off, filching of trade secrets, and execution of judgments.
- Domain names and effects of new technology (Internet) on enforcement of trade and service and service marks.

Paper IV – Industrial Designs, Geographical Indications and layout designs of Integrated Circuits

The paper will relate to the Designs Act, 2000, the Geographical Indications of Goods (Registration and protection) Act, 2000. The Semiconductor Integrated Circuits Layout – Design Act, 2000 and the TRIPS Agreement.

- Economic background of designs.
- Subject matter of protection; relationship with copyright protection.
- Requirements to qualify as an industrial design i.e. pattern, shape ornamentation articles, appeal to eye, novelty originality, intention to multiply industrially.
- Aesthetic design and functional design.
- Procedure for obtaining designs protection & keeping its enforceability.
- Infringement and revocation.
- Remedies.
- International arrangements.

Geographical Indications:

- Definition of geographical indications.
- Conditions and procedure for registration.

- Duration and effect of registration.
- Offences, Penalties and Procedure for seeking relief.

Layout – Designs of integrated circuits:

- Conditions and procedure for registration.
- Duration and effect of registration.
- Registered users, assignment and transmission.

Paper V – Dissertation or Research work

The paper will relate to the Dissertation or Research work or Project work or Important decisions of supreme court and Viva-voce.

- Distribution of Marks:-
Journal – 80 Marks
Viva-Voce – 20 Marks

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Readings:

1. Anderfelt, U.H. – International Patent Legislation & Developing Countries, 1971.
2. Bainbridge, D.J. – Intellectual Property 1992.
3. Bodenhausen, G.H. – Guide to the Application of the Paris Convention.
4. Cornish, W.R. – Intellectual Property: Patents, Copyright, Trademarks & Allied Rights.
5. Jhala, H.M. – Intellectual Property & Competition Law in India, with special reference to patents, trademarks, copyrights & know – how contracts 1985.
6. Merges, R.P. & Others – Intellectual Property in the new technological age, 1997.
7. Mittal, D.P. – Indian Patent Law.
8. Narayana, P. – Intellectual Property Law.
9. Philips, J. & Firth, Alison – Introduction to Intellectual Property Law.
10. Sterling, J.A.L. – Intellectual Property Rights in Social Recordings, Films & Video: Protection of Phonographic & Cinematographic recordings & work in National and International Law, 1992.
11. Vashishth, V. – Law & Practice of Intellectual Property in India.
12. Wadhera, B.L. – Law relating to Patents, Trademarks, Copyright Designs & Geographical indications.

Total No. of Questions: 9

SEAT No.: 

DES' SHRI. NAVALMAL FIORDIA LAW COLLEGE, PUNE
Diploma in Intellectual Property Right Law
101 - Patent Law (Theory)

*Time : 3 Hours**Max. Marks : 100**Instructions to the candidates:*

- 1) Question No. 9 (nine) is compulsory which carries 20 marks.*
 - 2) Out of the remaining attempt any 5 (five) questions, each of such question carries 16 marks.*
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Q1) Define a patent under the Indian Patents Act, 1970. Explain the essential conditions for patentability in India with relevant examples and case laws. (16 Marks)

Q2) Explain the procedure for filing a patent application in India. Discuss the different types of patent applications with appropriate examples. (16 Marks)

Q3) What are the rights of a patentee under the Indian Patents Act, 1970? Discuss the duration, enforcement, and limitations of patent rights in India. (16 Marks)

Q4) Explain the concept of compulsory licensing under the Indian Patents Act, 1970. Discuss the conditions under which compulsory licenses can be granted with case studies. (16 Marks)

Q5) Trace the evolution of patent laws in India from the British era to the present. Discuss the major amendments in Indian patent laws over time. (16 Marks)

Q6) Compare the Indian Patent Law with the U.S. and U.K. Patent Laws. Highlight the major differences and similarities. (16 Marks)

Q7) What are the key judicial pronouncements that have shaped patent law in India? Analyse any three landmark Indian cases related to patentability and public interest. (16 Marks)

Q8) Discuss the impact of the TRIPS Agreement on Indian Patent Law. How did India comply with TRIPS, and what were the major changes introduced? (16 Marks)

Q9) Write short notes on: (Any Two)

(20 Marks))

- (a) What constitutes patent infringement under Indian law?
- (b) What are the defences available to a defendant in a patent infringement lawsuit?
- (c) Discuss any one landmark case on patent infringement in India.
- (d) What remedies are available to a patentee in case of infringement?

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Total No. of Questions : 9

SEAT No.: 

DES' SHRI. NAVALMAL FIORDIA LAW COLLEGE, PUNE
Diploma in Intellectual Property Right Law
102 – Copyright And Neighbouring Rights - II (Theory)

*Time : 3 Hours**Max. Marks : 100**Instructions to the candidates:**1) Question No. 9 (nine) is compulsory which carries 20 marks.**2) Out of the remaining attempt any 5 (five) questions, each of such question carries 16 marks.*

Q1) Discuss the relationship between copyright law and economic development. (16 Marks)

Q2) What are the exclusive rights granted under copyright law? Explain with examples. (16 Marks)

Q3) Analyze the role of the Universal Copyright Convention in international copyright protection. (16 Marks)

Q4) Explain the importance of the Rome Convention and the WIPO Performances and Phonograms Treaty. (16 Marks)

Q5) What are the rights of performers, phonogram producers, and broadcasting organizations? (16 Marks)

Q6) Explain the legal framework for copyright protection in India. (16 Marks)

Q7) What is the impact of digital technology on copyright enforcement? (16 Marks)

Q8) Discuss the concept of folklore and traditional cultural expressions under copyright law. (16 Marks)

Q9) Write short notes on: (Any Four) (20 Marks)

- Copyright and Artificial Intelligence
- Role of courts in copyright disputes
- Copyright in sound recordings
- Database protection
- International copyright enforcement
- Copyright and fair dealing
- Copyright in the digital age

Total No. of Questions : 9

SEAT No.: 

DES' SHRI. NAVALMAL FIRODIA LAW COLLEGE, PUNE
Diploma in Intellectual Property Right Law
102 – Copyright And Neighbouring Rights - II (Theory)

Time : 3 Hours

Max. Marks : 100

Instructions to the candidates:

- 1) Question No. 9 (nine) is compulsory which carries 20 marks.
- 2) Out of the remaining attempt any 5 (five) questions, each of such question carries 16 marks.

- Q1) कॉपीराइट कायदा आणि आर्थिक विकास यांच्यातील संबंध स्पष्ट करा. (16 गुण)
- Q2) कॉपीराइट कायद्यांतर्गत प्रदान केलेले विशेषाधिकार कोणते आहेत? उदाहरणांसह स्पष्ट करा. (16 गुण)
- Q3) आंतरराष्ट्रीय कॉपीराइट संरक्षणामध्ये युनिव्हर्सल कॉपीराइट कन्व्हेंशन (Universal Copyright Convention) ची भूमिका विश्लेषण करा. (16 गुण)
- Q4) रोम करार (Rome Convention) आणि WIPO परफॉर्मन्सेस आणि फोनोग्राम्स करार (WIPO Performances and Phonograms Treaty) यांचे महत्त्व स्पष्ट करा. (16 गुण)
- Q5) कलाकार, ध्वनीफीत निर्माते (phonogram producers) आणि प्रसारण संस्थांचे हक्क कोणते आहेत? (16 गुण)
- Q6) भारतातील कॉपीराइट संरक्षणासाठी कायदेशीर चौकट स्पष्ट करा. (16 गुण)
- Q7) डिजिटल तंत्रज्ञानाचा कॉपीराइट अंमलबजावणीवर काय परिणाम झाला आहे? (16 गुण)
- Q8) कॉपीराइट कायद्यांतर्गत लोककला (folklore) आणि पारंपरिक सांस्कृतिक अभिव्यक्ती (traditional cultural expressions) या संकल्पनेवर चर्चा करा. (16 गुण)

प्र.क्र. ९) पुढीलपैकी कोणतेही चार प्रश्न सोडवा.

(२० मार्क्स)

- a) कॉपीराइट आणि कृत्रिम बुद्धिमत्ता (Artificial Intelligence)
- b) कॉपीराइट वादांमध्ये न्यायालयांची भूमिका
- c) ध्वनीमुद्रणातील (Sound Recordings) कॉपीराइट
- d) डेटाबेस संरक्षण
- e) आंतरराष्ट्रीय कॉपीराइट अंमलबजावणी
- f) कॉपीराइट आणि न्याय्य व्यवहार (Fair Dealing)
- g) डिजिटल युगातील कॉपीराइट

Total No. of Questions: 9

SEAT No. 

DES' SHRI. NAVALMAL FIORDIA LAW COLLEGE, PUNE
Diploma in Intellectual Property Right Law
103 – Trade Mark (Theory)

*Time : 3 Hours]**[Max. Marks : 100**Instructions to the candidates:**1) Question No. 9 (Nine) is compulsory which carries 20 marks.**2) Out of the remaining attempt any 5 (Five) questions, each of such question carries 16 marks.**Q1) Discuss the civil and criminal remedies available to the registered proprietor of the trademark?**Q2) Explain the provisions of TRIPS Agreement relating to Trade Mark protection?**Q3) Explain the Rights of Trade mark holders. Are there any limitations on such rights?**Q4) Which marks can be protected under the Trade Marks Act, 1999? Discuss the absolute and relative grounds on which registration may be refused?**Q5) Discuss the provisions regarding duration, renewal, removal, and restoration of registration of Trade Mark?**Q6) Discuss in detail the importance and provisions of Madrid Protocol?**Q7) Whether Domain names can be protected as trademarks, discuss in the light of decided cases?**Q8) What is Infringement of Trademark? Discuss the legal remedies available against infringement of Trademarks, Support your answer with appropriate case laws?***Q9) Write short notes on: (Any Two)****a) Certification Mark and Collective Mark****b) World Intellectual Property Organization (WIPO)****c) Licenses For Permitted Use of Trade Mark****d) Well-Known Marks**

Total No. of Questions: 9

SEAT No. 

DES' SHRI. NAVALMAL FIRODIA LAW COLLEGE, PUNE
Diploma in Intellectual Property Right Law
103 – Trade Mark (Theory)

*Time : 3 Hours]**[Max. Marks : 100**Instructions to the candidates:**1) Question No. 9 (Nine) is compulsory which carries 20 marks.**2) Out of the remaining attempt any 5 (Five) questions, each of such question carries 16 marks.*

प्र.क्र. १) ट्रेडमार्कच्या नोंदणीकृत मालकाकडे उपलब्ध दिवाणी आणि फौजदारी उपायांची चर्चा करा? (१६ मार्क्स)

प्र.क्र. २) ट्रेड मार्क संरक्षणाशी संबंधित TRIPS करारातील तरतुदी स्पष्ट करा? (१६ मार्क्स)

प्र.क्र. ३) ट्रेडमार्क धारकांचे हक्क स्पष्ट करा. अशा अधिकारांवर काही मर्यादा आहेत का? (१६ मार्क्स)

प्र.क्र. ४) ट्रेड मार्क्स कायदा, १९९९ अंतर्गत कोणते मार्क्स संरक्षित केले जाऊ शकतात? कोणत्या निरपेक्ष आणि सापेक्ष कारणांवरून नोंदणी नाकारली जाऊ शकते तपशीलवार लिहा? (१६ मार्क्स)

प्र.क्र. ५) ट्रेड मार्कच्या नोंदणीचा कालावधी, नूतनीकरण, काढणे आणि पुनर्संचयित करणे यासंबंधीच्या तरतुदींची चर्चा करा? (१६ मार्क्स)

प्र.क्र. ६) Madrid प्रोटोकॉलचे महत्त्व आणि तरतुदींची तपशीलवार लिहा? (१६ मार्क्स)

प्र.क्र. ७) Domain Names ट्रेडमार्क म्हणून संरक्षित केले जाऊ शकतात का? ठरलेल्या प्रकरणांच्या (case laws) अनुषंगाने सविस्तर लिहा? (१६ मार्क्स)

प्र.क्र. ८) ट्रेडमार्कचे उल्लंघन म्हणजे काय? ट्रेडमार्कच्या उल्लंघनाविरुद्ध उपलब्ध असलेल्या कायदेशीर उपायांवर चर्चा करा, योग्य केस कायद्यांसह तुमच्या उत्तराचे समर्थन करा?

(१६ मार्क्स)

प्र.क्र.९) पुढीलपैकी कोणतेही दोन प्रश्न सोडवा.

(२० मार्क्स)

अ) प्रमाणन (certification) चिन्ह आणि सामूहिक (collective) चिन्ह

ब) जागतिक बौद्धिक संपदा संघटना (WIPO)

क) (Licenses) ट्रेड मार्कचा वापर करण्याची परवानगी

ड) Well-Known ट्रेडमार्क

Total No. of Questions: 8

SEAT No. 

DES' SHRI. NAVALMAL FIORDIA LAW COLLEGE, PUNE
Diploma in Intellectual Property Right Law
104 – Industrial Designs, Geographical Indications and Layout Designs of
Integrated Circuits (Theory)

*Time: 3 Hours**Max. Marks : 100**Instructions to the candidates:*

- 1) Question No. 8 is compulsory. It carries 20 marks.*
- 2) Answer Any Five of the remaining carrying 16 Marks.*

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1. What is the primary objective of Geographical Indication (GI) protection? Explain the benefits it offers to producers and consumers with examples. (16 Marks)
 2. Describe the criteria that a product must meet to be eligible for registration as a Geographical Indication. What are the rights it grants to producers. (16 Marks)
 3. Explain the rights granted to the owner of a registered Industrial Design. What actions constitute infringement of these rights? (16 Marks)
 4. Outline the process for obtaining registration for an Industrial Design. What are the key stages and requirements involved? (16 Marks)
 5. Discuss the specific challenges associated with the protection and enforcement of intellectual property rights for Layout Designs. (16 Marks)
 6. What are the rights granted to the creator of a registered Layout Design of an Integrated Circuit? How is infringement determined? (16 Marks)
 7. Describe the criteria for the registration of a Layout Design of an Integrated Circuit. What aspects are considered for protection. (16 Marks)

8. Write short notes on: (Any Two)

(20 Marks)

- a) Write a short note on the significance of Geographical Indications (GIs) in protecting traditional products.
- b) Explain the essential features of Industrial Design protection.
- c) Explain the concept of "well-known" Geographical Indications and their special considerations in protection.
- d) Briefly describe the significance of protecting Layout Designs of Integrated Circuits in fostering innovation in the electronics industry.

Total No. of Questions: 8

SEAT No. **DES' Shri. Navalmal Firodia Law College, Pune****Diploma in Intellectual Property Right Law****Subject Name & Code - 104 – Industrial Designs, Geographical Indications and Layout Designs of Integrated Circuits (Theory)****Time: 3 Hours****Max. Marks : 100****Instructions to the candidates:**

- 1) Question No. 8 is compulsory. It carries 20 marks.
- 2) Answer Any Five of the remaining carrying 16 Marks.

1. भौगोलिक संकेत (GI) म्हणजे काय, त्याचा उद्देश आणि त्याची व्याख्या करणारे प्रमुख घटक याबद्दल सविस्तरपणे स्पष्ट करा. (16 marks)
2. भारतातील उत्पादनासाठी भौगोलिक संकेत मिळविण्यासाठी आणि नोंदणी करण्यासाठी कोणत्या प्रक्रियेचा समावेश आहे याचे वर्णन करा. त्यातील प्रमुख टप्पे कोणते आहेत? (16 marks)
3. औद्योगिक डिझाइन म्हणजे काय? त्याच्या नोंदणी आणि संरक्षणाचे निकष स्पष्ट करा. (16 marks)
4. औद्योगिक डिझाइनच्या उल्लंघनाचा हक्कधारकावर होणाऱ्या परिणामांची चर्चा करा. (16 marks)
5. औद्योगिक डिझाइनच्या संरक्षणात समाविष्ट असलेल्या पायऱ्या स्पष्ट करा. (16 marks)
6. सेमीकंडक्टर इंटिग्रेटेड सर्किट्स लेआउट डिझाइन (SICLD) कायदा, २००० च्या ठळक वैशिष्ट्यांची चर्चा करा. (16 marks)
7. औद्योगिक डिझाइन कायदांद्वारे प्रदान केलेल्या संरक्षणाच्या मर्यादा आणि अपवाद काय आहेत? संरक्षण दिले जाऊ शकत नाही किंवा लागू केले जाऊ शकत नाही अशा परिस्थितींवर चर्चा करा. (16 marks)

8. पुढीलपैकी कोणतेही दोन प्रश्न सोडवा

(20 Marks)

- a) औद्योगिक डिझाईन्सवर एक छोटी टीप लिहा.
- b) सेमीकंडक्टर लेआउट डिझाईन संरक्षणाची आवश्यक वैशिष्ट्ये स्पष्ट करा.
- c) भौगोलिक संकेत (GI) चे संरक्षण करण्याचे महत्त्व थोडक्यात सांगा.
- d) भौगोलिक संकेत (GI) आणि पेटंटमधील फरकांची चर्चा करा.

DESIGN