



SGT UNIVERSITY, GURGAON
FACULTY OF LAW

SYLLABUS

PROGRAMME	SEMESTER	COURSE NAME	COURSE CODE
LL. B. (Hons.)	V	Intellectual Property Law	08040504

Intellectual Property Law

Course Objective:

This course will introduce the students to the various aspects related to Trademark in India. The students will gain an understanding of the legal aspects related to the registration of Trade mark, Rights of the Trade marks holder, assignment of Trade marks and the various forms of infringement and legal remedies against them.

Module I : Introduction

- 1.1 Historical Background of Trade Mark Law in India
- 1.2 Meaning of Mark / Trade Mark
- 1.3 Service Mark, Collective Marks, Certification Trade Mark
- 1.4 Well Known Trade Marks
- 1.5 Internet Domain Names

Module II : Registration of Trade Mark

- 2.1 Absolute grounds for refusal of Registration
- 2.2 Relative grounds for Refusal of Registration
- 2.3 Deceptive Similarity
- 2.4 Procedure for Registration
- 2.5 Effect of Registration
- 2.6 Duration, Renewal, Removal and Restoration

Module III : Rights of Trade Marks holder

- 3.1 Rights to Exclusive use
- 3.2 Rights to Assign
- 3.3 Right to seek legal remedies against Infringement
- 3.4 Right to Seek Correction of Register
- 3.5 Limitation on Rights

Module IV : Assignment and Transmission of Trade Mark

- 4.1 Assignment & Transmission
- 4.2 Conditions of Assignment
- 4.3 Restrictions on Assignment & Transmission
- 4.4 Registration of Assignment & Transmission

Module V : Infringement and Passing Off Action in Trade Mark

- 5.1 Infringement of Registered Trade Mark
- 5.2 Essential conditions of Infringement
- 5.3 Common forms of Infringement
- 5.4 Passing Off Action
- 5.5 Essential Features of Passing Off Action
- 5.6 Modes adopted for Passing off action
- 5.7 Distinction between Passing Off & Infringement

Module VI : Legal Remedies against Infringement and Passing Off

- 6.1 Civil Remedies
- 6.2 Criminal remedies
- 6.3 Relief in Suits for Infringement or for Passing Off

Course Outcome: After completion of the course, the students will be able to:

1. Develop an understanding of the various aspects relating to Trade marks, like Collective Marks, Certification Trade Mark, Internet Domain Names, registration of Trade marks and rights of the Trade marks holder, etc.
2. Understand the legal aspects of the infringement of Trade mark related rights and the legal consequences and legal remedies in relation to such infringement.

Prescribed Books:

1. N.S. Gopalakrishnan & T.G. Ajitha, Principles of Intellectual Property, Eastern Book Company, 2014 (2nd Edn)
2. B.L. Wadhwa, Law Relating to Intellectual Property, Universal Law Publishing, 2014 (5th Edn)
3. S. Narayan, Intellectual Property Law in India, Gogia Law Agency, Hyderabad, 2005 (3rd Edn)
4. A. K. Bansal, Law of Trademark In India, Thomson & Reuter, 2014
5. V.K. Ahuja, Law Relating to Intellectual Property Law, Lexis Nexis, 2013 (2nd Edn)
6. Elizabeth Verky, Law of Patents, Eastern India Company, 2012 (2nd Edn)
7. Jayashree Watal, Intellectual Property Rights in the WTO and Developing Countries, Oxford University Press, 2001
8. P. Narayanan, Law of Trademarks (The Trademarks Act 1999) and Passing Off, Eastern Law, Calcutta, 2006
9. W.R. Cornish, Intellectual Property: Patents, Copyright, Trademark and Allied Rights, Universal Law Publishing 2001
10. C.S. Lal, Intellectual Property Handbook: Copyright, Designs, Patents & Trademarks, Law Publishers, Allahabad, 2000