

COURSE TITLE	LAW RELATED TO TRADEMARK & GEOGRAPHICAL INDICATIONS
COURSE CODE	10IP0702
COURSE CREDITS	4

Objective:

- 1 To develop student's legal acumen in the trademark law regime in India
- 2 To make them familiar with various international instruments related to trademarks.
- 3 To enable the students to understand the registrability criteria under the trademark law in India.
- 4 To make students familiar with the registration process of trademarks in India
- 5 To acquaint the students with a conceptual understanding of the infringement and remedies available under trademark law.
- 6 To familiarize students with a conceptual understanding of the Geographical Indications Act.

Course Outcomes: After completion of this course, student will be able to:

- 1 State the philosophy of the trademark law regime in India.
- 2 Explain various international instruments related to trademark
- 3 Interpret the registrability criteria under the trademark law in India.
- 4 Analyze the procedure for registration of trademark in India
- 5 Understand the concepts related to the infringement of rights and remedies under trademark law
- 6 To familiarize students with a conceptual understanding of the Geographical Indications Act

Pre-requisite of course: Basic Knowledge of Intellectual Property Laws.

Teaching and Examination Scheme

Theory Hours	Tutorial Hours	Practical Hours	ESE	IA	CSE	Viva	Term Work
3	1	0	50	30	20	0	0

Contents : Unit	Topics	Contact Hours
1	INTRODUCTION TO TRADEMARK Introduction to the concept of Trademark, Objective of Trademark protection., Justification for Trademark Protection-Economic, Quality, Advertising., Kinds of Trademarks: Registered and Unregistered Trademarks, Conventional & Non-Conventional Trademarks, Service Marks, Collective Marks, Certification Marks, Well Known Trademarks, Historical evolution of Trademark Law in India, Comparison between the trademark regime of India, the USA, and the UK, International Conventions and Treaties.	10
2	REGISTRABILITY Pre-requisites, Spectrum of DistinctivenessArbitrary, Fanciful and Suggestive Marks, Absolute and Relative Grounds for Refusal of Registration, Concept of Deceptive Similarity and its Applicability in Registration, Honest and Concurrent Use	8
3	PROCEDURE FOR REGISTRATION Procedure for Registration, Submission of application, Acceptance, Advertisement and Rejection, Effect of Registration	8
4	INFRINGEMENT OF TRADEMARK, ACTION FOR PASSING OFF & REMEDIES Infringement of TrademarkEssentia, Dilution of Trademark- Concept of Blurring and Tarnishment., Dilution of Trademark- US, EU, and Indian position, Passing Off- General Principles and its essential features, Difference between infringement and passing off, Defences in Trademark Infringement, Remedies	9
5	THE GEOGRAPHICAL INDICATIONS ACT, 1999 Geographical Indications of Goods (Registration and Protection) Act, 1999 - Objects and Reasons of the Act, Difference between Trademark and Geographical Indications, Procedure for Registrations, Cancellations, and Rectification Infringement, Offences, Penalties, and Remedies., Geographical Indications of Goods (Registration and Protection) Rules, 2002., The Jan Vishwas Act, 2023	10
Total Hours		45

Suggested List of Experiments:

Contents : Unit	Topics	Contact Hours
1	ISSUES RELATED TO LAW RELATED TO TRADEMARK & GEOGRAPHICAL INDICATIONS ISSUES RELATED TO LAW RELATED TO TRADEMARK & GEOGRAPHICAL INDICATIONS	15
Total Hours		15

Textbook :

- 1 Trade Marks and Passing Off, Narayanan, Eastern Law House, 2004

References:

- 1 Law of Trademarks including International Registration under Madrid Protocol and Geographical Indications, Law of Trademarks including International Registration under Madrid Protocol and Geographical Indications, K C Kailasam and Ramu Vedaraman, Lexis Nexis, 2013

Suggested Theory Distribution:

The suggested theory distribution as per Bloom's taxonomy is as follows. This distribution serves as guidelines for teachers and students to achieve effective teaching-learning process

Distribution of Theory for course delivery					
Remember / Knowledge	Understand	Apply	Analyze	Evaluate	Higher order Thinking / Creative
10.00	10.00	30.00	10.00	20.00	20.00