

## NIRMA UNIVERSITY

<b>Institute:</b>	Institute of Law
<b>Name of Programme:</b>	B.A., LL.B (Hons.), B.Com.LL.B(Hons.)
<b>Course Code:</b>	2IPR841
<b>Course Title:</b>	Law of Copyrights and Designs
<b>Course Type:</b>	Department Elective
<b>Year of Introduction</b>	2021-2022

### Credit Scheme

L	T	Practical component				C
		LPW	PW	W	S	
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### Course Learning Outcomes (CLO)

At the end of the course, students will be able to -

1. Illustrate the characteristics and significance of copyright law.
2. Examine the areas of International Copyright and Design law overlap and recommend solutions.
3. Appraise the applicability of copyright standards on various subject matters.
4. Evaluate the influence of Copyright over industrial designs law.
5. Analyse the protection regime for Integrated circuit layouts and designs and semiconductor chips.
6. Illustrate the similarity and difference of protection and execution of copyright law in various jurisdictions.

### Syllabus:

#### Unit

#### Syllabus

**Total teaching hour: 60**

**Teaching  
hours**

#### Unit-I

#### General overview of Copyright Law

- 1.1 Meaning, Objective and Historical overview
- 1.2 Justification for Copyright Law: Fairness and Personality theory, Welfare theory
- 1.3 Interplay of Idea-Expression dichotomy, Merger Doctrine and Functionality Doctrine to Copyrights
- 1.4 The Economic Rationale of Copyright
- 1.5 Subject Matter of Copyrights
- 1.6 Authorship and Ownership
- 1.7 Transfer and Licensing
- 1.8 Disputes in respect of licensing

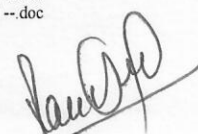
**10 hours**

#### Unit-II

#### International Perspectives on Law of Copyrights

- 2.1 Berne Convention for the Protection of Literary and Artistic Works, 1886
- 2.2 Universal Copyright Convention (UCC), 1952
- 2.3 Rome Convention on the Protection of Performers, Producers of Phonograms and

**9 hours**



- 2.4 Broadcasting Organisations, 1961 & Phonograms Convention, 1971
- 2.5 GATT-TRIPS, 1994
- 2.6 WIPO Copyright Treaty & WIPO Performances and Phonograms Treaty, 1996
- 2.7 Marrakesh Agreement 2013
- 2.8 Beijing Treaty on Audiovisual Performances, 2020

**Unit-III      Emerging Concepts underlying Copyright Law      12 hours**

- 3.1 First sale Doctrine and Parallel Imports
- 3.2 Copyleft and Open Source Licensing
- 3.3 Fair use and Fair dealing: analysing implications for copyright works on the digital platforms
- 3.4 Copyright protection for computer programs: Understanding difference between Computer programs, Computer Related Inventions and Software;
- 3.5 Video on Demand/Online Streaming : Boon or Bane for Media Industries
- 3.6 Digital Copyright issues: direct and secondary liability of service providers
- 3.7 Auteurs Theory: Moral Rights and Directors' Right to copyright
- 3.8 Emerging concept of copymarks
- 3.9 Tests For Infringement -Abstraction Test, Pattern Test, Total Concept And Feel Test, Ordinary Observer Test

**Unit-IV      Industrial Designs Law      9 hours**

- 6.1 Nature of Industrial Design
- 6.2 Object of Design Law
- 6.3 Functions of Industrial Design
- 6.4 Justification for Industrial Design Protection
- 6.5 Designs Protection under TRIPS, Hague Agreement and Locarno Agreement
- 6.6 Essentials of design registration and its subject matter
- 6.7 Registration, Cancellation of registration and piracy of designs
- 6.8 Interface between Copyright and Designs

Unit- V	<b>IC Layout Design Protection</b>	<b>8 hours</b>
	5.1 Washington Treaty for IC Layout Design	
	5.2 IC Layout under TRIPS	
	5.3 Salient features of Semi-Conductor Integrated Circuits Layout-designs of Act 2000	
	5.4 Registration	
	5.5 Difference between Industrial Designs and IC Layout designs	
	5.6 Interface between Copyright and IC Layout designs	

Unit- VI	<b>Comparative Analysis</b>	<b>12 hours</b>
	6.1 Comparative study of copyright in India vis-à-vis USA and EU: subject matter, tests for infringement	
	6.2 Comparative study of design law in India and EU: types of designs, protectable designs subject matter and infringement	
	6.3 Comparative study of IC Layout and designs in India with other relevant jurisdictions	

**Suggested Reading  
Reference:**

1. Nimmer (2010). Copyright, Lexis Nexis.
2. Copinger and Skone James on Copyright (2008) New Delhi:South Asia Publication
3. Cornish W. R. & Leiwelyn D. Intellectual Property: Patent, Copyright, Trademarks and Allied Rights, Sweet & Maxwell
4. David I. Bainbridge, Intellectual Property (2012), Ninth Edition, Pearson
5. Narayanan, P. (2017). Copyright and Industrial Design, Eastern Law House.
6. Bentley and Sherman, Intellectual Property Law, OUP- Oxford; 3 edition (2010)
7. Gopalakrishnan, N.S. and Agitha, T.G.(2014). Principles of Intellectual Property, Lucknow, Eastern Book Com.
8. Edited by Steven Caldwell Brown ,Edited by Thomas J. Holt,Digital Piracy : A Global, Multidisciplinary Account
9. Nathan Fisk Praeger Understanding Online Piracy,, 2009
10. Digital Copyright Simon Stokes Hart, 5 th edition,
11. Cornish, W R, Cases and Materials in Intellectual Property, 3rd Ed. London: Sweet & Maxwell, 1999.

12. Verkey Elizabeth, Law of Patents, Second Edition, Eastern Book Company, Lucknow, 2012.
13. Tanya Alpin and Jennifer Davis, Intellectual property law: Text, Cases and Materials
14. Dr. B.L. Wadehra, Law relating to Intellectual Property, Universal Law Publishing Co
15. Chawla, A. (2013). Law of Copyright, Comparative Perspective, New Delhi: Lexis Nexis.