CONTENTS

Preface i-iv
Table of Cases v-xi
Acronyms xii-xiii

CHAPTER-I INTRODUCTION 1-55

1.1 Intellectual Property Rights 1-6
1.2 Present Era Belongs to Intellectual Property Rights 6-10
1.3 Intellectual Property Rights as Human Right Issue 10-12
1.4 Origin and Development of Intellectual Property Rights 12-36
  1.4-1 Origin and Development of Patent 13-19
  1.4-2 Origin and Development of Copyright 19-27
  1.4-3 Origin and Development of Trademark 27-31
  1.4-4 The Origin and Development of Geographical Indication of Goods 31-34
  1.4-5 The Origin and Development Designs 34-36
1.5 Importance of Protecting Intellectual Property Rights 36-49
  1.5-1 Importance of Protecting Copyrights 37-40
  1.5-2 Importance of Protecting Patents 40-41
  1.5-3 Importance of Protecting Trade Marks 41-44
  1.5-4 Importance of Protecting Geographical Indication 44-46
  1.5-5 Importance of Protecting Designs 46-49
1.6 Implications of Intellectual Property Rights and Challenges in the WTO Regime 49-53
1.7 Advantages and Disadvantages of Intellectual Property Rights 53-54
1.8 Research Hypothesis 54-55
1.9 Research Methodology 55

CHAPTER-II INTERNATIONAL LAW ON THE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS 56-112

2.1 Paris Convention for the Protection of Industrial Property (1883) 60-65
2.2 Berne Convention for the Protection of Literary and Artistic Work (1886) 65-67
2.3 Madrid Agreement Concerning the International Registration of Marks (1891) 67-69
2.4 Hague Agreement on Industrial Designs (1925) 70-71
2.5 General Agreement on Tariffs and Trade (1947) 71-75
2.6 World Intellectual Property Organization (1967) 75-78
2.8 Trademark Registration Treaty (1973) 82-85
CHAPTER-III
PROCEDURE FOR ACQUIRING INTELLECTUAL PROPERTY RIGHTS IN INDIA UNDER VARIOUS STATUTES AND ITS COMPATIBILITY WITH INTERNATIONAL STANDARDS OR TRIPS

3.1 The Procedure for Acquiring Copyright under the Copyright Act, 1957
   3.1-1 Meaning of Copyright 114-121
   3.1-2 Term of Copyrights 114-117
   3.1-3 Procedure for the Registration of Copyrights 117-119
   3.1-4 Compatibility with International Standards 119-121

3.2 The Procedure for Acquiring Patent under the Patents Act, 1970
   3.2-1 Inventions which are not Patentable 121-135
   3.2-2 Term of Patents 124-125
   3.2-3 Who can apply for Patent 125
   3.2-4 Procedure for the Registration of Patent 126-129
   3.2-5 Opposition for the Grant of Patent 129-132
   3.2-6 Revocation of the Patent 132-133
   3.2-7 Compatibility with International Standards 133-135

3.3 The Procedure for Acquiring Trademark under the Trade Marks Act, 1999
   3.3-1 Registration of Trademarks 135
   3.3-2 Procedure for the Registration of the Trademarks 137-138
   3.3-3 Opposition for the Registration of the Trademarks 138-140
   3.3-4 Term of Trademarks 140-142
   3.3-5 Compatibility with International Standards 142-143

3.4 The Procedure for Acquiring Geographical Indication under the Geographical Indications of Goods Act, 1999
   3.4-1 Registration of the Geographical Indications 145-153
   3.4-2 Opposition for the Registration of the Geographical Indication 148-149
   3.4-3 Term of Geographical Indication 149-150
   3.4-4 Compatibility with International Standards 150-153

3.5 The Procedure for Acquiring Design under the Designs Act, 2000
   3.5-1 Registration of Design 153-159
   3.5-2 Term of Registration 156
   3.5-3 Revocation of Registration 156-157
   3.5-4 Compatibility with International Standards 158-159
CHAPTER-IV  LAW RELATING TO LICENSING AND ASSIGNMENT OF INTELLECTUAL PROPERTY RIGHT

4.1 Procedure for Licensing and Assignment of the Copyright  163-179
  4.1-1 Moral Rights  163-164
  4.1-2 Economic Rights  164-179

4.2 Procedure for Licensing and Assignment of the Patents  180-192
  4.2-1 Assignment of the Patents  181-182
  4.2-2 Grant of Licence  182-188
  4.2-3 Transmission by Operation of Law  188-192

4.3 Procedure for Licensing and Assignment of the Trademark  192-199

4.4 Procedure for Licensing and Assignment of the Geographical Indication  199-200

4.5 Procedure for Licensing and Assignment of the Design  200-201

CHAPTER-V  ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHT IN INDIA WITH SPECIAL REFERENCE TO THE POST TRIPS AND WTO SCENARIO

5.1 Infringement of the Intellectual Property Rights  205-225
  5.1-1 Infringement of the Copyright  206-212
  5.1-2 Infringement of the Patents  212-216
  5.1-3 Infringement of the Trade Marks  216-220
  5.1-4 Infringement of the Geographical Indications  220-223
  5.1-5 Infringement of the Designs  223-225

5.2 Dispute Settlement Mechanism under TRIPS  225-228
5.3 WTO and Dispute Settlement Mechanism  229-237

5.4 Remedies for the Infringement of Intellectual Property Rights  237-256
  5.4-1 Remedies for the Infringement of the Copyright  238-245
  5.4-2 Remedies for the Infringement of the Patents  245-249
  5.4-3 Remedies for the Infringement of the Trade Marks  249-254
  5.4-4 Remedies for the Infringement of the Geographical Indications  254-255
  5.4-5 Remedies for the Infringement of the Designs  255-256

5.5 Offences and Penalties for the infringement of the Intellectual Property Rights  256-263
  5.5-1 Offences and Penalties for the Infringement of Copyright  256-258
  5.5-2 Offences and Penalties for the Infringement of Patents  258-259
  5.5-3 Offences and Penalties for the Infringement of Trade Marks  259-261
  5.5-4 Offences and Penalties for the Infringement of Geographical Indications  261-263
  5.5-5 Offences and Penalties for the Infringement of Designs  263

5.6 Judicial Response  263-267
CHAPTER-VI  COMPATIBILITY OF INDIAN LAW WITH EUROPEAN UNION AND USA 274-323

6.1 European Directives for Enforcement of Intellectual Property Rights 275-281
6.2 Alternative Dispute Resolution Provisions 282-299
  6.2-1 Alternative Dispute Resolution Provisions in India 282-284
  6.2-3 Reasons for the growth of Alternative Dispute Resolution 285-288
  6.2-4 Reasons for the Arbitration and Conciliation (Amendment) Bill, 2003 288-290
  6.2-5 Advantages of Arbitration 290-291
  6.2-6 Institutional Alternative Dispute Resolution 291-299
6.3 United Nation Commission on International Trade Law 299-301
6.4 Compatibility of Indian laws with TRIPS Agreement 301-314
  6.4-1 Copyright 302-303
  6.4-2 Trademarks 303-305
  6.4-3 Geographical Indications 305-306
  6.4-4 Industrial Design 307-308
  6.4-5 Patents 308-312
  6.4-6 Layout-designs of Integrated Circuits 312
  6.4-7 Undisclosed Information, including Trade Secrets 312-314
6.5 World Intellectual Property Organisation 314-321

CHAPTER-VII  ROLE OF JUDICIARY IN THE PROTECTION AND ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHT 324-371

7.1 Judicial Response in the matter of Patents 325-339
7.2 Judicial Response in the matter of Copyrights 339-350
7.3 Judicial Response in the matter of Trademarks 350-366
7.4 Judicial Response in the matter of Designs 366-369

CHAPTER-VIII  CONCLUSION AND SUGGESTIONS 372-397

BIBLIOGRAPHY 398-407