

APPENDIX – 31 (R)
UNIVERSITY OF MADRAS
DEGREE OF MASTER OF LAW (M.L.) (PRIVATE STUDY)
(NON-SEMESTER)
BRANCH V – INTELLECTUAL PROPERTY LAW
REVISED REGULATIONS
(w.e.f.2008-2009)

1. ELGIBILITY FOR ADMISSION

Admissions are open to persons all over India. The minimum qualification for admission is 3 year BL, 5 year BL or LLB from any recognized University accepted by the Syndicate as the equivalent thereto.

2. DURATION OF THE COURSE.

The duration of the course will be 2 years under the non-semester pattern.

3. MEDIUM OF INSTRUCTION AND EXAMINATION

The medium of instruction and Examination will be English.

4. COURSE OF STUDY

The course of study for the ML Degree shall consist of 10 theory papers and a Dissertation.

5. SCHEME OF EXAMINATIONS

Paper	Title	Hours	Marks
Paper-I	Constitutional New Challenges	3	100
Paper-II	Research Methodology and Legal Education	3	100
Paper-III	Introduction to International Law and Institutions	3	100
Paper-IV	Introduction to IPR	3	100

Paper-V	Law of Patents	3	100
Paper -VI	Law of Copy Rights.	3	100
Paper-VII	Law of Trade Marks	3	100
Paper -VIII	Law of Geographical Indications of other IPR's	3	100
Paper -IX	Judicial Process	3	100
Paper-X	Law and Social Transformation	3	100
Paper-XI	Dissertation and Viva-voce	3	60 + 40

Personal Contact Programme

Compulsory P.C.P will be conducted every year for a period of 10 days only at Chennai.

Examination

Examinations will be conducted at the end of I year and II year (June) Supplementary Examination will be conducted in December.

Eligibility to appear for Theory Examination

Only if a candidate attends the P.C.P. He/She is eligible to appear for the Theory Examination.

Dissertation and Viva

Dissertation and Viva	-	100 Marks
Dissertation	-	60 Marks
Viva	-	40 Marks

Viva will be conducted in the Department of Legal Studies, University of Madras, Chennai.

6. PASSING MINIMUM

A candidate shall be declared to have passed in each paper / subject, if he / she secures Not Less than 40% of the marks prescribed for the examination.

- 1) The passing minimum shall be 40% in each paper and 50% in the dissertation. In addition, the candidate shall secure a minimum of 50% in the aggregate for a pass in each year separately.
- 2) The candidate securing a minimum of the 50% of the marks in any paper will be exempted from Re-appearing in that paper/s or dissertation.

Candidates while re-appearing again for the papers in which they failed or re-submitting a fresh dissertation at subsequent occasions shall obtain not less than 50% of the marks in each papers or dissertation to qualify for a pass in such paper/s or dissertation.

7. CLASSIFICATION OF SUCCESSFUL CANDIDATES

Successful candidates passing the whole examinations and securing the marks (i) 60 percent above (ii) 50 percent and above but below 60 percent in the aggregate of the marks prescribed for the course shall be declared to have passed the examination in the FIRST and SECOND class respectively.

8. PATTERN OF QUESTION PAPER

Answer any five Questions out of 8 (5 x 20 = 100)

9. ELIGIBILITY TO GUIDE

Any full time Law Teacher of Law College / University Department with M.L. Degree with a minimum of 2 years Teaching Experience are eligible to Guide.

Prior approval of the topic and Guide's Eligibility must be obtained from the Prof. and Head, Department of Legal Studies, University of Madras, Chennai at the beginning of the second year, before 30th November.

A.C.M.2008

APPENDIX – 31 (S)
UNIVERSITY OF MADRAS
DEGREE OF MASTER OF LAW (M.L.)
(PRIVATE STUDY)
NON – SEMESTER
BRANCH V – INTELLECTUAL PROPERTY LAW
REVISED SYLLABUS
(w.e.f. 2008-2009)
I YEAR

PAPER: I – CONSTITUTIONAL NEW CHALLENGES

Creation of new states, Allocation and share of resources-distribution of Grants-in-aid, Rehabilitation of internally displaced persons, Centre's responsibility and internal disturbances within States, Direction of the Centre to the State under Article 356 and 365, Federal Comity: Relationship of trust and faith between Centre and States, Special status of certain States. – "State": Need for widening the definition in the wake of liberalization, Right to equality: Privatization and its impact on affirmative action, Empowerment of women, Freedom of press and challenges of new scientific technology. Freedom of speech and right to broadcast and telecast, Right to strike, hartal and bandh, Reading Directive Principles and Fundamental Duties into Fundamental Rights. Compensatory jurisprudence – Right to education, Commercialization of education and its impact, Brain drain by foreign education market, Right of minorities to establish and administer educational institution and state control, Secularism and religious fanaticism, Separation of powers: Stresses and strain, Judicial activism and judicial restraint, PIL: implementation, Judicial independence, Appointment, transfer and removal of judges, Accountability: executive and judiciary, Tribunals, Nexus of politics with criminals and the business, Election, Election Commission: Status, Electoral Reform, Coalition government, stability, durability, corrupt practice, Grass root democracy.

PAPER: II – RESEARCH METHODOLOGY AND LEGAL EDUCATION

Socio Legal Research, Doctrinal and non-doctrinal, Relevance of empirical research, induction and deduction, What is a research problems? Survey of available literature and bibliographical research, Legislative materials including subordinate legislation, notification and policy statements, Decisional Material including foreign decision; methods of discovering the “rule of the case”, tracing the history of important cases and ensuring that these have not been over-ruled discovering judicial conflict in the area pertaining to the research problems and the reasons there of, Juristic writings – a survey of juristic literature relevant to select problems in India and foreign periodicals.

Completion of list of reports or special studies conducted, relevant to the problems. Formulation of the research problems. Devising tools and techniques for collection of data: Methodology, Methods for the collection of statutory and case materials and juristic literature, Use of historical and comparative research materials, Use of observation studies. Sampling procedures- design of sample, types of sampling to be adopted, Use of scaling techniques, Jurimetrics.

Computerized Research - A study of legal research programmers such as Lexis and West law coding, Classification and tabulation of data – use of cards for data collection – Rules for tabulation. Explanation of tabulated data, Analysis of data. Objective of Legal Education, Lecture Method of Teaching – Merits and Demerits, The problem method, Discussion method and its suitability at postgraduate level teaching, The Seminar Methods of Teaching, Examination system and problems in evaluation – external and internal assessment, Student participation in Law School programmers – Organization of Seminars, publication of journals and assessment of teachers, Clinical legal education – legal aid, legal literacy, legal survey and law reform, Clinical legal education – legal.

PRESCRIBED BOOKS

1. High Brayal, Nigel Dunean and Richard Crimes, Clinical Legal Education: Active Learning in Your Law school, (1998)

2. Blackstone Press Limited, London, S.K.Agrawal (ed.), Legal Education in India (1973), Tripathi, Bombay
3. N.R.Madhava Menon, (ed.) A Handbook of Clinical Legal Education, (1988) Eastern Book Company, Lacknow
4. M.O.Price, H.Bitner and Bysiewiez, Effective Legal Research (1978), Pauline
5. V.Young, Scientific Social Survey and research, (1962)
6. William J. Grade and Paul K.Hatt, Methods in Social Research, MC Graw-Hill Book Company, London
7. H.M.Hyman, Interviewing in Social Research (1965)
8. Erwin C. Surrency, B.Fielf and J.Crea, A Guide to Legal Research (1959)
9. Morris L.Coha, Legal Research in Nutshell, (1996), West publishing Co.
10. Harvard Law Review Association, Uniform system of Citations, ILI Publication, Legal Research and Methodology.

PAPER: III – INTRODUCTION TO INTERNATIONAL LAW AND INSTITUTIONS

International Law – Definition and meaning – Nature – Subject of International Law – Recognition –Nationality – Extradition – Asylum – League of Nation-United Nations – Legal Personality – Non Governmental organization – Amnesty International – Regional Institutions – Specialized agencies.

PAPER: IV – INTRODUCTION TO IPR

Concept of Rights and duties-concept of property-kind of Intellectual property – Theoretical Justification for protection of Intellectual property – Western Theories on private property and IP – Indian theories on private property and IP origin and development Intellectual property to protection – constitutional protection of property and IP.

BOOK PRESCRIBED

1. Adelman, Martin J. Randall R. Rader, John R. Thomas and Harold C. Wegner (1988): Cases and Materials on Patent Law, American Case Book Series, West Group, St Paul Minnesota.
2. Anand, Pravin (1996): 'India' in Campbell and Cotter (eds) (1996), pp.77-123.
3. Bhagwati, J. and M. Hirsch (eds) (1998): The Uruguay Round and Beyond: Essays in Honor of Arthur Dunkel, The University of Michigan Press.
4. Campbell, Dennis and Susan Cotter (eds) (1996): International Intellectual Property Law: Global Jurisdictions, John Wiley & Sons, UK.
5. Correa, Carlos M. (2000c): Intellectual Property Rights, the WTO and Developing Countries: The TRIPS Agreement and Policy Options, Zed Books, Third World Network, Penang, Malaysia.
6. Correa, Carlos M. and Abdulqawi A. Yusuf (eds) (1998): Intellectual Property and International Trade: The TRIPS Agreements, Kulwer Law International London.

PAPER: V – LAW OF PATENTS

Patentable Inventions – Test of Novelty, Inventive step and Commercial Utility – Exceptions from Patenting – Patenting of Biotechnology and Computer Programme – Challenges to the Distinction between Invention and Discovery – Rights of Patent owner – Importation Right and Parallel import, Statutory Rights – who can apply – drafting of specification – Provisional and Computer specification – Procedure ownership and assignment of rights – Compulsory Licensing – Permissible use without authorization – Government use – Protection of Public Interest – TRIPS provisions – WIPO treaties – Implication for India.

PAPER: VI – LAW OF COPY RIGHTS

Historical developments of Copy rights – Registration – Rights of the Registered user – Exception from registration – Condition of Registration – Public Domain – Rights of Owner – Government Use – Remedies – Civil Criminal – Infringement – Computer Software & Copy Right Production – Copy Right & Article 16 (1) (a) of Indian Constitution – Literary Works – Dramatic Work – Rights of the First Owner – Recent trend in India.

II YEAR

PAPER: VII – LAW OF TRADE MARKS

Trade mark-Concept of Distinctiveness – Exception from Registration Rights- Rights of the Registered User-Statutory and Common Law-Conditions for Registration- Associated Trade mark Application-Advertisement-opposition-Registration-Effect-madrid agreement on marks-1989 protocol-ownership and Assignment of Rights of the owner-compulsory licensing-permissible use without Authorization Government use-Protection of public Interest TRIPS provisions-WIPO Treaties-Implication for India- Disputes-uniform Dispute Resolution policy-Indian judicial Response-Criminal Remedies-Administrative Remedies.

PAPER: VIII – LAW OF GEOGRAPHICAL INDICATIONS OF OTHER IPR'S

Definitions-goods-Territory or locality-Quality or Reputation- producer-Registered proprietor-Registration – opposition to registration-Duration of registration-Cancellation-Rectification-Correction-Infringement-Authorised user-Remedies Jurisdiction of the Court-injunction-Damages-Offence and Penalties – Recent provisions of TRIPS and Geographical Act of India.

PAPER: IX – JUDICIAL PROCESS

Judicial process as an instrument of social ordering, judicial process and creativity in law-common law-model-legal reasoning and growth of law-change and stability, The tools and techniques of judicial creativity and precedent, Legal Development and creativity through legal reasoning under statutory and codified systems, Notions of judicial review, Role in constitutional adjudication – various theories of judicial review, role, Tools and techniques in policy-making and creativity in constitutional adjudication, judicial activism, Problems of accountability and judicial lawmaking, Indian debate on the role of judges and on the notion of judicial review, The “independence” of judicial and the “political” nature of judicial process, Judicial activism and creativity of the Supreme Court – the tools and techniques of creativity, Judicial process in pursuit of constitutional goals and values – new dimension of judicial activism

and structural challenges, Institutional liability of courts and judicial activism-scope and limits,

The concept of justice or dharma in Indian thought, Dharma as the foundation of legal ordering in Indian thought, The concept and various theories of justice in western thought, various theoretical theories of justice: the liberal, contractual traditional, the liberal utilitarian traditional and the liberal moral tradition, Equivalence Theories – Justice as nothing more than the positive of the law stronger class, Dependency theories – for its realizations justice depends on law, but justice is not the same as law, the independence of justice theories means to end relationship of law and justice. The relationship in the context of the Indian constructional ordering, analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

PRESCRIBED BOOKS

1. Julius Stone, The Province and Function of Law, Part II, Chapters 1, 8-16 (2000), Universal New Delhi,
2. Cardozo, The Nature of Judicial Process (1995) Universal, New Delhi,
3. Henry J. Abraham, The Judicial Process (1988), Oxford,
4. J.Stone, President and the Law: Dynamics of Common Law growth (1985) Butterworths
5. W.Friedman, Legal Theory (1960), Butterworths
6. Stevens London, Boden Heimer, Jurisprudence – The Philosophy and Methods of the Law (1997), Universal, Delhi,
7. J.Stone, Legal system and lawyers Reasoning (1999) Eastern Book Company, Lucknow,
8. Rajeev Dhavan The Supreme Court of India – A Socio Legal Critique of its justice Techniques (1977), Tripathi, Bombay,
9. John Rawls, A Theory of Justice (2000), Universal Delhi,

10. Edwards H. Levi, *An Introduction to Legal Reasoning* (1970), University of Chicago.

PAPER X – LAW AND SOCIAL TRANSFORMATION

Law as an instruments of social changes, Law as the product of tradition and culture, Criticism and evaluation in the light of colonization and the introduction of common law system and institution in India and its impact on further development of law and legal institutions in India. Religions as a divisive factor, Secularism as a solution to the problems Reform of the law on secular lines problems, Freedom of religion and non-discrimination on the basis of religion, Religious minorities and the Law, Languages as a divisive factor, Formation of linguistic states, Constitutional guarantees to linguistic minorities, languages policy and the Constitution official Language Multilanguage system, Non-discrimination on the ground of languages, Caste as a divisive factor, Non-discrimination on the ground of caste, Acceptance of caste as a factor to undo past injustice, Protective discrimination Scheduled castes, tribes and backwards classes, Reservation: Statutory Commissions, Statutory Provision, Regionalism as a divisive factor, Concept of India as one unit, Right of movements residence and business impermissibility of state or regional barriers,

Equality in matters of employment; the slogan “Sons of the soil” and its practice, admission to educational institutions: preference to residence of state, Crimes against women, Gender injustice and its various forms, Women’s Commission, provisions, Child Labor, Sexual exploitation, Adoption and related problems, Children and education, Modernization as a value; Constitutional Perspectives reflected in the fundamental duties, Modernization of social institutions through law, Reform of family law, Agrarian reform-industrialization of agriculture, industrial reforms: Free enterprises V State regulation- Industrialization V. Environmental Protection, Reform of courts processes, Criminal Law: Plea bargaining: compounding and payments of compensation to victims, Civil Law : (ADP) Confrontation / Consensus: Mediation and Conciliation; Lok Adalats, Prison Reforms, Democratic decentralizations and local self-government., The jurisprudence of Sarvodaya – Gandhiji Vinoba Bahava; Jayaprakash Narayan Surrender of Dacoits; Concept of gram Nyayalayas, Socialist thought on law and justice;

An Enquiry through constitutional debates on the right to property, Indian Marxist critique of law and justice, Naxalite movement; Causes and cure.

PRESCRIBED BOOKS

1. Mare Galanter (Ed.) Law and Society in Modern India (1977), Oxford
2. Robert Lingat, The Classical Law of India (1998), Oxford,
3. U.Baxi, The Crisis of the Indian Legal System (1982) Vikas New Delhi,
4. U.Baxi, Law and Poverty, Critical Essays (1988), Tripathi, Bombay,
5. Manushi, A Journal About Women and society, Duncan Derret, The State Religions and Law in India (1999). Oxford University Press, New Delhi.
6. H.M. Seervai, Constitution of India (1996), Tripathi,
7. D.D.Basu, Shorter Constitution of India (1996), Prentice-Hall of Indian (p) Ltd., New Delhi,
8. Sunil Deshta and Kiran Deshta, Law and Menance of Child Labour (2000) Arnol Publications, Delhi, Savitri Gunasekhare, Children, Law and Justice (1997), Sage,
9. Indian Law Institutes, Law and Social Change: Indo – American Reflection Tripathi (1988),
10. J.B. Krispalani, Gandhi: His Life and Though (1970) Ministry Information and Broadcasting Government of India,
11. M.P. Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay
12. Agnes Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford.

PAPER: XI – DISSERTATION AND VIVA – VOCE.

A.C.M.2008.