



Hindi Vidya Prachar Samiti's

HINDI VIDYA PRACHAR SAMITI'S COLLEGE OF LAW

(Affiliated to University of Mumbai & recognized by Bar Council of India)

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PROSPECTUS 2023 - 2024

POST GRADUATE DIPLOMA

- ALTERNATIVE DISPUTE RESOLUTION
- CYBER LAW & INFORMATION TECHNOLOGY
- INTELLECTUAL PROPERTY RIGHTS

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Handbook of Information of Post Graduate Diploma in Intellectual Property Rights

(IPR)

(2023-2024)

On the auspicious day of Shri Krishna Janmashtami, 15th August 1938, the people of Ghatkopar and the surrounding suburbs witnessed the birth of Hindi Vidya Prachar Samiti, a brain child of a visionary Late Shri Nandkishore Singh Jairamji. The Samiti was established with the objectives of catering to the educational needs of the Hindi speaking community. It made a humble beginning by starting a primary school, which gradually expanded into a full-fledged secondary school. The Hindi High School with its high academic standards has carved for itself a place not only among leading secondary schools in Mumbai but also educational institutions imparting instructions in Hindi throughout Maharashtra.

With its primary objectives achieved the Samiti decided to extend its frontiers and broaden its horizons. As a result, Ramniranjan Jhunjhunwala College came into existence in 1963, enabling a larger section of the society to take advantage of the facilities provided for higher education. The Ramniranjan Jhunjhunwala College of Arts, Science and Commerce has gone to great heights in regards to the Junior College, Degree College, Self-financing courses and many other new ventures.

After the success of Ramniranjan Jhunjhunwala College, the Samiti decided to provide the society with an institution which will spread the awareness regarding our rights and duties and to set up new standards in legal education by inculcating a sense of professionalism, respect for rule of law and responsibility towards the society, which was accomplished with the establishment of the "Hindi Vidya Prachar Samiti's College of Law".

Hindi Vidya Prachar Samiti's College of Law was established in the year 2017. Initially, the College started with 3year LL. B course and 5 years B.L.S LL.B course. Our consistency in meeting the standards of the University of Mumbai has led to the university granting us permission to start the LLM course in our College as well commence additional division (1+1) in both the 3year LL. B (120 Seats) and 5year B.L.S. LL. B Course (120 Seats). From 2021, the college received permission by the University of Mumbai to start with PG programme in Law (one year). The aim is to provide high-quality education in the field of law and encourage scholarly research. The curriculum is intended to produce knowledgeable legal professionals and academics with advanced skills and expertise. To achieve this, it is essential for students to acquire a thorough understanding of fundamental legal concepts and principles, as well as the social, economic, and political dimensions of law, and the evolving nature of legal practices.

Moreover, college also offers three Post – Graduate Diploma Courses affiliated to the University of Mumbai, i.e., Post Graduate Diploma in Alternative Dispute Resolution (One Year), Post Graduate Diploma in Cyber Law and Information Technology (One Year), and Post Graduate Diploma in Intellectual Property Rights (One Year).

COURSE INFORMATION

The College has been granted permission to commence Post Graduate Diploma Courses in three areas of law as under:

- 1) Post Graduate Diploma in Alternative Dispute Resolution (One Year)
- 2) Post Graduate Diploma in Cyber Law and Information Technology (One Year)
- 3) Post Graduate Diploma in Intellectual Property Rights (One Year)

Title of the Course	Post Graduate Diploma in Intellectual Property Rights (IPR)
Eligibility	Graduate from any faculty from a recognized University.
Duration	One Academic Year
Fees for the course	₹13,000
Examination	To be held at the end of the Academic Year.
Intake Capacity	50

Note:

- **No Student will be allowed to appear for the examination unless he/she has attended 75 % of the total number of Lectures / Seminars / Practices conducted the course.**
- **Each Paper will be of 100 Marks**

Teachers Qualification:

Post Graduate in Law or Graduate in Law with five to ten years teaching experience or five to ten years professional / service experience Law.

Standard of Passing:

- a) To pass the Diploma examination a student must obtain 45% of marks in each paper and 50% in aggregate
- b) Candidate who secures 50% to 59% marks in aggregate shall be declared to have passed the examination in the Second Class.
- c) Candidates who secure an aggregate of 60% and above marks in aggregate shall be declared to have passed the Examination in the First class
- d) In addition to (a) (b) and (c) above, a candidate who secures 70% and above marks in aggregate shall be declared to have passed the Examination with Distinction.

Eligibility:

- Graduate of any recognized University in any discipline; or
- Candidates appearing for the final year examination of Graduation are also eligible to apply; or
- Candidates who have completed three years of their 5-year integrated LLB Degree program in Law are also eligible to apply.
- Diploma in any discipline or any equivalent diploma from a recognized Institution

About the Course:

PG Diploma IPR course provides specialized knowledge and understanding in a specific field of study. It develops practical skills that are directly applicable to the chosen profession or industry. It also enhances career prospects and opportunities for advancement or transition. It fosters the development of professional competencies and attributes. It encourages research and practical application of knowledge. It also facilitates networking opportunities with professionals and industry experts.

Learning Outcome:

Specialized Knowledge: The course aims to provide students with in-depth knowledge and understanding of a specific subject area or field of study. It covers key concepts, theories, principles, and practices relevant to the chosen field.

Skill Development: One of the primary objectives of a PG Diploma course is to equip students with practical skills that are directly applicable to their chosen profession or industry. These skills may include technical skills, analytical skills, research skills, problem-solving skills, communication skills, and other skills necessary for success in the field.

Career Advancement or Transition: Many PG Diploma courses are designed to help students advance their careers or transition to a new field. The course objectives may include providing students with the necessary knowledge and skills to take on more senior roles, enhance their job prospects, or switch careers effectively.

Industry Relevance: The course aims to stay updated with the latest industry trends, practices, and technologies. It focuses on providing students with knowledge and skills that are relevant and valuable in the current job market.

Professional Development: PG Diploma courses often emphasize the development of professional competencies and attributes. This includes enhancing leadership skills, teamwork abilities, critical thinking, ethical decision-making, and adaptability to change.

Research and Practical Application: Some PG Diploma courses may include a research component or practical projects that allow students to apply their learning to real-world situations. This objective encourages students to engage in hands-on learning, develop problem-solving skills, and contribute to the advancement of knowledge in their field.

Networking and Industry Connections: Many PG Diploma courses provide opportunities for students to network with professionals and industry experts. These connections can be valuable for future job opportunities, internships, collaborations, and mentorship.

DETAILS OF SYLLABUS:

PAPER – I: Introduction of Legal Concepts and Legal Systems

PAPER – II: Law of Trade Marks

PAPER – III: Law of Copyright

PAPER – IV: Law of Patents

PAPER – V: Practical Training / Field Work

POST GRADUATE DIPLOMA IN INTELLECTUAL PROPERTY RIGHTS

(IPR)

PAPER - I : INTRODUCTION OF LEGAL CONCEPTS AND LEGAL SYSTEMS

TOTAL MARKS: 100 MARKS

Working knowledge of Concepts and practice relating to:

1. SOURCES OF LAW:

Constitution,

Statutory,

Common Law,

International Treaties and Laws,

Customary,

Equality.

2. NATURAL AND LEGAL PERSONS:

Individuals – citizens,

Association of Persons,

Partnership,

Hindu Undivided Family,

Co-Owners,

Trusts; Private and Public,

Formation – Dissolution, Registration–Partnership–Trust; Dissolution;

Legal Entities

Corporations,

Statutory Corporations,

Registered Societies,

Registration – Memorandum – Articles

Management – Vesting of Property Winding up-liquidation.

3. PROPERTY:

Moveable, immoveable, tangible, intangible,

Ownership, Possession,

Legal/Equitable Rights,

Statutory rights,

Creation/acquisition – abandonment,

Holding – employment, maintenance,

Monopoly rights,

Transfer – assignment, sale, gift, succession, extinguishment, abandonment, Renewal.

4. CONTRACTS:

Offer Proposal – acceptance, consideration, damages,

Creation – Continuation – obligations,

Agency – licence, power of attorney, Franchise agreements;

5. TORTS:

Infringement, passing off, deception, standard of care, negligence, strict liability.

6. JURISDICTION:

Civil, Criminal, International

Arbitration,

Registration- disputes,

Courts.

7. International Instruments and Organisation Over view of IPR & Cyber Law;

PAPER – II: APPLICATION OF ADR METHODS IN DIFFERENT FIELDS & AREAS

TOTAL MARKS: 100 MARKS

Evolution and Development of Intellectual Property Rights, National and International Law of Trade Marks including Passing Off, Unfair Competition, Law of Dorman Names and the Geographical indication of Goods (Registration and Protection) Act, International Conventions relating to Trade Marks, TRIPs, Law relating to marks and emblems of trade, Search importance of procedures for Trade Marks registration, (III) Examination of Trade Mark application, opposition etc. Rights of registered Trade Mark owners – Civil and Criminal Remedies, Infringement proceeding and Defenses – passing of and infringement, Remedies in Trade Mark proceedings – Anton Pillar order, miscellaneous proceedings ratification, Trafficking in Trade Mark, Yardstick for Damages, public interest in Trademarks laws, Domain name issues and concerns.

REFERENCES:

- i. The Trade Mark Act, 1999 and Rules,
- ii. Geographical Indications of Goods (Registration and Protection) Act,
- iii. Kerly's Law of Trade Marks and Trade Names, Thomas A. Balanco White and Robin Jacod (Sweet and Maxwell).
- iv. The Modern Law of Trade Marks by Christopher Morcom, Ashley Roughton and James Graham, 1st edition 1999 edition (Butterworths);
- v. K.S. Shavaksha on Trade Merchandise Marks Act, 1958 3rd Edition (1999 Edition), Butterworths, India
- vi. McCarthy on Trade Marks and Unfair Competition (1999 Edition) (West Group, U.S.A.).
- vii. Intellectual Property by W.R. Cornish (Sweet and Maxwell).
- viii. Narayanan on Trade Marks and Passing Off – Fourth Edition

PAPER – III: LAW OF COPYRIGHT

TOTAL MARKS: 100 MARKS

i. Evolution and Development of Copy Rights.

ii. Introduction to law of copy rights meaning and content, Diversity in copy right, its History – Test of originality, exercise of ownership Rights, Rights of copyright holder – Tests of determining infringement, Infringement and remedies, Copy Rights and Computer Software. The administration of Copy Right System in India, International Copy Rights Law.

iii. Law of Copyright including Cable, Broadcasting, Satellite, Copyright, infringement on the internet, WCT, WPPT, Law relating to Industrial designs, Layout designs in Integrated Circuits, Treaty on intellectual Property in respect of integrated circuits, Washington D.C. 1989 International Convention relating to Copyright, including the TRIPs Agreement.

1. Evolution and Development of Copy Rights Law –National Law, International Law;

2. Rights of Copy Rights Owners – Economic Rights, Moral Rights.

3. Copy Rights and Public interest, Duration of Copy rights, Permitted uses, Compulsory licenses,

4. Remedies for infringement of Copy Rights – Civil remedies, Administrative remedies, Criminal remedies;

5. Neighboring rights – Reformers rights, Rights of Producers of phonograms, Rights of broadcasting organizations;

6. Copy Rights and Technological development – international convention on Copy Rights, Future of Copy Rights in India;

REFERENCE:

1. The Copyrights Act, 1957

2. Copinger and Skone James on Copyright (Sweet & Maxwell)

3. The Modern Law of Copyright and Designs by Hugh Laddie, Peter Prescott and Mary Vitoria (ButterWorths);

4. Nimmer on Copyright in 10 volumes (Edition 2000) Mathew Bender.

PAPER – IV: LAW OF PATENT

TOTAL MARKS: 100 MARKS

Patent Co-Operation Treaties, TRIP's The Protection of Plant Varieties and Farmer's Rights Act 2000, International Treaties, Patent and Pharmaceuticals Patent and Public Interest, Infringement of Patents History of Indian Patent System. Conditions for a valid patent concepts like Novelty, utility, non-obviousness subject matter patentable under the statute.

Application procedure –mandatory forms – check list in preparing application – provisional and complete specification, provisional and complete specification – concept of priority, Examination of patent application – first examination report, opposition to grant of patents/sealing of patents / Renewal of Patents/life span etc; Infringement of patents misc. proceeding, Revocation, Compulsory licensing, Nationalization in public interest, Rights of patentee inventions.

REFERENCE:

1. The Patents Act, 1970 & Rules
2. Terrell on Law of Patents by Simon Thorley, Richard Miller, Guy Burkill and Colin Birss (Sweet & Maxwell)
3. Patent Law by P.Narayanan.
4. Patent Co-operation Treaty Handbook by Chartered Institute of Patent Agents (Sweet & Maxwell)
5. Patent for Inventions and the Protection of Industrial Designs By Thomas A. Balanco White, 1974 Edition (Stevens & Sons).
6. Patent for invention and the Protection of Industrial Designs -5th Edition (1983) by T.A. Balanco White (Stevens & Sons).
7. The Protection of Plant Varieties and Farmers' Rights Act.

Note: All research projects, dissertations & other research assignments are required to be in accordance with the circular of the University of Mumbai dated 15th June, 2018 no. Exam /thesis/Uni/VCD/947 of 2018 and UGC (Promotion of Academic Integrity & Prevention of Plagiarism in Higher Education Institution) Regulation 2018.

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PAPER – IV PRACTICAL TRAINING / FIELD WORK

TOTAL MARKS: 100 MARKS

The project report submitted by the student will be evaluated jointly by the internal and external examiners during the practical examination. The distribution of marks will be as follows:

Dissertation	40 marks
Project Work on Arbitration / Mediation (Practical exercises in the preparation and conduct of arbitration & mediation)	40 marks
Attendance	10 marks
Viva	10 marks

Students learn through classroom lectures, discussion and group problem solving method. Any matters covered in class and/or in the assigned readings will constitute part of the subject content and be eligible for inclusion on all assessments. It is **ESSENTIAL** that students read assigned material before class and make careful notes on the reading material as well as in-class lectures and discussion. It is extremely important for students to be prepared for class and to be actively involved in discussions as this greatly aids the learning process.