

## **M. Com. Part I (Semester II)**

### **Group B (Commercial Laws & Practices) - Special Paper IV**

**Subject Name: - Law Regulating to Copyright and Designs**

**Course Code: - 106-II**

#### **1. Objectives of the Course:**

- a. To equip the students with the Concepts of Copyrights, Geographical indications, Plant Varieties and Designs.
- b. To acquaint Students with legal provisions relating to these IPRs.
- c. To sensitise the students to opt for suitable careers in management and regulation of these IPRs.
- d. To make the students acquainted with the regulatory regime in the field of Copyrights, Geographical indications, Plant Varieties and Designs.
- e. To study relevant judicial decisions relating to these IPRs.

**Depth of the program:** Fundamental Knowledge, Principles and provisions of relevant Statutes and understanding of its applicability

#### **Objectives of the Program:**

1. To equip and train the students to accept the challenges of existing business environment.
2. To develop independent logical thinking and facilitate students to enhance their personality.
3. To equip the students for seeking suitable careers in management and entrepreneurship in the field of IPRs.
4. To study methods of Data collection and its interpretations.
5. To develop among students Communication and critical thinking skills.

Unit No.	Unit Title	Contents	Purpose Skills to be developed
1	<b>The Copyright Act, 1957</b>	<p>Copyright: Concept and Evolution, Scope and Characteristics of Copyright – Object of Copyright – Works in which Copyright Subsists – Qualification for Copyright Subsistence – Author and Ownership of Copyright- Rights of the Copyright Owner – International Copyright (Ss – 40-43).</p> <p>Term of Copyright (Sections 22 to 29, 37(2), 38(2) – Assignment/ License of Copyright (Sections 18 to 21, 30 To 32) – Registration of Copyright (Sections 44 to 50-A along with rule 16 of chapter VI of Copyright Rules, 1958).</p> <p>Infringement of Copyright - acts which constitute Infringement, acts not Constituting Infringement etc. (Sections 51 to 53 A ) – Offences and Penalties,</p> <p>Copyright Societies: Functions and Rights</p> <p>Important Judicial Decisions to be studied :</p> <p>1) <i>The Chancellor, Masters &amp; Scholars of the University of Oxford &amp; Ors. v. Rameshwari Photocopy Services &amp; Ors.</i> [DU Photocopying Case] CS (OS)-- 2439/2012. Delhi High Court</p> <p>2) <i>Twentieth Century Fox Film Corp v. MCA Inc. and Ors</i> [715 F.2d 1327 (9th Cir. 1983)]</p>	<ul style="list-style-type: none"> <li>• Acquainting students with historical aspects and conceptual framework of Copyrights.</li> <li>• Making them aware of various legal provisions of Copyrights along with few relevant decisions of the Courts.</li> </ul>

		<p>3) <i>R. G. Anandv. Deluxe Films</i> [AIR (1978) SC 1613]</p> <p>4) <i>Apple Computer, Inc. v. Microsoft Corporation &amp; Hewlett-Packard Co.</i> [35 F.3d 1435 (9th Cir.1994)]</p>	
2	<b>The Designs Act,2000</b>	<p>Industrial Designs: Introduction, Meaning and Scope – Registerability of a Design, who can file an Application for Registration of a Design (Sections 3 to 10) – Copyright in Registered Designs (Sections 11 to 20) – Infringement (Piracy) of Copyright in Design (Sec. 22) – Defenses which may be set up by the Defendant.</p> <p>Important Judicial Decisions to be studied :</p> <p>1) <i>Micolube India Limited v. Rakesh Kumar</i> 2013 1AD (Delhi) 542; MIPR 2012 (2) 200</p> <p>2) <i>Reckitt Benckiser India Ltd. v. Wyeth Ltd.</i> AIR 2013 Delhi 101;2013 (54) PTC 90 (Del) (FB)</p> <p>3) <a href="#"><i>Gopal Glass Works Limited v. Assistant Controller of Patents &amp; Designs &amp; Ors.</i></a> 2006 (3) CHN 188</p> <p>4) <i>AtulNarsibhai Patel v. The Assistant Controller of Patents And Designs And Others.,</i> Calcutta High Court AID No. 3 of 2013 Decided on 17.01. 2017</p>	<ul style="list-style-type: none"> <li>• Introducing students with conceptual framework and scope of Designs.</li> <li>• Making them aware of various legal provisions of Designs Act along with few relevant decisions of the Courts.</li> </ul>

3	<b>The Geographical Indications of Goods (Registration and Protection), Act, 1999</b>	<p>Geographical Indications: Introduction, Meaning and Content –</p> <p>Legislative framework :</p> <p>The Geographical Indications of Goods (Registration &amp; Protection) Act, 1999 and the Geographical Indications of Goods (Registration &amp; Protection) Rules, 2002.</p> <p>Procedure for Registrations – Duration, Renewal, Restoration (Section 11 to 18) – Rights Conferred by Registration – Infringement and its Remedies (Section 20-24) – Penalties for Infringement (Section 37 to 54) – Authorities: Registrar, Appellate Board – Certificate of Validity – Powers of Central Government.</p>	<ul style="list-style-type: none"> <li>• Acquainting students with conceptual framework and scope of Geographical indications of goods.</li> <li>• Making them aware of various legal provisions of The Geographical Indications of Goods (Registration and Protection), Act, 1999 along with relevant rules.</li> </ul>
4	<b>Protection of Plant Varieties and Farmers Rights Act-2001</b>	<p>Introduction, Objective and Scope of the PPVFR Act, 2001 - Definitions [Plant, Propagating Material, Seed, Germ Plasma, Plant Variety, New Plant Variety, Farmer Etc.]</p> <p>Procedure of Registration, Who may apply? - What can be registered? – What Cannot be Registered - Acceptances and Opposition of Application – Rights and Privileges of Breeders and Researchers – Compulsory License – Period of Validity of Registration – Surrender and Revocation of Certificate – Infringement of Rights and its Remedies - Offences and Penalties – Authorities for Administration</p>	<ul style="list-style-type: none"> <li>• Making students understand with the concept and scope of Plant Varieties and Farmers Rights.</li> <li>• Making them aware of various legal provisions of The Protection of Plant Varieties and Farmers Rights Act, 2001 along with relevant rules.</li> </ul>

- **All Acts are to be studied with recent amendments**

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