

**CONCEPT OF PROPERTY AND INTRODUCTION TO I.P.R.**

**CHAPTER-I:-INTRODUCTION**

UNIT-1 Meaning of the word 'property'.

UNIT-2 Kinds of property.

UNIT-3 Concept of Intellectual Property

UNIT-4 Subject matter of Intellectual Property.

**CHAPTER-II: - DEVELOPMENT OF CONCEPT OF I.P.R.**

UNIT-5 Origin of intellectual property.

UNIT-6 Reason for development.

UNIT-7 Human Rights and Intellectual Property Rights

UNIT-8 Social Justice and Intellectual Property Rights.

**CHAPTER-III:- INTERNATIONAL DEVELOPMENT OF I.P.R.**

UNIT-9 International concept and treaties on I.P.R

UNIT-10 World Intellectual Property organization.

UNIT-11 Patent cooperation treaty.

UNIT-12 GATT and W.T.O (guidelines for I.P.R.)

**CHAPTER-IV I.P.R. and other social and economical factors.**

UNIT-13 Intellectual Property Rights and monopoly.

UNIT-14 Intellectual Property Rights and unfair and restrictive trade practices.

UNIT-15 Intellectual Property Rights and its emerging trends.

UNIT-16 Intellectual Property Rights and its presents position.

**LAW RELATED TO PATENT**

**Chapter -1** :Introduction - Intellectual Property, History of patents rights, Social dimensions of Patent rights and its effect Scheme adopted by Indian Legal System for recognition and protection of patents, rights of patents right holder Product Patents v. Process Patents, Comparative analysis of Indian and world's patents system

**Chapter 2** : Concept of Patentable inventions, Inventions not patentable, Legal Definition, Scope and limitations, Legal effect of patents recognition

**Chapter 3** : Authorities under the Patents Act, 1970, procedure for grants of patents, patents specification

**Chapter 4** : Role of comptroller, scrutiny of patent applications, grant and refusal, appeal against, restoration, surrender, revocation and lapse of patent, acquisition of invention by government

**Chapter 5** : Infringement of patent right, ingredient of suits, jurisdiction, remedies available, legal framework for protection of patent rights, appeal against and penalties, patents grant

**Chapter 6** : International scenario - consensus and confrontation in the area of patents WTO, TRIPS and movement for developing harmonized legal system for protection of patentable rights, Indian stand of recognition of patents specially in the area of pharmacy and agriculture - reasons and rationales

**THE TRADE MARK, 1999 AND DESIGN, ACT 2000.**

**CHAPTER- I:- THE PATENT ACT, 1970 (INTRODUCTION)**

UNIT-1 Meaning, characteristics, subject matter and need for Trade Mark.

UNIT-2 Collective Trade Mark.

UNIT-3 Opposition to trade Mark.

UNIT-4 Different forms of Trade Mark.

**CHAPTER-II:- THE REGISTRATION PROCEDURE AND CONDITION**

**REGISTRATION OF TRADE MARK.**

UNIT-5 Absolute ground for registration.

UNIT-6 Relative grounds for refusal of registration.

UNIT-7 Application for registration.

UNIT-8 Registration, Duration, renewal effect and restoration of registration.

**CHAPTER-III:- USE OF TRADE MARK AND REGISTERED USERS**

UNIT-9 Proposed use of Trade mark by company to be formed etc.

UNIT-10 Registered users.

UNIT-11 Power of Registrar for variation or cancellation of registration.

UNIT-12 Right of registered user to take proceedings against infringement.

**CHAPTER- IV:- THE DESIGN ACT, 2000 (INTRODUCTION)**

UNIT-13 Meaning, need and characteristics of Design .

UNIT-14 Subject matter and different form of Design.

UNIT-15 Collective Design.

UNIT-16 Opposition to registration of Design.

**CYBER LAW: INTELLECTUAL PROPERTY IN THE DIGITAL MILLENNIUM**  
**PREFACE**

**Chapter-I:- Introduction: New Law for New Technology**

- "CYBERSPACE LAW:" A PREMATURE BABY?
- THE DIGITAL MILLENNIUM COPYRIGHT ACT: A NEW DEPARTURE

**Chapter-II: - Legal Reinforcement of Technological Measures for Protecting Copyrighted Works: The**

**Anti-Circumvention Rule and the Anti-Trafficking Rules**

- INTRODUCTION
- IMPLEMENTING THE TWO WIPO TREATIES: PRACTICAL AND POLICY RISKS
- THE MILLENNIUM ACT'S RULES: CLASSIFICATION AND TERMINOLOGY
- THE ANTI-CIRCUMVENTION RULE
- THE ANTI-TRAFFICKING RULES
- THE DISTINCTION BETWEEN THE ANTI-CIRCUMVENTION RULE AND THE ANTI-TRAFFICKING RULES
- SECTION 1201 AND FAIR USE
- LIMITATIONS AND EXCEPTIONS: AN OVERVIEW
- MANDATES FOR SPECIFIC CONTROL TECHNOLOGIES
- CONSTITUTIONAL ANALYSIS

**Chapter-III: - Exceptions to the Anti-Circumvention Rule and the Anti-Trafficking Rules**

- INTRODUCTION
- THE DRAFTING OF THE EXCEPTIONS
- EXCEPTIONS ADDRESSING NONCOPYRIGHT POLICY GOALS
- EXCEPTIONS TO PRESERVE COPYRIGHT EXEMPTIONS

**Chapter-IV: - Prohibitions Against Providing False Copyright Management Information and**

**Removing or Altering Copyright Management Information**

- INTRODUCTION
- WHAT COPYRIGHT MANAGEMENT INFORMATION IS
- THE COPYRIGHT MANAGEMENT INFORMATION OFFENSES
- STATE OF MIND REQUIREMENTS
- EXCEPTIONS AND LIMITATIONS

## **Chapter-V: - Civil and Criminal Liability for Violating Anti-Circumvention, Anti-Trafficking, and Copyright Management Information Rules**

- INTRODUCTION
- STANDING TO CLAIM RELIEF
- MONETARY REMEDIES
- NONMONETARY REMEDIES
- CRIMINAL SANCTIONS

## **Chapter-V (A):- The Federal Common Law of Direct and Secondary Liability for Copyright**

### **Infringement**

- INTRODUCTION: HOW THE FEDERAL COMMON LAW LIVES, AND WHY IT IS IMPORTANT
- SERVICE PROVIDERS' DIRECT LIABILITY FOR INFRINGEMENT ON THE INTERNET
- SERVICE PROVIDERS' SECONDARY LIABILITY FOR INFRINGEMENT ON THE INTERNET

## **Chapter-VI: - Limitations on Liability for Service Providers**

- INTRODUCTION
- WHO AND WHAT SECTION 512 COVERS
- ACTIVITIES AND OPERATIONS COVERED
- HOW SECTION 512 LIMITS REMEDIES
- SUBPOENAS TO IDENTIFY ALLEGED INFRINGERS
- SPECIAL RULE FOR NONPROFIT EDUCATIONAL INSTITUTIONS
- OTHER ASPECTS OF SECTION 512

**INTERSHIP PROJECT WITH NGO AND PROJECT REPORT**

**Tentative Topics for the Projects:**

1. International Criminal Court Visa-Vis Human Right Court : An Analytical And Critical Study
2. War Victims And Law Related To Refugees' : A Study In Hr Perspective
3. A Human Right Approach To The Prisoners
4. Realization Of Human Rights And Child Labour In Africa :An Exhaustive Study
5. International Human Right Law And The Problem Of Its Enforcement In Domestic Courts
6. An Appraisal Of Gender Equality In Light Of Human Right
7. Judicial Independence And Human Right
8. Hunger, Right To Food And Human Right Laws
9. United Nation Procedure For The Implementation Of Human Right – The Role That Lawyers Can Play
10. Enforcement Of International Human Right Laws In Ethiopia : An Analysis
11. Justification Of Death Penalty And Human Rights
12. Role Of Federal Police Vis-A-Vis UDHR
13. Sustainable Environment As A Human Right
14. Human Rights And Gender Equality
15. Health As A Human Right
16. International Humanitarian Law And Institutions For Its Implementation :Study In International Perspective

**Guidelines on how to go about writing the Projects**

**When you write your papers, you need to remember that:**

- a. You cannot exceed the page limits fixed for you by your instructor. Normally a term paper should not exceed 150 pages.
- b. You need to submit the paper one week before classes end (or at the time specified by the University).
- c. You must exert a lot of effort to achieve some degree of originality in your work.
- d. You must abide by the rules of citation.
- e. You can seek and get assistance from your instructor.
- f. Further your teacher is expected to guide you as to how collect the matter from various NGOs or from Govt. office for the purpose of your project.

**Your paper must have:**

1. Introduction
2. Discussion
3. Conclusion and Recommendation
4. Endnotes
5. Bibliography or references
6. Appendices (if and necessary)

**The Introduction must:**

- a. Introduce the **topic**. Give some background information as well.
- b. State the **objective** (s) of the study.
- c. State the **scope** of the study. What the paper covers and what it does not cover.
- d. Specify the **problems addressed** (or the questions raised) in the paper.
- e. State the **method(s)** used.

Example:-

- Survey of literature
- Case analysis
- Analysis of law
- Observation
- Interview

- Questionnaire  
Etc.

- f. Show the **manner of organization of the paper** (the sequence of the chapters or sections and what each chapter or section does); this is also called the **plan** of the paper.  
Moreover, the introduction must appeal to the readers' interest so that they can continue to read the paper. The reader must be convinced that it is worthwhile to read your paper through and through.

The introduction should not be too long. **The maximum should be 10% of the total length of your paper.** Thus, if you are writing a paper of 110 pages, your introduction may not exceed ten page.

**The Discussion** (which is the body of the paper) must:

- a. Discuss the issues raised in the introduction.
- b. Show that the objective of the researcher is achieved.
- c. Develop the thesis of the paper step-by-step, section-by-section following an outline prepared at the beginning.
- d. Show the writer's method.
- e. Be coherent (not fragmented).

The discussion is better written after the required information is gathered (be it from books or cases or from observation or from interview). **The discussion constitutes about 80% of your paper.** That is to say, if the number of pages of your paper is 100, then about 80 of it goes to the body.

### ***The Conclusion and Recommendation***

#### **Conclusion**

- Usually starts with a recapitulation /or a summary/ of the major ideas in the paper.
- Must **state the finding of your study** (i.e., the thesis that your paper proved or disproved).
- Should **answer at least some of the questions raised in the paper.**

#### **Recommendations(s)**

- Suggest solutions to some problems you might have stated in your finding.
- Must be **realistic.**

#### **Conclusion and recommendation must be:**

- a. Brief
- b. Neatly written.
- c. Written clearly and forcefully.

**The length should be limited to a maximum of 10% of the entire paper.** Thus, like introductions, the conclusion and recommendation of a 100 page paper may not exceed ten page.

**NB:** Introductions and conclusions are better written at the end of writing the entire paper.

\*The paper is expected to be objectively written. (Do not use it to express what you like and what you don't like, i.e., your personal biases and prejudices or your *apriori* assumptions and preconceptions).

\*Make the best of efforts to find practical problems and commensurate solutions.

#### **When you prepare your outline:**

1. Try first to raise the important questions your paper seeks to address.
2. Then collect the questions into categories based on the degree of similarity and interrelationship that exists between them.
3. Identify the chapters or sections that help you answer the questions you formulated.

#### **When you write the body:**

1. **Keep remembering the ABC of legal writing. i.e.,**
  - A. Accuracy
  - B. Brevity
  - C. Clarity

Be accurate in your use of words. Keep your sentences brief, i.e. short. Be clear in your expression. Avoid indirection and imprecision. Avoid big words. Use words for their effect or meaning rather than for their sound. Use simple words, words with which you are sufficiently familiar. Do not try to be pompous. Long sentences attract errors and damage clarity of expressions. So avoid them. Use active verbs; avoid passive ones. Avoid negatives (especially double negatives).

To attain clarity, avoid equivocation. Be straight forward. Make your point directly, strongly and forcefully. Use appropriate words (e.g. "almost", "generally", "roughly", "about", etc.) where caution is needed. Avoid inconsistency. Any self-contradiction is simply suicidal to a lawyer.

## **2. Remember that the paper is yours, not of the people you read in books.**

Don't draw excessively from books. Whenever you borrow ideas or expressions, paraphrase them, or quote them and acknowledge them properly. Try to steer away and beyond the books you read. Always ask yourself, "Given that this is the literature in the field, given that this is what the authorities in the field have to say, what do I have to say? What generalizations can I make?" Also, conceptualize those ideas to relate them to the Ethiopian realities, to your area of study. Contextualize them in as much as you can.

**3. Do not forget that your paper is a law student's paper.** It always needs to include legal analysis. The relevant laws need to be identified, interpreted (where needed), and properly applied to problems (real or hypothetical cases).

### **When preparing the Bibliography**

- Read the Book of Citations of the Law Faculty so that you will understand the rules of citation in use at the Faculty.
- Draw tables of laws, cases, periodicals and books—if possible.
- Keep the alphabetical order of the authors.
- If no specific instruction is given to you by the instructor, you can use the following standard method:

[Author]. [Year]. [Title]. [City of Publication, Place: Publisher]. See the following examples:

- Patrick Hayden (2001), **The Philosophy of Human Rights**. St Paul, Minn: Paragon House.
- Helen Fenwick (1994), **Civil Liberties**. London, UK: Cavendish Publishing Limited.
- Adrian Hastings (1997), **The Construction of Nationhood: Ethnicity and Nationalism**. Cambridge/New York: Cambridge University Press.

**Note:** When you compile the Bibliography, remember that the last name of the author comes first. Also, do not forget to put the authors in alphabetical orders.

### **When Working in Groups (Practical Tips)**

1. Get together quickly.
2. Agree on what you, as a group, are expected to do.
3. Prepare the list of questions you try to answer together.
4. Prepare the draft outline together.
5. Meet the instructor together.
6. Identify the methods together.
7. Divide responsibility among yourselves very quickly. You need to share burdens fairly and equitably. Each must be responsible for his /her portion.
8. Set a deadline for each person based on group time schedule.
9. Submit individual works at least 2 weeks earlier than the final deadline for submission.
10. Sit together as you write the final draft. Or, alternatively, let one person write it and give the copies to all so that they can include what is left out, etc.

### **When presenting the paper:**

1. First introduce the topic and the objective.
2. Then tell the class about the questions you wrestled with and the methods you used to answer them.
3. Inform the class of how you are going to do the presentation (who, in the group, is going to speak about what, etc). Stick to the plan as you get along.
4. Speak clearly: have a proper pronunciation and enunciation.
5. Diversify the tone of your voice so that you can avoid monotony.

6. Try to be conversational in tone and diction. Reading from your text makes it less conversational. So, make a minimal use of reading from your text.
7. Preferably, speak from a well crafted outline.
8. Use anecdotes [or cases of note, or scenarios, etc] to engage the audience. NB: Stories have a stronger grip over the audience than other forms of narratives.
9. Repeat your major points [theses] in your summary. It sends the message home. But don't overdo the repetition. It will bore your audience.
10. Try to make sure that your final statements are answers to the questions you raised at the beginning.

**Before [and during] the Presentation: Practical Tips:**

1. Be well prepared. "Fail to prepare, you prepare to fail." Do some rehearsal—if possible.
2. Set an outline of your speech.
3. Avoid holding papers in your hand, for it betrays your fear and anxiousness.
4. Pitch the tone of your voice at an appropriate level.
5. Avoid mannerisms. (Don't scratch your hair, etc).
6. Be conversational in style. Avoid monotony.
7. Look at your audience. Eye contact is important.
8. Be sharp in your use of time. Don't talk any longer than 20-30 minutes.
9. Leave time for questions, comments and discussions.
10. Don't get afraid of questions. You answer what you know. Admit ignorance when you don't know. Honesty is a better virtue than stubbornness is.

**What is expected of your paper?**

The paper is expected to meet the following four requirements:

1. Objectivity;
2. Rigor;
3. Creativity; and
4. Integrity.

***Note: Your term paper is going to be marked strictly in accordance with the rules in this guideline.***