

NIRMA UNIVERSITY

Institute:	Institute of Law
Name of Programme:	B.A., LL.B (Hons.), B.Com.LL.B(Hons.)
Course Code:	2IPR843
Course Title:	Patent Rights Creation and Recognition
Course Type:	Department Elective
Year of Introduction	2021-2022

Credit Scheme

L	T	Practical component				C
		LPW	PW	W	S	
3	-	-	1	-	-	4

Course Learning Outcomes (CLO)

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

1. Critically examine the standards of patentability and suggest improvements.
2. Evaluate the documents required for patent application in India.
3. Assess and appraise patent Specifications and rules of drafting.
4. Justify and support claims in a patent specification.
5. Elaborate the process of Patent application filing under Patent Cooperation Treaty.
6. Compare the application of Patent Law under various jurisdiction outside India.
7. Distinguish various kinds of Patent Infringements prevalent in Market & Comprehend the kinds of remedies available under Indian patent law legislations.
8. Interpret the importance and significance of specific patent claims presented in an issued patent.

Syllabus:

Unit

Syllabus

Total teaching hour: 60

Teaching hours

Unit-I

Pre-requisites of Patent in India

6 hours

Hours:06

1.1 Patentable Subject Matter

1.2 Patentability:

1.2.1 Novelty

1.2.2 Inventive Step

1.2.3 Utility

1.3 Process of Patent Grant in India



Unit-II	Procedure of applying for a Patent. 2.1 Who can file an Application for Patent 2.2 Where to apply (Rule-4) 2.3 Types of Patent Application 2.4 Filling an Application {Section-7(2) and Rule-10}	05 hours
Unit-III	Documents for Submission 3.1 Introduction 3.2 Declaration as to Inventor ship {Section-10(6) and Rule-13(6)} 3.3 Statement and Undertaking regarding Foreign Application {Section-8 and Rule-13(6)} 3.4 Proof of Right to make an Application {Section-7(2) and Rule-10} 3.5 Authorisation of an Agent (Section-132 and Rule-135) 3.6 Substitution of Application (Section-20, Rule-35 and Rule-36)	7 hours
Unit-IV	Specification 4.1 Provisional Specification 4.2 Complete Specification 4.3 Construing a Specification 4.4 Specifications are construed like any written document 4.5 Words are given their plain meaning 4.6 Specifications to be read as a whole 4.7 Language of the Specification must be clear and <i>un-ambiguous</i> 4.8 Enablement – how to be made 4.9 Enablement- How to use 4.10 Best Mode	10 Hours

- | | | |
|----------|--|----------------|
| Unit- V | Contents of Specification | 7 Hours |
| | 5.1 Title | |
| | 5.2 Background of the Invention | |
| | 5.3 Description | |
| | 5.4 Drawing | |
| | 5.5 Abstract | |
| | 5.6 Claims | |
| | 5.7 Product-by-process claims | |
| | 5.8 Market ambush | |
| | 5.9 Definiteness and enablement | |
| | 5.10 Amendment of specification | |
| | 5.11 Relationship between claims and specification | |
| Unit-VI | Patent Cooperation Treaty | 8 Hours |
| | 6.1 Introduction | |
| | 6.2 Patent Cooperation Treaty (PCT) | |
| | 6.3 Terms used in International Patent Applications | |
| | 6.4 PCT Timeline | |
| | 6.5 Filling an International Patent Application through PCT | |
| | 6.6 Fees for filling International Patent Application | |
| | 6.7 Receiving Office for filling PCT Application in India (Rule-18 and 19) | |
| | 6.8 Withdrawal of International Patent Application | |
| | 6.9 The list of countries which are signatories to PCT | |
| Unit-VII | Principles of Drafting | 7 Hours |
| | Hours: 07 | |
| | 7.1 Writing fundamentals for Patents | |

- 7.2 Words and Punctuation
- 7.3 Grammar and Syntax
- 7.4 Sentences
- 7.5 Paragraphs
- 7.6 Editing
- 7.7 Patents writing fundamental exercise
- 7.8 Advanced Writing for Patents
- 7.9 Drafting Exercise-1: Apparatus
 - 8.9.1 Define Invention
 - 8.9.2 Main Claims
 - 8.9.3 Background Peripherals
 - 8.9.4 Specification
 - 8.9.5 Complete Claims
 - 8.9.6 Coordinate Claims, Specification

Unit-VIII

Comparative Patent Law & Current Issues in Patent Law around world.

5 hours

- 9.1 Comparative analysis of Patent Law in different Jurisdictions (India vs. USA, UK, Germany, Australia).
- 9.2 Standard Essential Patent (SEPs) and jurisdictions issues.
- 9.3 Utility models and petty patents
- 9.4 Patenting of computer software and business methods
- 9.5 Patent Pool and World Health Organisation
- 9.6 India & South Africa vs. WTO (*Covid vaccine Patent exemption*)

Suggested Reading Reference:

1. *Janice M. Mueller*, Patent Law, 6th ed., Wolter Kluwer, 2020.
2. *Adarsh Ramanujan*, Patent Law: Cases and Materials: A Synthesis For India, Wolter Kluwer, 2020.
3. *Paul England*, A Practitioner's Guide to European Patent Law: For National Practice and the Unified Patent Court, Bloomsbury Publishing, 2019.

4. *Norman V. Siebrasse, Jorge L. Contreras, Brian J. Love, C. Bradford Biddle*, Patent Remedies and Complex Products: Toward a Global Consensus, Cambridge University Press, 2019.
5. *Joseph E. Root*, Rules of Patent Drafting: Guidelines from Federal Circuit Case Law, Oxford University Press, 2011.
6. *N.S. Rathore*, Intellectual Property Rights: Drafting, Interpretation of Patents Specification and Claims: Drafting, Interpretation of Patent Specifications and Claims, Nipa, 2013.
7. *Elizabeth Verkey*, Law of Patent, 2nd ed, Eastern Book Company, Lucknow, 2012
8. *Sheetal Chopra and Dr. Akash Taneja*, Patent Agent Examination, 3rd ed., LexisNexis Butterworth Wadhwas, 2016.
9. *David Young Terrel*, the Law of Patents, 15th ed, Sweet & Maxwell, 2000.
10. *Martin Adelman*, Cases and Materialson Patent Law, 2nd ed., West Publishing Co. New York, 2003.
11. *P. Narayanan*, Patent Law, 4th ed. Eastern Law House, Calcutta, 2017.