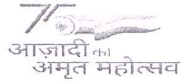




Guru Gobind Singh Indraprastha University
Sector-16 C, Dwarka, Delhi- 110078.



OFFICE OF DIRECTOR (ACADEMIC AFFAIRS)

Ref. No. GGSIPU/DAA/2022/

08th September, 2022

Minutes of Meeting held on 08th September, 2022

A meeting of the Sub-Committee of Academic Council constituted by the Hon'ble Vice Chancellor was held on 08th September, 2022 at 12:00 noon in the office of Director, Academic Affairs.

The following members were present:

1. Prof. C. S. Rai, Director Academic Affairs, Chairperson
2. Prof. Arinjay Kumar, Dean USCT, Member
3. Prof. Queeny Pradhan, Dean USMC, Member
4. Prof. Anuj Kumar Vaksha, Professor, USLS, Subject Expert
5. Prof. A.P. Singh, Dean USLLS, (Convenor)


Agenda of the meeting:

1. To revise Scheme & Syllabus of LL.M. (Regular-One year) for LL.M. (IPRs) and LL.M (Corporate Laws) programme effective from the Academic Session 2022-2023.

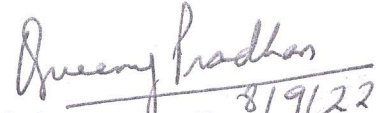
Recommendation of the Committee-

After due deliberation the members approved the following:

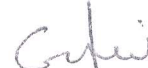
1. Revision of the Scheme & Syllabus of LL.M. (Regular-One year) for Master of Laws (LL.M.) in (Corporate Laws) programme effective from the Academic Session 2022-2023 as approved as approved by the BOS.
2. Revision of the Scheme & Syllabus of LL.M. (Regular-One year) for Master of Laws (LL.M.) in Intellectual Property Rights (IPRs) programme effective from the Academic Session 2022-2023 as approved by the BOS.


Prof. A. P. Singh
Dean, USLLS


Prof. Anuj Kumar Vaksha,
Professor USLLS,


Prof. Queeny Pradhan,
Dean USMC


Prof. Arinjay Jain
Dean, USCT


Prof. C. S. Rai,
Director Academic Affairs

SCHEME OF EXAMINATION
and
SYLLABUS
for
MASTER OF LAWS (LL.M.) in IPRs
[One Year Programme]



**GURU GOBIND SINGH
INDRAPRASTHA
UNIVERSITY**

UNIVERSITY SCHOOL OF LAW AND LEGAL STUDIES
Guru Gobind Singh Indraprastha University
Dawark Sector-16-C, New Delhi-110078

**The present scheme and syllabus for one year LL.M. programme shall
be introduced from the Academic Year, 2022-23 in the university.**

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LL.M (One Year) – IPR Specialization

Semester I

Paper Code	Paper Title	L	RTDA	C
GEN 101	Research Methods and Legal Writing	4	2	5
GEN 103	System of Governance	4	2	5
GEN 105	Law and Justice in a Globalised World	4	2	5
IPR 107	Nature, Emergence and Development of IPR	4	2	5
IPR 109	Law of Copyright	4	2	5

Semester II

Paper Code	Paper Title	L	RTDA*	C
IPR 102	Law of Patents	4	2	5
IPR 104	Law of Trademark	4	2	5
IPR 106	Law of Designs, Layout Designs and Geographical Indications	4	2	5
IPR 108	Protection of Plant Varieties & Traditional Knowledge	4	2	5
GEN 110	Dissertation**	-	-	10

Explanations

- * L- Lecture
- * C- Credits
- * RTDA – Research and Teaching Development Activities
- ** NUES

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Explanations

* RTDA – Research and Teaching Development Activities

** NUES

Mode of Evaluation and Distribution of Marks

Each course shall carry total of 100 marks. There shall be semester end written examination for all the courses conducted by Examination Division of the University for 60 Marks. In each course in each semester there shall be Internal-examinations of 15 marks and 25 marks through written and RTDA evaluation respectively as continuous assessment by the subject teacher concerned.

Note: The total number of Credits of the LL.M. Programme is 55 (Fifty Five).

1. Each student shall be required to appear for examination in all the papers of the course and secure 55 credits for the award of a degree.
2. A student shall be given 06 grace marks in any papers wherever required for the final award of degree.

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Amir Khan Sidi

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Objective: This paper will make students understand research methodology and different components of legal research and their application. The paper will attempt to instill rational tools of analysis in the students so that their research contributes to the development of socio-legal dimensions.

Course Outcome (COs):

CO1: To make students understand research methodology and different components of legal research and their application. The paper will attempt to instil rational tools of analysis in the students so that their research contributes to the development of socio- legal dimensions.

CO2: Demonstrate good legal writing skills, including an understanding of the use and preparation of legal research material in legal writing and the correct methods of legal referencing.

CO 3: Use and apply secondary sources, case law and legislation using both paper based and online resources to a research problem.

(Lectures 10)

Unit – I: Precepts

- a. Nature, Scope and Objectives of Legal Research and Methodology
- b. Methods of Legal Research
- c. Collaborative Research
- d. Doctrinal and Non-Doctrinal

(Lectures 10)

Unit - II: Research Designs

- a. Identification and Formulation of Research Problem
- b. Hypothesis and Research Design (Characteristics and contents)
- c. Database for Legal Research: Legislations, Judicial Decisions, Juristic Writings and Traditional and Online Databases

(Lectures 10)

Unit - III: Research Techniques

- a. Methodology: Tool and Techniques for collection of data, collection of case materials and juristic literature, use of historical and comparative research material and use of questionnaire and interview.
- b. Census and Survey
- c. Sampling: Types, Merits and Demerits
- d. Observation
- e. Interview, Questionnaire

(Lectures 10)

Unit – IV: Data Processing Report Writing

- a. Data Analysis and Interpretation
- b. Report Writing
- c. Supervision
- d. Guidelines for researchers

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Text Books:

1. S.K. Verma and M. Afzal Wani (Eds.) *Legal Research and Methodology*, Indian Law Institute (2001) 2nd Edition.
2. Goode and Hatt, '*Methods in Social Research*', Singapore, Mc. Graw Hill Book Co., 1985 (reprint).

References:

1. Baxi, Upendra, '*Socio-Legal Research in India - A Program Schriff*', ICSSR, Occasional Monograph, 1975.
2. Cohen, Morris L., '*Legal Research*', Minnesota, West Publishing Co. 1985.
3. Ghosh, B.N., '*Scientific Method and Social Research*', New Delhi, Sterling Publishers Pvt. Ltd., 1984.
4. Johari J.C. (ed), '*Introduction to the Method of Social Sciences*', New Delhi, Sterling Publishers Pvt. Ltd. 1988.
5. Kothari C.K., '*Research Methodology: Method and Techniques*', New Delhi, Wiley Eastern Ltd., 1980.
6. Stone, Julius, '*Legal System and Lawyer's Reasoning*', Sydney, Maitland Publications, 1968.

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Objective: The objective is to enable the students understands and appreciate various forms and systems of Governance. The students should particularly appreciate the role of judicial institutions in promotion of governance, its limitations and challenges.

Course Outcome (COs):

CO 1: To enable the students understands and appreciate various forms and systems of Governance.

CO 2: To orient students with the role of judicial institutions in promotion of governance, its limitations and challenges

Unit - I : Introduction

(Lectures 10)

- a. Meaning and Concept of Governance
- b. Systems of Governance
- c. Constitutional Governance: Democracy, Rule of Law and Separation of Powers
- d. Law and Governance in India

Unit - II : Federalism as a Pattern of Governance

(Lectures 10)

- a. Nature and Principles of Federal Governance : Classical and Modern
- b. Comparative Analysis of American, Canadian and Indian Systems
- c. Corporative Federalism in India: Legislative, Administrative and Financial Relations between Union and States.

Unit - III: Judicial process and its role in Governance

(Lectures 10)

- a. Concept and Practice of Judicial Review in India and USA
- b. Judicial Accountability, Administrative and Parliamentary Ethics
- c. Role of Judiciary in Promoting Governance: Human Rights, Criminal Justice System, Environment, Public Health etc.
- d. Research and Development in Governance

Unit-IV: Emerging Trends and Challenges to Governance

(Lectures 10)

- a. Challenges to Governance: Corruption, Criminalization, Caste, Poverty, Terrorism etc.
- b. State Responsibility & PPP
- c. Principles of compensatory discrimination, Religious and Linguistic Minorities
- d. Role of Media in Governance

Text Books:

1. Joseph Minattur, *Indian Legal System*, ILI Publication, 2006(2nd Revised Edn)

2. Allot, A.N. "African Law", in J.D. M. Derret, Ed., *An Introduction to Legal Systems* (London: Sweet & Maxwell, 1968), 131

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3. ASEAN Law Association, *ASEAN Legal Systems* (Hong Kong/Malaysia/Singapore: Butterworths, 1995).
4. Basu, D. D., *Comparative Federalism*, New Delhi: Prentice-Hall, 1987.
5. Baxi, U., "The Colonial Heritage", in Legrand, P. and Munday, R., eds., *Comparative Legal Studies: Traditions and Transitions* (Cambridge University Press, 2003), 46.

References:

1. C. H. Mell Wain, *Constitutionalism: Ancient and Modern*. (1947).
2. A. V. Dicey, *Introduction to the Study of Law of the Constitution*. (1982) Edition.
3. Lary Alexander (ed). *Constitutionalism: Philosophical Foundations*. Cambridge. (1998)
4. M. P. Singh 'Constitution of India. 11th Ed. 2008, Eastern Book Co.
5. K. C. Wheare. *Federal Government*. Ch. 1 & 2, 4th Edition 1963.
6. M. P. Singh. *Federalism, Democracy and Human Rights*. 47 J.I.L.I. 47 (2005).
7. Parmanand Singh 'Social Rights and Good Governance' In C. Raj Kumar and D. K. Srivastava (ed.) *Human rights and Development: Law, Policy and Governance* Ch.24 pp.437-54. Lexis Nexis. Hong Kong. (2006).
8. Parmanand Singh 'Hunger Amidst Plenty: Reflections on Law, Poverty and Governance'. 48, J.I.L.I. PP 57-77. (2006).
9. Virendra Kumar. *Dynamics of Reservation Policy: Towards a More Inclusive Social Order*, 50, J.I.L.I. PP 478-517. (2007).
10. Virendra Kumar, *Minorities' Rights to Run Educational Institutions: T. M. A. Pai Foundation in Perspective*. 45, J.I.L.I. PP 200-238. (2003).
11. Parmanand Singh 'Equality and Compensatory Discrimination: The Indian Experience, In Choklingam and C. Raj Kumar (ed) *Human rights, Criminal Justice and Constitutional Empowerment*, Chapter 7, Oxford, Delhi. (2006).
12. Parmanand Singh. *Protecting the Rights of the Disadvantaged Groups Through Public Interest Litigation*, in M. P. Singh et al (ed), *Human Rights and Basic Needs: Theory and Practice*, Universal Law Publishing Company, New Delhi, PP 305-329. (2008).
13. Balakrishnan, K. G. 'Judiciary in India: Problems and Prospects'. 50, J.I.L.I. PP 461-467 (2008).

Several handwritten signatures and initials are present at the bottom of the page. On the left, there is a signature that appears to be 'Kau'. In the center, there are several signatures, including one that looks like 'KPS' and another that is more stylized. On the right, there is a signature that looks like 'Ad' and another that is partially legible as 'Kaly' with 'vi' written below it.

Objectives: The students should understand the process of globalization in all its dimensions and perspectives, they should particularly appreciate the globalization in the context of law and justice and the *vice versa* i.e. the law and justice in the context of globalization. Students should also critically appreciate various approaches to the envisioning of just world order and the processes for justice delivery at international level.

Course Outcome (COs):

CO 1: To understand the process of globalization in all its dimensions and perspectives.

CO2: To understand the globalization in the context of law and justice and the *vice versa* i.e. the law and justice in the context of globalization.

Unit-I: Globalization: Meaning, Perspectives and Issues

- a. Universalism, Internationalism and Globalization: Meaning and Differences
- b. Contexts of Globalization: Historical Epoch, Confluence of Economic Processes, Hegemony of Euro-American Values, Technological and Social Revolution
- c. Meaning and Approaches to Global Justice: Stoic philosophers, Role of Sovereign States (Hobbes, Locke, Vattel, Grotius), Wolff's *Civitas Maxima*, Georges Scelle's idea of superiority of International law over national laws, Indian concept of *Vasudhaiva Kutumbakam*
- d. Role of non-political International Organizations in the Globalized World: WHO, ILO, UNHCR, World Bank and IMF, WTO

Unit- II: Quest for Just World Order

- a. World Order after WW-II: Eurocentric International Law, Military, Economic and Political hegemony of West
- b. Socialist-Communist Approaches to Just World Order, Political contexts of the Fall of Berlin Wall and Fall of USSR,
- c. Third World Perspectives' on world order, Basic Principles of New International Economic Order, Neo-liberalism and Era of Economic Reforms (Liberalization, privatization and globalization)
- d. Rules Based World Order, Objectives and Principles of UNO and Role of UNSC, Rise of China-Russia alliance in the context of Ukraine-Russia conflict)

Unit-III: Institutionalized Mechanisms for Law and Justice

- a. Sources of International Law, *Jus Cogens*, Role of UNGA, and International Law Commission
- b. Statute of the International Court of Justice 1945
- c. Principles of International Humanitarian Law and Geneva Conventions 1949,
- d. Rome Statute of the International Criminal Court 1998

Unit- IV: Issue based International Mechanisms for Justice

- a. International Framework for Protection of Human Rights
- b. Rights of Foreign Investors and Investor-State Dispute Settlement (Calvo Doctrine, Trend of Bilateral Investment Treaties (BITs), ICSID, UNCITRAL),
- c. UN Draft Code on TNCs, Principles of Global Compact, MDGs, and SDGs, UN Guiding Principles on Business and Human Rights

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viii

d. Global Framework on Climate Change

Recommended Readings

1. Reich, S., 1998. What is globalization?: Four possible answers. The Helen Kellogg Institute for International Studies.
2. Fischer, S., 2003. Globalization and its challenges. *American Economic Review*, 93(2), pp.1-30.
3. Chimni, B.S., 2007. The past, present and future of international law: a critical third world approach. *Melbourne journal of international law*, 8(2), pp.499-515.
4. Chimni, B.S., 2012. Capitalism, imperialism, and international law in the twenty-first century. *Or. Rev. Int'l L.*, 14, p.17.
5. Nagel, T., 2017. The problem of global justice. In *Global Justice* (pp. 173-207). Routledge.
6. Estévez, A., 2012. *Human rights, migration, and social conflict: Towards a decolonized global justice*. Springer.
7. de Bres, H., 2013. Disaggregating global justice. *Social theory and practice*, 39(3), pp.422-448.
8. Rabkin, J., 1997. Grotius, Vattel, and Locke: An older view of liberalism and nationality. *The Review of Politics*, 59(2), pp.293-322.
9. Vaksha, A.K., 2019. Jay Treaty 1794: The Treasure Trove for Principle of International Law on Protection of Foreign Investments. *US-China L. Rev.*, 16, p.281.
10. Schwebel, S.M., 2004, March. The Influence of Bilateral Investment Treaties on Customary International Law. In *Proceedings of the Annual Meeting (American Society of International Law)* (pp. 27-30). The American Society of International Law.
11. Salacuse, J.W., 2007. The treatification of international investment law. *Law & Bus. Rev. Am.*, 13, p.155.
12. Cole, T. and Vaksha, A.K., 2011. Power-conferring treaties: The meaning of 'investment' in the ICSID convention. *Leiden Journal of International Law*, 24(2), pp.305-330.

Reference Books

13. Sinha, M.K., 2020. *The Handbook of International Humanitarian Law*.
14. Cox, R.W. and Sinclair, T.J., 1996. *Approaches to world order* (No. 40). Cambridge University Press.
15. Boyle, F.A., 1999. *Foundations of world order: the legalist approach to international relations (1898-1922)*. Duke University Press.
16. Kissinger, H., 2014. *World order*. Penguin Books.
17. Anghie, A., Chimni, B., Mickelson, K. and Okafor, O.C. eds., 2021. *The third world and international order: Law, politics and globalization*. Brill.
18. Byrnes, A., Hayashi, M. and Michaelsen, C. eds., 2013. *International law in the new age of globalization*. MartinusNijhoff Publishers.
19. Stiglitz, J.E., 2006. *Making globalisation work*. Esri.
20. Donnelly, J. and Whelan, D.J., 2020. *International human rights*. Routledge
21. Mayer, B., 2018. *The international law on climate change*. Cambridge University Press.
22. Wani, M.A., 2022. *Principal Foundations for Global Peace*. Institute of Objective Studies.

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Paper – IV

Subject: Nature, Emergence and Development of IPR

L4 RTDA2 C5

Paper Code: IPR 107

UNIT – I: Introduction to Intellectual Property

(Lectures 10)

- a. Concept & Meaning of Intellectual Property
- b. Nature and Characteristics of Intellectual Property
- c. Origin and Development of Intellectual Property
- d. Kinds of Intellectual Property

UNIT –II: Theories of Intellectual Property

(Lectures 10)

- a. Justification and Rationale for Protecting Intellectual Property
- b. Balancing the Protection of IPR and Public Policy Objective
- c. Theories of IPR:-
 - i. Natural Theory
 - ii. Hegelian Philosophy (Personality Theory)
 - iii. Lockes' Theory of Property (Labour Theory)
 - iv. Social Contract Theory
 - v. Social Planning Theory
 - vi. Incentive Theory
 - vii. Reward Theory
 - viii. Prospect Theory
 - ix. Schumpeterian Theory
 - x. Economic Theory

UNIT – III: International Institutions and Basic International Conventions

(Lectures 10)

- a. Paris Convention for the Protection of Industrial property, 1883
- b. The Berne Convention, 1886
- c. TRIPS Agreement, 1994
- d. International Institutions Concerned with Intellectual Property

UNIT – IV: Contemporary Issues in IPR

(Lectures 10)

- a. Interface between IPR and Human Rights
- b. Interface between IPR and Competition Law
- c. IPR and sustainable development
- d. The Impact of Internet on IPR
- e. IPR Issues in Biotechnology
- f. E-Commerce and IPR issues

Text Books:

1. David I. Bainbridge, *Intellectual Property*, Longman, 9th Edition, 2012

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2. Peter Groves, *Sourcebook on Intellectual Property Law*, Routledge-Cavendish, 1997.

References:

1. Susan K Sell, *Private Power, Public Law: The Globalization of Intellectual Property Rights*, Cambridge University Press, 2003
2. N.S. Gopalakrishnan & T.G. Ajitha, *Principles of Intellectual Property*, Eastern Book Company, 2nd Edition, 2014
3. Jayashree Watal, *Intellectual Property Rights in the WTO and Developing Countries*, Oxford University Press, 2001
4. Lionel Bently & Brad Sherman, *Intellectual Property Law*, Oxford University Press, 3rd Edition, 2008
5. Peter Drahos, *A Philosophy of Intellectual Property*, Dartmouth Pub Co, 1996
6. Duggal Pavan, *Legal Framework on Electronic Commerce & Intellectual Property Rights*, Universal Publishing House, 2014
7. Paul Torremans, *Intellectual Property And Human Rights*, Kluwer Law International, 2008
8. Steven D Anderman, *Interface Between Intellectual Property Rights and Competition Policy*, Cambridge University Press, 2007.
9. Philippe Cullet, *Intellectual Property Protection and Sustainable Development*, Lexis Nexis, 2005

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Course Outcome (COs):

- CO 1 : To gain in-depth knowledge of the copyright laws and major policy concerns at national and international level
CO 2 : To analyse the scope and limitation of copyright as a form of Intellectual property Rights and its interface with other forms of IPRs
CO 3 : To understand copyright issues in new age technologies and identify solutions to them
CO 4 : to learn to interpret and apply copyright statutory principles and its judicial overlay.

UNIT – I: Introduction to Copyright

(Lectures 10)

- a. Introduction
i. Theories of Copyright protection
ii. Evolution of Copyright Law in India
iii. Nature and Scope of Copyright
iv. Pre-requisites for Copyright
v. Copyright and its relationship with other IPRs
b. International Conventions and Treaties
i. Berne Convention for the Protection of Literary and Artistic Works, 1883
ii. Universal Copyright Convention, 1952
iii. TRIPS Agreement, 1994
iv. WIPO Copyright Treaty, 1996
v. International Copyright Order, 1999
vi. Marrakesh Treaty, 2013

UNIT –II: Subject Matters of Copyright


(Lectures 10)

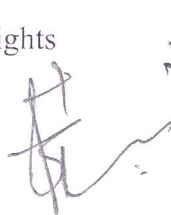
- a. Work in which Copyright Subsists
b. Authorship vis- a vis Ownership
c. Copyrights: Economic and Moral Rights
d. Duration of Copyright
e. Issues and contemporary trends in Digital Copyright Law
f. Assignment and Licensing

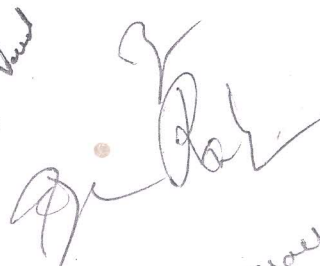
UNIT – III: Enforcement of Copyright and Current Issues

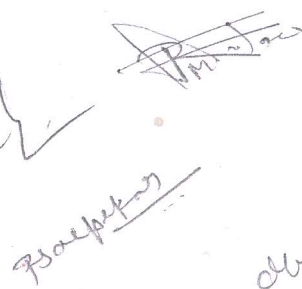
(Lectures 10)

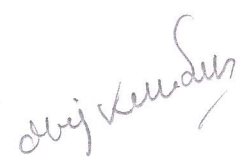
- i. Limitation and Exceptions of Copyright
ii. Infringement
iii. Remedies
iv. Enforcement of Copyright at National and International Level
b. Current Issues
i AI and Copyright Law
ii Copyright Infringement vis a vis Plagiarism
iii Culture and copyright
iv. Copyright and Human Rights











UNIT – IV: Neighboring Rights

(Lectures 10)

- a. Origin and Development
- b. Rationale for Protection
- c. Copyright vis-a vis Neighboring rights
- d. International Treaties:
 - i. Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations 1961
 - ii. Geneva Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms Phonograms Convention, 1971
 - iii. Brussels Satellites Convention, 1974
 - iv. TRIPS Agreement, 1994
 - v. WIPO Performances and Phonograms Treaty, 1996
 - vi. Beijing Treaty on Audiovisual Performances, 2012
- e. Performers Rights
- f. Broadcasting organizations rights
- g. Rights of the Producers of Phonograms
- h. Economic and Moral Rights
- i. Exceptions
- j. Infringement and Remedies

Text Books:

1. S. Sivakumar and Lisa P. Lukose (ed.) *Novel Dimensions of Copyright Law*, Thomson Reuters, 2022
2. Jeanne C. Fromer, Christopher Jon Sprigman, *Copyright Law - Cases and Materials*, 2022
3. *Omri Rachum-Twaig, Copyright Law and Derivative Works: Regulating Creativity*, Routledge, 2020
4. Manoj Kumar Sinha and Vandana Mahalwar (ed.) *Copyright Law in the Digital World: Challenges and Opportunities*, Springer, 2018
5. Julie E. Cohen, Lydia Pallas Loren and et al., *Copyright in a Global Information Economy*, Wolters Kluwer, 2015
6. Kevin Garnett, Jonathan Rayner James, Gillian, *Copinger and Skone James on Copyright*, Sweet & Maxwell, London, 2013
7. P. Narayanan, *Copyright and Industrial Designs*, Third Edition, Eastern Law House, New Delhi, 2007

References:

1. David Nimmer, *Nimmer on Copyright*, Lexis Nexis, 2010
2. W R Cornish, *Intellectual Property: Patents Copyright Trademarks and allied rights*, Sweet & Maxwell, London, 2010.
3. S. Sivakumar & Lisa P. Lukose, *Broadcasting Reproduction Right in*

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- India: Copyright and Neighbouring Right Issues, ILI, New Delhi, 2013
4. A.K. Kaul & V.K.Ahuja, *Law of Copyright: From Gutenberg's Invention to Internet*, University of Delhi, Delhi, 2001.
 5. Ananth Padmanabhan, *Intellectual Property Rights Infringement and Remedies*, LexisNexis, 2012
 6. Mira Sundara Rajan, *Moral Rights: Principles, Practice, and New Technology*, OxfordUniversity Press, 2011
 7. Neil Weinstock Netanel, *Copyright's Paradox*, Oxford University Press, 2008.
 8. Robert A Gorman, Jane C. Ginsburg, *Copyright Cases and Materials*, FoundationPress, 2011
 9. Paul Goldstein, *International Copyright: Principles, Law, and Practice*, OxfordUniversity Press, 2012

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Course Outcome (COs):

- CO1: To demonstrate knowledge and understanding of the justifications, rationale, core doctrines and jurisprudential basis of patent protection
CO 2 : To demonstrate knowledge and understanding of the appropriate procedures for patent filing, patent acquisition and patent enforcement at national and international level
CO 3: To identify legal issues which arise in the context of innovation and patenting
CO4: To understand the current and emerging issues related to technology and human rights in patent regime and to create collaborative solutions to these issues

UNIT – I: Introduction

- a. Justification and theories of patent protection
b. Evolution of Patents in India
c. International Treaties on Patents
 i. Paris Convention
 ii. TRIPS Agreement
 iii. Budapest Treaty
 iv. PCT

(Lectures 10)

UNIT – II: Patentability and Procedures for Grant of Patents

- a. Patentable and Non Patentable Inventions
b. Pre-requisites
 i. Novelty: Prior Art and Anticipation
 ii. Inventive Step, Person Skilled in the Art
 iii. Industrial Application
c. Procedures for Filing Application
d. Specifications – Provisional and Complete Specifications
e. Claim Interpretations and Constructions
f. Priority date
g. Pre-Grant and Post Grant Opposition
h. Grant and sealing of Patents
i. Rights of Patentee
j. Term of Patent
k. Surrender, Restoration and Revocation of Patents
l. Patent of Addition

(Lectures 10)

UNIT – III: Limitations, Exceptions & Infringements

- a. Licencing – Voluntary & Non –Voluntary
b. Assignment
c. Fair Use
d. Use and acquisition of inventions by Central Government
e. Exhaustion of Patents and Parallel Imports
f. Infringements & Remedies

(Lectures 10)

The bottom of the page contains several handwritten signatures and initials. From left to right, there is a signature that appears to be 'Anil', a signature 'Vash', a signature 'Dr', a signature 'KBS', and a signature 'Pranav'. There is also a larger signature on the far right that appears to be 'Amit Kumar'.

UNIT – IV: Patent Authorities, Patent Agents & Emerging Issues

(Lectures 10)

- a. Controller General of Patents
- b. Patent Examiners
- c. Patent Agents
- d. Emerging Issues
- i. Patents & Computer Programs
- ii. Business Method Patents & Utility Model Patents
- iii. AI Inventions and Patents
- iv. Patent and Human Rights,
- v. Public Health, Patent Waiver and Related Issues
- vi. TK and IK *vis a vis* Patents
- vii. Outer Space Inventions and Patents

Text Books:

1. Craig A. Nard, *The Law of Patents*, 6th Edn., Aspen Publishing; 2022
2. Peter S Menell, Mark A Lemley and Robert P Merg, *Intellectual Property in the New Technological Age: Perspectives, Trade Secrets and Patents*, Clause 8 Publishing, 2022
3. Emmanuel Kolawole Oke, *Patents, Human Rights, and Access to Medicines*, Cambridge University Press, 2022
4. Janice M. Mueller, *Aspen Treatise for Patent Law*, 6th Edn., Aspen Publishing; 2020
5. Jyh-An Lee, Reto Hilty and Kung-Chung Liu (eds.) *Artificial Intelligence and Intellectual Property*, Oxford University Press, 2021
6. Feroz Ali Khader, *The Law of Patents-With a Special Focus on Pharmaceuticals in India*, LexisNexis, 2nd Edition, 2011
7. Elizabeth Verkey, *Law of Patents*, Eastern Book Company, 2nd Edition, 2012

References:

1. Richard Miller, Guy Burkill, Hon Judge Birss, Douglas Campbell, *Terrell on the Law of Patents*, Sweet and Maxwell, 2010
2. Feroz Ali Khader, *The Touchstone Effect: The Impact Of Pre-Grant Opposition On Patents*, Lexis Nexis, 2009
3. Donald S Chisum, *Chisum on Patents* (17 Volumes), Lexis Nexis, 2012
4. Janice M. Mueller, *Patent Law*, Wolters Kluwer, 2013
5. Martin J. Adelman et al., *Patent Law in a Nutshell*, West, 2013
6. Amy L. Landers, *Understanding Patent Law*, Lexis Nexis, 2012.
7. Ananth Padmanabhan, *Intellectual Property Rights Infringement and Remedies*, Lexis Nexis, 2012

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Paper – VII
Subject: Law of Trademark

L4 RTDA2 C5
Paper Code: IPR 104

UNIT-I: Introduction

(Lectures-10)

- a. Evolution of Trademark in India
- b. Justification
- c. International Treaties:
 - i. Paris Convention
 - ii. Madrid Agreement and Protocol
 - iii. NICE Agreement
 - iv. Trademark Law Treaty
 - v. Singapore Law Treaty
 - vi. TRIPS
- d. Kinds of Trademarks: Registered and Unregistered Trademarks, Conventional & Non-Conventional Trademarks, Service Mark, Collective Marks, Certification Marks, Well Known Trademarks

UNIT-II: Registration of Trademarks

(Lectures-10)

- a. Pre-requisites
- b. Absolute and Relative Grounds for Refusal of Registration
- c. Concept of Deceptive Similarity and its Applicability in Registration
- d. Procedure for Registration
- e. National and International Registration

UNIT-III: Commercial Exploitation of Trademarks and IPAB

(Lectures-10)

- a. Rights of Proprietor
- b. Assignment, Licensing and Transmission of Trademark
- c. IPAB

UNIT-IV: Infringement and Passing off

(Lectures-10)

- a. Infringement
- b. Goodwill and Passing off
- c. Remedies
- d. Trademark Issues in Cyberspace

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1. K C Kailasam and Ramu Vedaraman, *Law of Trademarks including International Registration under Madrid Protocol and Geographical Indications*, Lexis Nexis, 2013
2. A. K. Bansal, *Law of Trademark in India*, Thomson & Reuter, 2014

References:

1. David T Keeling, David Llewelyn, *Kerley's law of Trade Marks and Trade Names*, Sweet and Maxwell, 15th Edition, 2014.
2. Narayanan, *Trade Marks and Passing Off*, Eastern Law House, 2004
3. Ananth Padmanabhan, *Intellectual Property Rights Infringement and Remedies*, Lexis Nexis, 2012
4. Christopher Wadlow, *The Law of Passing Off: Unfair Competition by Misrepresentation*, Sweet and Maxwell, 2011.
5. David Lindsay, *International Domain Name Laws*, Hart Publishing, 2007

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Paper – VIII
Subject: Law of Designs, Layout Designs and
Geographical Indications

L4 RTDA2 C5
Paper Code: IPR 106

UNIT-I: Industrial Designs

(Lectures-10)

- a. Introduction
- b. Evolution
- c. Justification
- d. International Treaties
 - i. Paris Convention
 - ii. Hague Agreement
 - iii. Locarno Agreement
 - iv. TRIPS
- e. Industrial Design Act, 2000
- f. Interface Between Design, Copyrights and Trademarks

UNIT-II: Semiconductor and Layout Designs

(Lectures-10)

- a. Introduction
- b. Evolution
- c. Justification
- d. International Treaties:
 - i. Washington Treaty
 - ii. TRIPS
- e. The Semiconductor Integrated Circuits Layout-Designs Act, 2000

UNIT III: Geographical Indications-I

(Lectures-10)

- a. Introduction
- b. Evolution
- c. Justification
- d. International Treaties:
 - i. Paris Convention
 - ii. Madrid Agreement
 - iii. Lisbon Agreement
 - iv. TRIPS Agreement

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- a. Protection of GI at National Level
- b. Geographical Indication of Goods (Protection & Registration) Act, 1999
- c. Higher Level of Protection of GIs and TRIPS, Article 23 Controversy
- d. Genericides of Geographical Indications

Text Books:

1. Ashwani Kumar Bansal, Design Law, Universal Law Publishing Company, 2012.
2. Latha R Nair & Rajendra Kumar, *Geographical Indications: A Search For Identity*, Lexis Nexis, 2005

References:


1. Tapan Kumar (Ed.), *WTO, TRIPS and GIs*, New Century Publications, 2014
2. Dev Gangjee, *Relocating the Law of GI*, Cambridge University Press, 2012
3. K C Kailasam and Ramu Vedaraman, *Law of Trademarks including International Registration under Madrid Protocol and Geographical Indications*, Lexis Nexis, 2013

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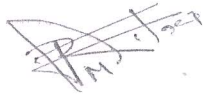
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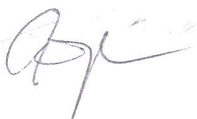
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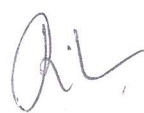
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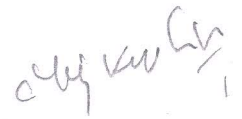


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UNIT – I: Introduction

Lectures-10)

- a. Introduction to Plant Varieties – Law & Science
- b. Evolution of Plant Patents & Plant Varieties Protection
- c. Justification for IP Protection
- d. UPOV
- e. Essential Requirements- NDUS
- f. Kinds of Varieties
- g. Registration of Varieties

UNIT – II: Rights, Limitations & Infringement

(Lectures-10)

- a. Exclusive Rights
- b. Breeders' Rights v. Farmers' Rights
- c. Researcher's Rights; Farmers' rights and Rights of Communities
- d. Compulsory Licence
- e. Benefit Sharing
- f. Infringement & Remedies

UNIT – III: Traditional Knowledge (TK)

(Lectures-10)

- a. Meaning, Nature and Characteristics
- b. Need for protection of TK
 - i. Equity Considerations
 - ii. Conservation Motive
 - iii. Preservation of Traditional Practices and Cultures
 - iv. For Indigenous Peoples' Participation in Development Process
 - v. To Facilitate Access
 - vi. For the Conservation of Environment and Management of Bio Diversity
- c. International Initiatives on TK Protection
 - i. Rio Declaration on Environment and Development (1992)
 - ii. The Convention on Biological Diversity, 1992

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- iii. Bonn Guidelines on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising out of their Utilization, 2002
 - iv. International Treaty on Plant Genetic Resources for Food and Agriculture, 2001
 - v. The FAO International Code of Conduct for Plant Germplasm Collecting and Transfer, 1993
 - vi. Convention Concerning Indigenous Peoples in Independent Countries, 1986
 - vii. Declaration of Principles of the World Council of Indigenous Peoples, 1984
 - viii. Kari-Oca Declaration and the Indigenous Peoples' Earth Charter, 1992
 - ix. The Mataatua Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples, 1993
 - x. Doha Ministerial Declaration, 2001
 - xi. UN Declaration on the Rights of Indigenous Peoples, 2007
 - xii. The Nagoya Protocol, 2010
 - xiii. Other TRIPS Plus initiatives
- d. International bodies and Institutions responsible for the Protection of TK

UNIT - IV: Traditional Knowledge and IPR

(Lectures -10)

a. Interface between IPR & TK

- i. Protection of Traditional Knowledge under the Existing Modes of Intellectual Property and Issues thereof
- ii. Concepts of Prior Informed Consent (PIC) and Agreement to benefit sharing (ABS)

b. National Initiatives

- i. Defensive protection of TK through legislative efforts: Constitutional Provisions, The Biological Diversity Act, 2002; Protection of Plant Varieties and Farmers' Rights Act, 2001; The Patent Amendment Acts 2002 and 2005; The Geographical Indications of Goods (Registration and Protection) Act, 1999; The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 etc.
- ii. TKDL
- iii. Need for a *sui generis* protection

Text Books:

1. Elizabeth Verkey, *Law of Plant Varieties Protection*, Eastern Book Company, 2007

References:

1. Anthony J. Stenson and Tim S. Gray, *The Politics of Genetic Resource Control*, Macmillan Press Ltd., London, 1999
2. Brush S.B & D. Stabinsky (ed.), *Valuing Local Knowledge- Indigenous people and Intellectual Property Rights*, Island Press, Covelo, California, 1996

Handwritten signatures and initials are present at the bottom of the page, including "Khe", "Vant", "Rajeev", "S", and "Anjuman S".

3. Carlos M Correa, *Traditional knowledge and Intellectual Property, Issues and Options Surrounding the Protection of Traditional Knowledge*, Quaker United Nations Office, Geneva, 2001
4. David Downes, *Using Intellectual Property as a Tool to Protect Traditional Knowledge: Recommendations for Next Steps*, Center for International Environmental Law, Washington, DC, 1997
5. P. Drahos and M. Blakeney (ed.), *Perspectives on Intellectual Property: IP in Biodiversity and Agriculture*, Sweet and Maxwell, London, 2001
6. Vandana Shiva, *Biopiracy: The Plunder of Nature and Knowledge*, South Press, 1997
7. Vandana Shiva, *Protect or Plunder: Understanding Intellectual Property Rights*, Zed Books Ltd., London, 2001
8. S. K. Verma & Raman Mittal (ed.), *Intellectual Property Rights a Global Vision*, Indian Law Institute, New Delhi, 2004

Paper - X
Subject: Dissertation

C 10
Paper Code: GEN 110

The evaluation of the Dissertation and Viva Voce will be conducted by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

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SCHEME OF EXAMINATION

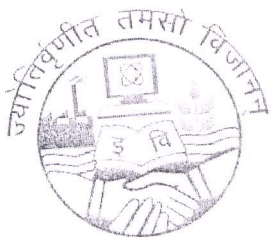
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SYLLABUS

for

MASTER OF LAWS (LL.M.) in Corporate Laws

[One Year Programme]



**GURU GOBIND SINGH
INDRAPRASTHA
UNIVERSITY**

UNIVERSITY SCHOOL OF LAW AND LEGAL STUDIES
Guru Gobind Singh Indraprastha University
Dawark Sector-16-C, New Delhi-110078

The present scheme and syllabus for one year LL.M. programme shall be introduced from the Academic Year, 2022-23 in the university.

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Semester I

Paper Code	Paper Title	L	RTDA	C
GEN 101	Research Methods and Legal Writing	4	2	5
GEN 103	System of Governance	4	2	5
GEN 105	Law and Justice in a Globalised World	4	2	5
CRL 111	Law of Corporate Management and Governance	4	2	5
CRL 113	Competition Law & Consumer Protection Laws	4	2	5

Semester II

Paper Code	Paper Title	L	RTDA*	C
CRL 112	Regulation of Capital Market and Foreign Investment	4	2	5
CRL 114	Corporate Taxation	4	2	5
CRL 116	Banking, Insolvency and Insurance Laws	4	2	5
CRL 118	Law of Corporate Finance and Securities Regulation	4	2	5
GEN 110	Dissertation**	-	-	10

Explanations

* RTDA – Research and Teaching Development Activities

** NUES

Mode of Evaluation and Distribution of Marks

Each course shall carry total of 100 marks. There shall be semester end written examination for all the courses conducted by Examination Division of the University for 60 Marks. In each course in each semester there shall be Internal-examinations of 15 marks and 25 marks through written and RTDA evaluation respectively as continuous assessment by the subject teacher concerned.

Note: The total number of Credits of the LL.M. Programme is 55 (Fifty Five).

1. Each student shall be required to appear for examination in all the papers of the course and secure 55 credits for the award of a degree.
2. A student shall be given 06 grace marks in any papers wherever required for the final award of degree.

Objective: This paper will make students understand research methodology and different components of legal research and their application. The paper will attempt to instill rational tools of analysis in the students so that their research contributes to the development of socio-legal dimensions.

Course Outcome (COs):

CO1: To make students understand research methodology and different components of legal research and their application. The paper will attempt to instil rational tools of analysis in the students so that their research contributes to the development of socio- legal dimensions.

CO2: Demonstrate good legal writing skills, including an understanding of the use and preparation of legal research material in legal writing and the correct methods of legal referencing.

CO 3: Use and apply secondary sources, case law and legislation using both paper based and online resources to a research problem.

Unit – I: Precepts

(Lectures 10)

- a. Nature, Scope and Objectives of Legal Research and Methodology
- b. Methods of Legal Research
- c. Collaborative Research
- d. Doctrinal and Non-Doctrinal

Unit - II: Research Designs

(Lectures 10)

- a. Identification and Formulation of Research Problem
- b. Hypothesis and Research Design (Characteristics and contents)
- c. Database for Legal Research: Legislations, Judicial Decisions, Juristic Writings and Traditional and Online Databases

Unit - III: Research Techniques

(Lectures 10)

- a. Methodology: Tool and Techniques for collection of data, collection of case materials and juristic literature, use of historical and comparative research material and use of questionnaire and interview.
- b. Census and Survey
- c. Sampling: Types, Merits and Demerits
- d. Observation
- e. Interview, Questionnaire

Unit – IV: Data Processing Report Writing

(Lectures 10)

- a. Data Analysis and Interpretation
- b. Report Writing
- c. Supervision
- d. Guidelines for researchers

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e. Research Ethics

Text Books:

1. S.K. Verma and M. Afzal Wani (Eds.) *Legal Research and Methodology*, Indian Law Institute (2001) 2nd Edition.
2. Goode and Hatt, *Methods in Social Research*, Singapore, Mc. Graw Hill Book Co., 1985 (reprint).

References:

1. Baxi, Upendra, *Socio-Legal Research in India – A Program Schriff*, ICSSR, Occasional Monograph, 1975.
2. Cohen, Morris L., *Legal Research*, Minnesota, West Publishing Co. 1985.
3. Ghosh, B.N., *Scientific Method and Social Research*, New Delhi, Sterling Publishers Pvt. Ltd., 1984.
4. Johari J.C. (ed), *Introduction to the Method of Social Sciences*, New Delhi, Sterling Publishers Pvt. Ltd. 1988.
5. Kothari C.K., *Research Methodology: Method and Techniques*, New Delhi, Wiley Eastern Ltd., 1980.
6. Stone, Julius, *Legal System and Lawyer's Reasoning*, Sydney, Maitland Publications, 1968.

Ram *Verma* *S.K.* *Afzal* *Wani*

Objective: The objective is to enable the students understands and appreciate various forms and systems of Governance. The students should particularly appreciate the role of judicial institutions in promotion of governance, its limitations and challenges.

Course Outcome (COs):

CO 1: To enable the students understands and appreciate various forms and systems of Governance.

CO 2: To orient students with the role of judicial institutions in promotion of governance, its limitations and challenges

Unit - I : Introduction

(Lectures 10)

- a. Meaning and Concept of Governance
- b. Systems of Governance
- c. Constitutional Governance: Democracy, Rule of Law and Separation of Powers
- d. Law and Governance in India

Unit - II : Federalism as a Pattern of Governance

(Lectures 10)

- a. Nature and Principles of Federal Governance : Classical and Modern
- b. Comparative Analysis of American, Canadian and Indian Systems
- c. Corporative Federalism in India: Legislative, Administrative and Financial Relations between Union and States:

Unit - III: Judicial process and its role in Governance

(Lectures 10)

- a. Concept and Practice of Judicial Review in India and USA
- b. Judicial Accountability, Administrative and Parliamentary Ethics
- c. Role of Judiciary in Promoting Governance: Human Rights, Criminal Justice System, Environment, Public Health etc.
- d. Research and Development in Governance

Unit-IV: Emerging Trends and Challenges to Governance

(Lectures 10)

- a. Challenges to Governance: Corruption, Criminalization, Caste, Poverty, Terrorism etc.
- b. State Responsibility & PPP
- c. Principles of compensatory discrimination, Religious and Linguistic Minorities
- d. Role of Media in Governance

Text Books:

1. Joseph Minattur, *Indian Legal System*, ILI Publication, 2006(2nd Revised Edn)
2. Allot, A.N. "African Law", in J.D. M. Derret, Ed., *An Introduction to Legal Systems* (London: Sweet & Maxwell, 1968), 131.

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3. ASEAN Law Association, *ASEAN Legal Systems* (Hong Kong/Malaysia/Singapore: Butterworths, 1995).
4. Basu, D. D., *Comparative Federalism*, New Delhi: Prentice-Hall, 1987.
5. Baxi, U., "The Colonial Heritage", in Legrand, P. and Munday, R., eds., *Comparative Legal Studies: Traditions and Transitions* (Cambridge University Press, 2003), 46.

References:

1. C. H. Mell Wain, *Constitutionalism: Ancient and Modern*. (1947).
2. A. V. Dicey, *Introduction to the Study of Law of the Constitution*. (1982) Edition.
3. Lary Alexander (ed). *Constitutionalism: Philosophical Foundations*. Cambridge. (1998)
4. M. P. Singh 'Constitution of India. 11th Ed. 2008, Eastern Book Co.
5. K. C. Wheare. *Federal Government*. Ch. 1 & 2, 4th Edition 1963.
6. M. P. Singh. *Federalism, Democracy and Human Rights*. 47 J.I.L.I. 47 (2005).
7. Parmanand Singh 'Social Rights and Good Governance' In C. Raj Kumar and D. K. Srivastava (ed.) *Human rights and Development: Law, Policy and Governance* Ch.24 pp.437-54. Lexis Nexis. Hong Kong. (2006).
8. Parmanand Singh 'Hunger Amidst Plenty: Reflections on Law, Poverty and Governance. 48, J.I.L.I. PP 57-77. (2006).
9. Virendra Kumar. *Dynamics of Reservation Policy: Towards a More Inclusive Social Order*, 50, J.I.L.I. PP 478-517. (2007).
10. Virendra Kumar, *Minorities' Rights to Run Educational Institutions: T. M. A. Pai Foundation in Perspective*. 45, J.I.L.I. PP 200-238. (2003).
11. Parmanand Singh 'Equality and Compensatory Discrimination: The Indian Experience, In Choklingam and C. Raj Kumar (ed) *Human rights, Criminal Justice and Constitutional Empowerment*, Chapter 7, Oxford, Delhi. (2006).
12. Parmanand Singh. *Protecting the Rights of the Disadvantaged Groups Through Public Interest Litigation*, in M. P. Singh et al (ed), *Human Rights and Basic Needs: Theory and Practice*, Universal Law Publishing Company, New Delhi, PP 305-329. (2008).
13. Balakrishnan, K. G. 'Judiciary in India: Problems and Prospects. 50, J.I.L.I. PP 461-467 (2008).

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Objectives: The students should understand the process of globalization in all its dimensions and perspectives, they should particularly appreciate the globalization in the context of law and justice and the *vice versa* i.e. the law and justice in the context of globalization. Students should also critically appreciate various approaches to the envisioning of just world order and the processes for justice delivery at international level.

Course Outcome (COs):

CO 1: To understand the process of globalization in all its dimensions and perspectives.

CO2: To understand the globalization in the context of law and justice and the vice versa i.e. the law and justice in the context of globalization.

Unit-I: Globalization: Meaning, Perspectives and Issues

- a. Universalism, Internationalism and Globalization: Meaning and Differences
- b. Contexts of Globalization: Historical Epoch, Confluence of Economic Processes, Hegemony of Euro-American Values, Technological and Social Revolution
- c. Meaning and Approaches to Global Justice: Stoic philosophers, Role of Sovereign States (Hobbes, Locke, Vattel, Grotius), Wolff's Civitas Maxima, Georges Scelle's idea of superiority of International law over national laws, Indian concept of Vasudhaiva Kutumbakam
- d. Role of non-political International Organizations in the Globalized World: WHO, ILO, UNHCR, World Bank and IMF, WTO

Unit- II: Quest for Just World Order

- a. World Order after WW-II: Eurocentric International Law, Military, Economic and Political hegemony of West
- b. Socialist-Communist Approaches to Just World Order, Political contexts of the Fall of Berlin Wall and Fall of USSR,
- c. Third World Perspectives' on world order, Basic Principles of New International Economic Order, Neo-liberalism and Era of Economic Reforms (Liberalization, privatization and globalization)
- d. Rules Based World Order, Objectives and Principles of UNO and Role of UNSC, Rise of China-Russia alliance in the context of Ukraine-Russia conflict)

Unit-III: Institutionalized Mechanisms for Law and Justice

- a. Sources of International Law, Jus Cogens, Role of UNGA, and International Law Commission
- b. Statute of the International Court of Justice 1945
- c. Principles of International Humanitarian Law and Geneva Conventions 1949,
- d. Rome Statute of the International Criminal Court 1998

Unit- IV: Issue based International Mechanisms for Justice

- a. International Framework for Protection of Human Rights
- b. Rights of Foreign Investors and Investor-State Dispute Settlement (Calvo Doctrine, Trend of Bilateral Investment Treaties (BITs), ICSID, UNCITRAL),
- c. UN Draft Code on TNCs, Principles of Global Compact, MDGs, and SDGs, UN Guiding Principles on Business and Human Rights

d. Global Framework on Climate Change

Recommended Readings

1. Reich, S., 1998. What is globalization?: Four possible answers. The Helen Kellogg Institute for International Studies.
2. Fischer, S., 2003. Globalization and its challenges. *American Economic Review*, 93(2), pp.1-30.
3. Chimni, B.S., 2007. The past, present and future of international law: a critical third world approach. *Melbourne journal of international law*, 8(2), pp.499-515.
4. Chimni, B.S., 2012. Capitalism, imperialism, and international law in the twenty-first century. *Or. Rev. Int'l L.*, 14, p.17.
5. Nagel, T., 2017. The problem of global justice. In *Global Justice* (pp. 173-207). Routledge.
6. Estévez, A., 2012. *Human rights, migration, and social conflict: Towards a decolonized global justice*. Springer.
7. de Bres, H., 2013. Disaggregating global justice. *Social theory and practice*, 39(3), pp.422-448.
8. Rabkin, J., 1997. Grotius, Vattel, and Locke: An older view of liberalism and nationality. *The Review of Politics*, 59(2), pp.293-322.
9. Vaksha, A.K., 2019. Jay Treaty 1794: The Treasure Trove for Principle of International Law on Protection of Foreign Investments. *US-China L. Rev.*, 16, p.281.
10. Schwebel, S.M., 2004, March. The Influence of Bilateral Investment Treaties on Customary International Law. In *Proceedings of the Annual Meeting (American Society of International Law)* (pp. 27-30). The American Society of International Law.
11. Salacuse, J.W., 2007. The treatification of international investment law. *Law & Bus. Rev. Am.*, 13, p.155.
12. Cole, T. and Vaksha, A.K., 2011. Power-conferring treaties: The meaning of 'investment' in the ICSID convention. *Leiden Journal of International Law*, 24(2), pp.305-330.

Reference Books

13. Sinha, M.K., 2020. *The Handbook of International Humanitarian Law*.
14. Cox, R.W. and Sinclair, T.J., 1996. *Approaches to world order* (No. 40). Cambridge University Press.
15. Boyle, F.A., 1999. *Foundations of world order: the legalist approach to international relations (1898-1922)*. Duke University Press.
16. Kissinger, H., 2014. *World order*. Penguin Books.
17. Anghie, A., Chimni, B., Mickelson, K. and Okafor, O.C. eds., 2021. *The third world and international order: Law, politics and globalization*. Brill.
18. Byrnes, A., Hayashi, M. and Michaelsen, C. eds., 2013. *International law in the new age of globalization*. MartinusNijhoff Publishers.
19. Stiglitz, J.E., 2006. *Making globalisation work*. Esri.
20. Donnelly, J. and Whelan, D.J., 2020. *International human rights*. Routledge
21. Mayer, B., 2018. *The international law on climate change*. Cambridge University Press.
22. Wani, M.A., 2022. *Principal Foundations for Global Peace*. Institute of Objective Studies.

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Note: Recommended Readings and the Reference Books enlisted here do not cover all the prescribed contents of the syllabus. Teachers are students are advised to refer additional reading materials also to cover all the prescribed topics in the syllabus.

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(This Paper should be taught with updated sections of Companies Act, 2013as and where applicable to the Companies Act, 1956)

Unit - I: Corporate Incorporation and Management1.

- (i) Certificate of Incorporation
- (ii) Memorandum and Articles of Association
- (iii) Doctrine of Ultra Vires
- (iv) Doctrine of Indoor Management

2.

- (i) Directors: Appointment, Removal, Position, Powers and Duties of Directors.
- (ii) Audit Committee: Its Role.
- (iii) Company Secretary: Qualification, Appointment and Duties
- (iv) Officer who is in default: Definition of Officer who is in default
- (v) Liability of independent directors.

3.

- (i) Types of Meetings
- (ii) Procedure of calling meeting
- (iii) Company's resolutions and its kinds

Unit -2 : Oppression & Mismanagement and Investigation
(Sections 397 to 408; Sections 235 to 251)

1.

- (i) Rule in Foss v. Harbottle
- (ii) Prevention of Oppression
- (iii) Prevention of Mismanagement
- (iv) Role & Powers of the Company Law Board
- (v) Role & Powers of Central Government

2.

- (i) Company Investigation

Unit – 3: Corporate Liquidation1.

- (i). Winding up of Companies
- (ii). Mode of winding up of the companies
- (iii). Compulsory Winding up under the Order of the Tribunal
- (iv). Voluntary winding up
- (v). Contributories
- (vi). Payment of liabilities

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Unit -4 : Corporate Governance and Social Responsibility1.

- (i) Importance of Corporate Governance
- (ii) Different system of Corporate Governance
- (iii) Impact of Legal Traditions and the Rule of Law on Corporate Governance
- (iv) Legal Reforms of Corporate Governance in India
- (v) Reports of the various Committees on Corporate Governance
- (vi) Emerging Trend based on the recommendation of the Committees in the Companies Act 1956 and the Listing Agreement with Special reference to Clause 49.

2. (i) Corporate Social and Environmental Responsibility

Text Books:

1. Saleem Sheikh & William Rees, *Corporate Governance & Corporate Control*, Cavendish Publishing Ltd., 1995
2. Taxmann, *Companies Act 2013*
3. Taxmann, *A Comparative Study of Companies Act 2013 and Companies Act 1956*

References:

1. Charles Wild & Stuart Weinstein Smith and Keenan, *Company Law*, Pearson Longman, 2009
2. Institute of Company Secretaries of India, *Companies Act 2013*, CCH Wolter Kluwer Business, 2013
3. Lexis Nexis, *Corporate Laws 2013* (Palmtop Edition)
4. C.A. Kamal Garg, *Bharat's Corporate and Allied Laws*, 2013,

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Course Outcome (COs):

CO1: To equip students with an understanding of principles of Competition law, together with the ability to subject it to critical, legal and economic analysis.

CO2: To provide an understanding of fundamentals of market economy and extensive knowledge of application of competition policy on such systems in India.

CO 3: To study the developments of the policy of free and fair Competition in India in the light of latest legal developments, from MRTP to the Competition Act. To study and understand the working of Competition Law Enforcement and compare the same with US and EU.

CO 4: To compare substantive laws relating to Competition in India, EU and US, including the control of monopoly and oligopoly, merger control, anti-competitive agreement and abuse of dominant position.

Unit I

(Lecture 10)

1) Competition: An Introduction

- Definition of Competition
- Definition of Competition Law, Competition Policy
- Objectives of Competition Law
-

2) History and Development of Competition Law

- Relevant Provisions of Sharman Act, Anti-Trust Law
- Overview of MRTP Act, 1969, Liberalization and Globalization, Raghavan Committee Report, Competition Act, 2002, Salient features of the Competition Act, 2002

3) WTO Agreements and the Act

(Lecture 10)

Unit II

- 1) **Anti-Competitive Agreements:** Horizontal and Vertical Agreements, Appreciable Adverse Effect on Competition in India
- 2) **Prohibition of Anti-Competitive Agreements:** Concerted Practices and Parallel Behaviour, Cartel and Cartelization, Price Fixing Agreements, Market Allocation/Sharing, Limiting Production, Bid Rigging and Collusive Bidding, Tie-in Arrangements, Exclusive Supply Agreement, Exclusive Distribution Agreement, Refusal to Deal, Resale Price Management Agreement, Exemptions
- 3) **Abuse of Dominant Position:** Relevant Market, Factors Relevant for Determining Dominant Position, Predatory Pricing

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Unit III

(Lecture 10)

- 1) **Combinations:** Merger, Acquisitions and Amalgamations, Combinations covered under the Competition Act, Regulations, Penalties
- 2) **Competition Commission of India:** Establishment and Composition, Term of Office of Chairperson and other members, Resignation and suspension, Administrative powers of Chairperson, Salary and allowances, Vacancy, Appointment of Director General, secretary, experts, professionals and other officers, Meetings of the Commission, Duties, Procedure for Inquiry, Powers, Extra- territorial jurisdiction Competition Fund, Competition Advocacy

Unit IV

(Lecture 10)

- 1) **Consumer Protection Act, 2019 and its applicability**
 - Definition of Consumer, Service, Deficiency in Service, Unfair Trade Practices, Consumer Protection Act, 2019 and Competition Law

Text Books:

- 1) Ramappa T. *Competition Law in India- Policies, Issues and Development*, Oxford University Press, 2013
- 2) VinodDhall, *Competition Law Today: Concept, Issues and Law in Practice*, Oxford University Press, 2007
- 3) G.B. Reddy and Baglekar Akash Kumar, *Consumer Protection Act: A Commentary*, EBC Reader, e-book, 2021

References

- 1) Richard Whish, *Competition Law*, Oxford University Press, 2008
- 2) Vasanth Aditya J., *Conceptual Foundation of Competition Law in India: Law and Interpretation of the Competition Act, 2002*, Notion press, 2020
- 3) Srinivasan Parthasarathy, *Competition Law in India*, Kluwer Law International, 2017
- 4) Avtar Singh, *Competition Law*, Eastern Law House, 2012
- 5) Furse Mark, *Competition Law of the EC and UK*, Oxford University Press, 2008
- 6) Piet Jan Slot and Angus Johnston, *An Introduction to Competition Law*, Oxford and Portland, Oregon, 2006
- 7) Dugar S.M., *Guide to Competition Law: Containing Commentary on Competition Act, MRTP Act and Consumer Protection Act*, Lexis Nexis Butterworths Wadhwa Nagpur, 2010
- 8) *Consumer Protection Law and Practice*, Taxmann, 2022



- 9) Abir Roy and Jayant Kumar, *Competition Law in India*, Eastern Law House, New Delhi
- 10) Mittal D.P., *Taxmann's Competition Law and Practice*, 2007
- 11) Vinod Dhall (ed.), *Competition Law Today*, Oxford University Press, 2007
- 12) Renato Nazzani, *Concurrent Proceedings in Competition Law*, Oxford University Press, 2007
- 13) Rodger Barry *Competition Law and Policy in the EC and UK* London: Cavendish, 1999
- 14) V.K Agarwal, *Consumer Protection Act, 2019*, Aggarwal Law House, 2022
- 15) Aditi P. Talati, Nahar S. Mahala, *Competition Act 2002: Law, Practice and Procedure*, Commercial Law Publishers, 2006
- 16) Martin Smith, *Competition Law Enforcement and Procedure*, Oxford University Press, 2001
- 17) *Consumer Protection Act, 2019*, EBC, e-book, 2022

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Objectives: Students should have general understanding of the trends in regulation of capital markets and foreign investments. They should appreciate the broader economic objectives and purposefulness of the nature, forms and extent of regulation of the capital markets.

Unit – I: Overview of Capital Market

(Lectures 10)

- a. Role, Relevance and significance of Capital Market in national development
- b. Capital Market and Economic Reforms: Challenges and prospects
- c. Introduction to various components of capital market – primary and secondary market, stock exchanges,

Unit – II: Trends in Regulation of Capital Markets

(Lectures 10)

- a. Securities Contract Regulation Act 1956
- b. SEBI Act 1992 with particular emphasis on role of SEBI
- c. Depositories Act 1996

Unit – III: Policy framework for regulation of FDI

(Lectures 10)

- a. Meaning and forms of FDI
- b. Foreign Exchange Management Act
- c. FDI Policy and role of RBI

Unit – IV: Bilateral and multilateral investment agreements

(Lectures 10)

- a. Introduction to the trends of bilateral and multilateral investments agreements
- b. Nature and scope of substantive rights of foreign investors under BIPAs
- c. Dispute Settlement Mechanisms under BITs – Investment Arbitrations under ICSID and UNCITRAL

Text Books:

1. Guruswamy, *Capital Market*, Tata McGraw Education, 2009
2. E Gordon & H Nataraj, *Capital Market in India*, Himalaya Publishing House, 2013

References:

1. *Deepening India's Capital Market: The Way Forward*, USAID, November 2007
2. *The Consolidated FDI Policy Circular of 2014*, Ministry of Commerce & Industry Department of Industrial Policy & Promotion, Government of India
3. *ICSID Convention – A Commentary*, C. Schreuer, 2nd Edition 2009
4. Sanjeev Agarwal, *Guide to Indian Capital Market*, Bharat Law House, 2009
5. Imaad A Moosa, *Foreign Direct Investment: Theory Evidence and Practice*, Palgrave MacMillan, 2010.
6. Niti Bhasin, *FDI In India*, New Century Publication, 2008.

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Course Outcome (COs):

CO1: To learn practical aspects of taxation of companies and interpret the entire process of interplay between economy, taxation and generation of revenue via a vis employment opportunities

CO2: Learn about new and emerging areas in Tax Litigation and understand international aspects of tax management

Unit 1 Introduction and Corporate Tax Planning (Lecture 10)

- i. Background of Taxation system in India; Vital Statistics; Layout; Administration. An overview of Finance Bill, ; Important definitions under Income Tax Act, 1961; Distinction between Capital and Revenue Receipts and Expenditure; Residential Status & Basis of Charge; Scope of Total Income; Tax Rates. Incomes not included in Total Income; Tax holidays.
- ii. **Computation of Total Income and Tax Liability of various entities :** Individual; Hindu Undivided Family 'HUF'; Alternate Minimum Tax (AMT); Partnership Firm / LLP; Co-operative Societies; Association of Person 'AOP' and Body of Individual 'BOI' Taxation of non resident entities Political Parties; Electoral Trusts; Exempt organization –Registration u/s12A/12AA;
- iii. **Classification and Tax Incidence on Companies :** Computation of taxable income and tax liability of Company including foreign company; Dividend Distribution Tax; Minimum Alternate Tax 'MAT'; Other Special Provisions Relating to Companies; Equalization Levy.

Unit II - Goods And Service Tax

(Lecture 10)

- i. An Overview on Goods and Services Tax 'GST': Introduction; Constitutional Aspects & Administration; Concept of Indirect Taxes at a glance; Pre-GST tax structure and deficiencies; Administration of Indirect Taxation in India;
- ii. Transition to GST (Transitional Provisions)
- iii. GST models; Levy and collection of CGST and IGST; Composition scheme & Reverse Charge, Exemptions.
- iv. Supply: Meaning & scope, types of supply (composite/mixed inter/ intra); Time, Place and Value of Taxable Supply; Import and Export of Goods or Services under GST, Classification of Goods and Services; Job work provisions, agency contracts, e-commerce & TCS.
- v. Input Tax Credit & Computation of GST Liability: Input tax credit; Computation of GST liability.
- vi. Procedural Compliance under GST: Registration; Tax Invoice, Debit & Credit Note, Account and Record, Electronic way Bill, Payment of Tax, TDS, Returns & Refund, Valuation, Audit & Scrutiny; Assessment.

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- vii. Demand and Recovery, Appeals and Revision, Inspection, search, seizure, offences & penalties, Compliance rating, anti-profiteering, GST practitioners, authorised representative, professional opportunities.
- viii. Integrated Goods and Service Tax (IGST), Union Territory Goods and Service tax (UTGST), GST Compensation to States.

Unit III – Custom Law

(Lecture 10)

- i. Overview of Customs Law; Levy and collection of customs duties; Types of Custom duties; Taxable events
- ii. Classification and valuation of import and export goods; Exemption; Officers of customs; Administration of Customs Law; Import and Export Procedures; Transportation, and Warehousing; Duty Drawback; Demand and Recovery; Confiscation of Goods and Conveyances; Refund.
- iii. Arrival or Departure and Clearance of Goods, Warehousing, Duty Drawback, Baggage and Miscellaneous Provisions: Arrival and departure of goods; Clearance of Import and Export Goods & Goods in Transit; Transportation and Warehousing provisions; Duty Drawback provisions, Baggage Rules & provision related to prohibited goods, notified goods, specified goods, illegal importation / exportation of goods.

Unit IV International Taxation

(Lecture 10)

- i. Corporate Tax Planning & Tax Management: Tax Planning, Tax Management; Tax Avoidance v/s Tax Evasion; Areas of Corporate Tax Planning
- ii. General Anti Avoidance Rules 'GAAR': Basic concept of GAAR; Impermissible avoidance arrangement; Arrangement to lack commercial substance; Application of GAAR Rule; GAAR v/s SAAR.
- iii. Basics of International Taxation
 - A. Transfer Pricing: Introduction & Concept of Arm's Length Price; International and Specified Domestic Transaction; Transfer Pricing Methods; Advance Pricing Agreement & Roll Back Provision; Documentation and Return.
 - B. Place of Effective Management (POEM): Concept of POEM; Guidelines of determining POEM.
- iv. Tax Treaties. Income Tax Implication on specified transactions: Slump Sale; Restructuring; Buy Back of shares; Redemption of Preference shares; Issue of shares at Premium; Transfer of shares; Reduction of share Capital; Gifts, cash credits, unexplained money, investments etc.

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Text Books & References

1. Dr JC Varshney, Nikhil Gupta "Corporate Tax Planning" 2022 - SBPD Publications
2. Dr HC Mehrotra, Dr SP Goyal Direct Tax including Tax Planning & Management AY 2022-23 Sahitya publications
3. VS Datey, "A Complete Guide to GST Input Tax Credit (including Availment & Reversal), Refunds of ITC & Export issues relating to ITC" 2022 Taxmann
4. SK Mishra "Simplified Approach to GST" 2022 eBooks2Go Inc.
5. Dr HC Mehrotra, Prof VP Agarwal "Goods and Services Tax (G.S.T.) & Customs Duty" 2022 Sahitya Bhawan Publications
6. Vinod K Singhania "Students Guide to GST and Customs Law" 2022 Agarwal lawhouse
7. Nigam Nuggehali, "International Taxation: The Indian Perspective" 2019 Springer Briefs
8. Parthasarthy Shome "Reimagining International Taxation - Navigating Through The Crises Of Pandemic Lack Of Consensus And Retrospective Taxation" 2021 International Tax Research and Analysis Foundation (ITRF) & Oakbridge Publishing
9. DC Agarwal "Basic Concepts of International Taxation" 2016 Taxmann
10. Parthasarthy Shome "International taxation in Digital era", 2022, International Tax Research and Analysis Foundation (ITRF) & Oakbridge Publishing

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Course Outcome (COs):

- CO 1: To develop a conceptual understanding of the basics principles of Banking and Insurance Laws.
CO 2 : To facilitate the participants with an in-depth understanding and hands-on approach in relation to the legal and practical aspects of insolvency and bankruptcy.
CO 3: To understand the concepts and apply them to a wide range of problems related to the Banking and Insurance Sector.

Unit-I: Banking System in India

(Lectures-10)

- Historical Development of Banking System in India
- Bank Nationalization and Social Control
- Salient features of Banking Regulation Act, 1949, Commercial & Investment Banking
- Relationship between Banker and Customer, KYC Norms,
- Banking Ombudsman and Application of Consumer Protection Law in Banking Services

Unit-II: Lending, Securities and Recovery Process by Banks

(Lectures-10)

- Principles of Lending
- Nature of Securities, Collateral and other Securities
- Scope, Nature and process of recovery under Recovery of Debts and Bankruptcy Act, 1993
- Non- Performing Assets and Role of SARFAESI, 2002 and Enforcement of security interest
- Wilful Defaulter and Nature of Bank Fraud(Applicable laws and RBI Guidelines)

Unit-III: Introduction to Insolvency and Bankruptcy Regime in India

(Lectures-10)

- Need, Rationale and objectives of Insolvency and Bankruptcy Code
- Role of Authorities and enforcement mechanism
- Creditors, Corporate Insolvency Resolution Process
- Contemporary Case laws

Unit-IV: Insurance Law

(Lectures-10)

- Nature and Fundamental Principles of Insurance Contracts
- Kinds of Insurance: Life Insurance, Fire Insurance, Marine Insurance and Medi-claim Insurance
- Motor Vehicles Insurance (with reference to Third Party Insurance)
- Powers, Duties of Insurance Regulatory Development Authority under IRDA Act, 2002
- Application of Consumer Protection with reference to Insurance Services

Text Books:

- M.L. Tannan, Banking Law and Practice in India, Lexis Nexis, 23rd Edition(Latest Edition).
- Banking and Insurance Law and Practice, Institute of Company Secretaries of India, Taxmann Publishers, 2019

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3. M.N. Mishra, Law of Insurance, Central Law Agency (Latest Edition).
4. V.S Datey, Guide to Insolvency and Bankruptcy Code, 2016, Taxmann Publication ,2018.
5. Ashish Makhija, Insolvency and Bankruptcy Code of India, LexisNexis Publication , 2018.

References:

1. K.C. Shekhar, & Lekshmi Shekhar, Banking Theory and Practice, Vikas Publishing House, 19th Edition, 2005.
2. J N Jain & R K Jain, Modern Banking and Insurance – Principles and Techniques, Regal Publications, 200.
3. Jyotsana Sethi & Nishwar Bhatia, Elements of Banking and Insurance, PHI Publishers, 2nd Edition.
4. Birds, John, Modern Insurance Law, Universal Publishing Co., 2003,
5. Shah, M. B., Landmark Judgments on Insurance, Universal Publishing Co., 2004
6. Rangarajan, C., Handbook of Insurance and Allied Laws. K.C. Shekhar, & Lekshmi Shekhar, Banking Theory and Practice, Vikas Publishing House, 19th Edition, 2005.

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UNIT - I:

- (1). **Public Issue of Shares**
 - (i) Prospectus
 - (ii) Remedies for misrepresentation
 - (iii) SEBI and Stock Exchange guidelines
- (2). **Share Capital**
 - (i) Nature and Kind of Shares
 - (ii) Transfer, Transmission, Surrender and forfeiture of Shares
 - (iii) Purchase by Company of its own shares
 - (iv) Issue of shares at premium and discount
 - (v) SEBI Guidelines

UNIT - II:

- (1). Shareholders' Rights (Various rights of shareholders and variation of shareholders rights).
- (2). Debentures; Difference between Share and Debentures; Kinds of Debenture; Remedies of Debenture Holder; Company Charges.

UNIT - III:

- (1). Insider Trading; SEBI's Guidelines on Insider Trading
- (2). Securities and Exchange Board of India (SEBI): Constitution, Powers and Functions

UNIT - IV:

- (1). Reconstruction, Amalgamation and Take Over: Provisions in Company Law and SEBI Guidelines
- (2). Auditors:
 - (i) Appointment, powers, duties and removal of auditors
 - (ii) Special Audit
 - (iii) Director Responsibility statement in Board Report
 - (iv) National Advisory Committee on Accounting Standards

Text Books:

1. Paul Davis & Sara Worthington, Gower's *Principles of Company Law*, Sweet & Maxwell Thomson, 9th Edition, 2006
2. David Kidwell & Robert Parinno, *Fundamentals of Corporate Finance*, Wiley, 2012

References:

1. Charles Wild, Stuart Weinsten, *Smith and Keenon's Company Law*, Pearson Education Ltd., 2013

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2. J.C. Verma & Sanjeev Agarwal, *Corporate Mergers, Amalgamations & Takeovers*, Bharat Law House, 2008
3. Richard Brealey, Stewart Myers, Franklin Allen, *Principles of Corporate Finance*, Hill McGraw, 2012

Ram Verma J.C. Agarwal

The evaluation of the Dissertation and Viva Voce will be conducted by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

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