

### 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>	2IPR842
<b>Course Title:</b>	Law of Trademarks and Geographical Indications
<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. Apply the legal principles provisions to the practical aspects of trademark and design related issues.
2. Appraise the interference of Trademarks and Geographical Indications.
3. Evaluate the difference and similarity between trademark, industrial design and geographical indications
4. Appraise the basic concept of trademark and industrial design laws.
- 6 Assess and recommend solutions to domain names and the trademark related disputes.
7. Examine the substantive and procedural intricacies of Geographical Indications Protection.
9. Evaluate the Geographical Indication protection with the help of case studies.

### Syllabus:

#### Unit

#### Syllabus

**Total teaching hour: 60**

**Teaching**

**hours**

**4 Hours**

Unit-I

#### Principles of Trademark

- 1.1 Introduction to the concept of Trademark
- 1.2 Objective of Trademark protection
- 1.3 Justification for Trademark protection – Economic, Quality, Advertising
- 1.4 Spectrum of Distinctiveness – Arbitrary, Fanciful and Suggestive Marks
- 1.5 Grounds of refusal for grant of Trademark registration – Absolute and Relative.
- 1.6 Shape Trademarks and Interface with Industrial Design Protection



Unit-II	<b>International Protection for Trademarks</b>	<b>6 Hours</b>
	<ul style="list-style-type: none"> <li>2.1 Paris Convention</li> <li>2.2 Vienna Convention</li> <li>2.3 Nice Agreement</li> <li>2.4 Madrid Protocol / Agreement</li> <li>2.5 Trademark Law Treaty</li> <li>2.6 Singapore Treaty</li> <li>2.7 TRIPS</li> <li>2.8 Comparative study of Trademark law: USA and EU with India</li> </ul>	
Unit-III	<b>Procedure for Obtaining Registration of Trademarks</b>	<b>8 Hours</b>
	<ul style="list-style-type: none"> <li>3.1 General principles of application</li> <li>3.2 Procedure on receipt of application</li> <li>3.3 Acceptance and advertisement</li> <li>3.4 Opposition</li> <li>3.5 Procedural formalities</li> <li>3.6 Registration of Certificate Marks</li> <li>3.7 Registration of Collective Marks</li> </ul>	
Unit-IV	<b>Rights of the owners of Trademarks</b>	<b>8 Hours</b>
	<ul style="list-style-type: none"> <li>4.1 Introduction to the rights of Trademark proprietor</li> <li>4.2 Transfer of Trademark Rights</li> <li>4.3 Assignment</li> <li>4.4 License</li> <li>4.5 Difference between Assignment and License</li> </ul>	
Unit- V	<b>Infringement of Trademark and Action for Passing Off</b>	<b>15 Hours</b>
	<ul style="list-style-type: none"> <li>5.1 Infringement of Trademark – Essentials</li> <li>5.2 Dilution of Trademark – Concept Blurring and Tarnishment</li> <li>5.3 Dilution of Trademark – US EU and India position</li> <li>5.4 Protection of Goodwill and Cross-border reputation</li> <li>5.5 Comparative advertisement law – US EU and India Position</li> <li>5.6 Passing off – General principles, essentials</li> <li>5.7 Difference between Infringement and Passing off</li> <li>5.8 Passing off and Protection of well-known trademarks</li> <li>5.9 Reverse Passing off</li> <li>5.10 Defences in Trademark Infringement</li> <li>5.11 Remedies</li> </ul>	

Unit-VI	<b>Domain Name: Issues and Concerns</b>	<b>4 hours</b>
	6.1 Introduction to legal protection of domain names – As Intellectual Property	
	6.2 Domain name registration – Organizations and procedure	
	6.3 Infringement	
	6.4 Concurrent claims	
	6.5 Jurisdictional Issues	
Unit-VII	<b>Protection of Geographical Indications (GI)</b>	<b>5 Hours</b>
	7.1 Introduction to concept and objective of GI	
	7.2 Justification to GI protection	
	7.3 Appellation of origin, Indication of Source and Geographical Indication	
	7.4 GI registration Procedure	
	7.5 Committee Procedure	
	7.6 Overlap between GI and Trademarks	
Unit-VIII	<b>International Protection on GI</b>	<b>5 Hours</b>
	8.1 Lisbon Agreement	
	8.2 Madrid Agreement	
	8.3 Paris Convention	
	8.4 TRIPS	
	8.5 Position of GI protection in US and EU	
Unit-IX	<b>GI Case Studies</b>	<b>5 Hours</b>
	9.1 Spanish Champagne Case	
	9.2 Darjeeling Tea Case	
	9.3 Pochampally Ikat Case	
	9.4 Tiripathi Laddoo Case	

**Suggested Reading  
Reference:**

1. Brainbridge. D., *Intellectual Property*, Longman 6<sup>th</sup> Edn
2. Bently L. and Sherman B., *Intellectual Property Law*, Oxford University Press 2<sup>nd</sup> Edn (2004)
3. Narayanan P., *Intellectual Property Law*, Eastern Law House, 3<sup>rd</sup> Edn (2018)
4. Blakeney M., *Trade Related Aspects of Intellectual Property Rights: A Concise Guide to the TRIPs Agreement*, Sweet & Maxwell (1996)

5. Christie D.S., and Gare S., *Blackstone's Statutes on Intellectual Property*, Oxford University Press, 7<sup>th</sup> Edn (2004)
6. Ramappa T., *Lectures on Intellectual Property Rights* (2018).