

CONSOLIDATED CURRICULUM DOCUMENT FOR SEM – I | LL.M.

S.NO.	SUBJECT	PAGE NO.
1.	RESEARCH METHODS AND LEGAL WRITING	2-7
2.	LAW AND JUSTICE IN A GLOBALIZING WORLD	8-14
3.	COMPARATIVE PUBLIC LAW	15-18
<u>OPTIONAL SUBJECTS</u>		
5.	<u>CORP - GENERAL PRINCIPLES OF CORPORATE LAW</u>	19-23
6.	<u>CORP - LAW OF BANKING AND INSURANCE</u>	24-27
7.	<u>CORP - SPECIAL CONTRACTS</u>	28-33
8.	<u>IPR - JURISPRUDENCE OF IPR</u>	34-39
9.	<u>IPR - LAW OF COPYRIGHT</u>	40-47
10.	<u>IPR - LAW OF TRADE MARK</u>	48-52
11.	<u>L&T - FOUNDATIONS OF CYBER LAW</u>	53-57
12.	<u>L&T - PRIVACY LAW AND DATA PROTECTION</u>	58-62
13.	<u>L&T - EMERGING TECHNOLOGIES AND LAW</u>	63-68



RESEARCH METHODS AND LEGAL WRITING (COMPULSORY)

SEMESTER 1 | LL.M

SYLLABUS (SESSION: JULY-DEC)

Faculty	Prof. (Dr.) Jaya Vasudevan & Dr. Kaumudhi Challa	Year/ Semester	Year-I/Semester-I
Course Name	Research Methods and Legal Writing	No. of Credits	4
Course Code	-----	No. of Sessions	55
No of Contact Hours (Week)	05	Each Session Duration	60 Minutes

Course Outline:

Research is a desire to search or to find out or to explore an unknown area in order to find an answer. It is a quest for acquiring knowledge. Research is a careful investigation or inquiry especially through search for new facts in any branch of knowledge. Legal Research means research in law which deals with the principles of law and legal institutions. The objective may be to discover new facts or to verify the existing facts, to propound a new legal concept or to analyze existing law and give suggestions for a new law. In order to carry out a research to completion successfully a researcher must be aware of the research methods i.e. the method of doing research. A research method is a systematized investigation to gain new knowledge about the phenomena or problems. It is the technique of conducting research and study of the technique of doing research is research methodology. In a broader sense the research methodology includes the research methods as well as the philosophy and practice of the whole research process. A good research method is crucial for conducting proper research and getting useful results. This course is designed to give an insight into the meaning and significance of research methods for legal research to the law students in contemporary times. It aims to provide an understanding of various types of research methods and the different techniques of legal research and legal writing with a view to equip the students for further research in law.

Objectives

CO1- To enable the students to understand and appreciate the significance of research in legal studies.

CO2- To enable the students to understand the importance of interdisciplinary research involving other disciplines such as sociology, political science, other sciences and law.

CO3- To make the students aware of the different types of research methods and their importance, not only in legal studies but also for the society, economy and polity as whole.

CO4- To help the students to know the significance of doctrinal method in law.

CO5- To enable the students to know the importance of non-doctrinal research and its relevance in contemporary times

CO6- To develop an understanding of the technique of legal research writing and research proposal.

To make the students understand the practical applications of the theoretical aspects and principles of research and to make the subject interesting the course will be taught through examples, lectures, debates, and discussion on issues of national and international importance.

Learning Outcomes:

On successful completion of the course, students will be able to:

LO1- comprehend the importance of research in creation and dissemination of knowledge in law and other allied subjects;

LO2- recognize the significance of interdisciplinary research in promoting social values

LO3- understand and learn various methods and techniques of doing research in law and other social sciences following appropriate methods and approaches;

LO4- identify major problems affecting our society, economy and polity and apply the methods, tools and techniques learnt to come out with relevant research studies and solutions to resolve those problems;

LO5- understand the ethical norms of research and underlying moral principles of publication of research works

LO6- follow the rules of uniform citation, form and content of different types of research works

Scheme of Evaluation:

	Component	Marks	Total
	Written Project (Written + viva)	15 + 5	20
	End-term Examination	80	80
			100 Marks

COURSE PLAN:

S.No./MODULE	TOPICS	LECTURE SESSIONS
	Research & Legal Research: An Introduction	07
	Interdisciplinary Research	03
	Research Methods and Application in Law	08
	Major Steps in Legal Research	15
	Major Steps- Data Collection and Analysis of Data	15
	Legal Research Report Writing	04
	Developing a Good Research Proposal	03

Detailed Syllabus of Research Methods and Legal Writing (Semester – I)

Module	Course Description	No. of Hours
Module 1 RESEARCH & LEGAL RESEARCH: AN INTRODUCTION	Definition and Meaning of Research, Objectives, Motivation and Significance of Research Types of Research – Theoretical vs. Empirical, Descriptive vs. Analytical, Fundamental vs. Applied, Quantitative vs. Qualitative and other types like Historical and Action Research Scientific Method and Research- Characteristics, Induction and Deduction Approaches, Research and Logic Definition and Meaning of Legal Research, Objectives, Motivation, and Significance of Legal Research Research Values and Publication Ethics	7
Module 2 INTERDISCIPLINARY	Interdisciplinary Research- Meaning and Significance Interdisciplinary Research in Law- Some examples Interdisciplinary Research and Challenges	3

RESEARCH		
Module 3 RESEARCH METHODS & APPLICATION IN LAW	Doctrinal or Traditional Research Methods - Meaning of Doctrinal Research, Features of Doctrinal Research, Merits and Demerits of Doctrinal Research in Law Non-Doctrinal or Empirical Legal Research - Meaning of Non-Doctrinal Research, Features of Non-Doctrinal Research, Merits and Demerits of Non-Doctrinal Research in Law Other Methods- Survey Method: Census and Sample Survey, Case Study Method, Historical and Ethnographic Methods	8
Module 4 MAJOR STEPS IN RESEARCH	Research Problem: Identifying and defining the Research Problem, Steps in Problem Formulation, Significance of Research Problem, Rationale of Study Review of Literature and Identification of Research Gaps, Significance of Review of Literature, Steps involved in Review of Literature Formulation of Objectives Hypothesis: Meaning, Importance, Formulation of Hypothesis, Types of Hypothesis in Legal Research(only overview), Sources of Hypothesis, Characteristics of a Good Hypothesis Research Design: Meaning and Significance of Research Design, Working out a Research Design, Types of Research Design	15
Module 5 MAJOR STEPS- DATA COLLECTION AND ANALYSIS & INTERPRETATION OF DATA	Data Collection in Doctrinal Research: Meaning of Data, Types of Data, Primary and Secondary Sources of Data; Data Analysis, Interpretation and Drawing of inferences Data Collection in Non-Doctrinal Research: Primary and Secondary Sources of Data, Meaning of Universe, Population and Sample, Importance of Sampling, Types of Sampling (some important types), Difference between sampling method and census method Methods and Tools of Data Collection in Non-Doctrinal Research: Interview Method and Interview Schedules; Questionnaire Method and Questionnaire; Observation Method and Observation Schedule Analysis and Interpretation of Data in Non-Doctrinal Research Importance of SPSS (Statistical Package for Social Sciences) in Research	15

Module 6 DEVELOPING A GOOD RESEARCH PROPOSAL	6.1 The Layout of a Research Proposal 6.2 The Feasibility of the Project Proposal	03
Module 7 LEGAL RESEARCH REPORT WRITING	7.1 Research Report Writing- Meaning and Significance Steps in Research Report Writing, Contents and Criteria of Good Legal Research Report The Problem of Plagiarism Citation Methods: Footnotes, End Notes, References and Bibliography Citation Styles: MLA, Blue Book Citations Various Library Reference Tools- Mendeley, Zotero etc.	04
	Lectures Tutorials Total	55 05 60

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4. Kothari, C.R. *Research Methodology, Methods and Techniques*, 2nd Revised Edition, 2004, New Age International Publishers, (Reprint 2013).
5. Kumar, Ashok. *Legal Method, Legal Systems and Legal Research*, 1st Edition, New Delhi: K.K. Publications, 2014.
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15. Wilkinson, T. S. And P. L. Bhandarkar. *Methodology and Techniques of Social Research*, New Delhi: Himalaya Publishing House, 2010.

Suggested Readings:

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2. Anwarul, Yaqin. *Legal Research and Writing Methods*, Lexis- Nexis, 2008.
3. Brayne, H., N. Duncan and R. Grimes. *Clinical Legal Education Active Learning in Your Law School*, Oxford University Press, 1998.
4. Donna M. Mertens, Pauline E. Ginsberg. *The Handbook of Social Research Ethics*, SAGE, 2009.
5. Durstan, Anderson J and B. H. Pooli. *An Introduction to Ethical, Safety and Intellectual Property Rights Issues*, Padma Nambisan, Elsevier, 2017.
6. Frans L. Leeuw, Hans Schmeets. *Empirical Legal Research*, Cheltenham, U.K.: Edwards Elgar Publishing, 2016.
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9. Knowles John. *Effective Legal Research*, 4th Edition, Sweet & Maxwell, 2016.
10. Nadia, E. Nedzal. *Legal Reasoning, Research and Writing for International Graduate Students*, 2nd Edition, New York: Wolters Kluwer, Aspen Publishers, 2008.
11. Rohila Pradeep, *Research Methodology*, New Delhi: APH Publishing Corporation, 2010.
12. Saha, Tushar Kanti. *Textbook on Legal Methods, Legal Systems and Research*, new Delhi: Universal Law Publishing Co., 2010.



LAW AND JUSTICE IN A GLOBALISING WORLD (COMPULSORY)

SEMESTER 1 | LL.M

SYLLABUS (SESSION: JULY-DEC)

Faculty Name	Vishnu Konoorayar	Year/ Semester	I
Course Name	Law and Justice in a Globalising World	No. of Credits	4
Course Code	NA	Session Duration	60 Minutes
No of Contact Hours	40 Lectures + 10 Tutorials =50 hours	Pre-requisite	None
Introduction, Course Objective & Pedagogy	<p>This course builds on the understanding of the various branches of laws and the concepts of Justice and Fairness gained by students at the undergraduate level and is intended as an advanced course. It looks at the process of globalization and its impact on law and justice in the light of history. This course will discuss the debates surrounding globalization, justice, its changing meaning and the impact that it has on many fields of law. It will provide an understanding of how law and legal institutions have to change to align with the global rules. The shrinking policy space at the national level will also be discussed. The discussions end with the demand for change in the current structures of globalisation and its connection with the law. Towards this, this Course has the following objectives:</p> <p>CO1- To understand the process of globalization and its impact on law and justice from a historical perspective. CO2 - To critically analyse the concept of global justice and the mechanisms designed to achieve it. CO3- To better appreciate the demands for change raised by different groups to the international legal order and institutions in the light of globalization</p> <p>This subject requires teaching to be a combination of theoretical foundation with practical application. The contact hours will be utilized in catering a blend of Lectures, discussion, and brainstorming sessions. Students will be encouraged to read scholarly works from law and other disciplines.</p>		

LEARNING OUTCOMES: At the end of the course, students will be able to:

LO1- Acquire an understanding of the concept and theoretical background of globalization, and global justice.

LO2 – Develop critical thinking on the process of globalization and its impact on international and municipal law and institutions.

EVALUATION COMPONENTS

Evaluation Components	Distribution of Marks
Research Project	20
End-Semester Examination:	80
Total	100

*Note: Pass marks 50% of the final grade.

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	Globalization: Meaning, Reach and Form	01-08
2	Concepts of Law and Justice in a Globalizing World	09-16
3	History, Making and Content of Transnational Legal Order	17-24
4	Globalisation, Transnational Legal Order and Questions of Fairness to States, Communities, Institutions, and Individuals	25-32
5	Alternative Perspectives on Globalisation and Transnational legal order in pursuit of justice	33-40

DETAILED SYLLABUS

UNIT	CONTENT
Module 1: Globalization: Meaning, Reach and Form	Defining Globalisation Globalization in History Globalization in Contemporary Theories The Normative Challenges of Globalization Different dimensions of Globalization: Economic globalization. Social globalization. Cultural globalization. Political globalization. Technological globalization.
Module 2: Concepts of Law and Justice in a Globalizing World	Traditional to contemporary notions of justice Different stages of growth of law in a globalising world Emerging 'Transnational Legal Order' and related concepts: Global Justice Global Democracy Cosmopolitanism International Distributive Justice Sustainable Development

Module 3: History, Making and Content of Transnational Legal Order	History, Politics and emergence of Transnational Legal Order: Economics and Trade Environment and Natural Resources Climate Change Human Rights Health and Global Pandemic
Module 4: Globalisation, Transnational Legal Order and Questions of Fairness to States, Communities, Institutions, and Individuals	Globalisation, Transnational Legal Order and their impact on : Sovereignty of states Welfare state ‘Equality of status and of opportunity’ Federalism and Democratic Law Making Rule of Law Freedom of Commerce and Trade Secularism Judicial Process and administration of Justice Environment and Natural Resources management Rights of Tribal, Indigenous and Rural people
Module 5: Alternative Perspectives on Globalisation and Transnational legal order in <i>pursuit of justice</i>	Alternative perspectives: Third World Approach to International Law (TWAAIL) Global Administrative Law Feminist Perspectives on Globalization Critical Theories of Globalization

SUGGESTED READINGS:

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- Mak, E. (2013). *Judicial Decision-Making in a Globalised World: A Comparative Analysis of the Changing Practices of Western Highest Courts*. London: Hart Publishing.
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- Schepel, H. (2005). *The Constitution of Private Governance: Product Standards in the Regulation of Integrating Markets*. London: Hart Publishing.
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COMPARATIVE PUBLIC LAW/ SYSTEM OF GOVERNANCE

SEMESTER I | LL.M.

SYLLABUS (JULY-DECEMBER)

Faculty Name	Prof. Dr. Uday Shankar Dr. Deepak Kumar Srivastava	Year	One
		Semester	I
Course Name	Comparative Public Law/ System of Governance	No. of Credits	4
Course Code	NA	Session Duration	60 Minutes
No of Contact Hours	60 hours	Pre-requisite	Basic understanding of Constitution of India.
Introduction, Course Objective & Pedagogy	<p>A living Constitution is one that evolves, changes over time, and adapts to new circumstances. The judicial process of constitutional interpretation engrosses a technique of adapting the law to meet changing social mores. Constitution, being the fundamental law, an insight into its novel trends is indispensable for a meaningful and evocative understanding of the legal system and processes.</p> <p>‘Comparative Public Law or Systems of Governance’ course is designed to study from a comparative perspective—legal structure and concepts (such as, basic rights, rule of law, systems of governance, judicial review, so on and so forth) that are found in public law across the important jurisdictions in the world,</p> <p>This course is intended to acquaint students with the constitutional systems of governance of a few countries, in particular, the United States of America, the UK, Australia, Canada and few other emerging constitutions along with the Indian Constitution.</p> <p>Students will be benefitted from deeper understanding of the doctrines and values underlying the provisions and principles from various constitutional systems.</p>		

LEARNING OUTCOMES:

The students will have necessary legal skill to understand different Constitutions and it will help to bring change in their approach towards dealing with different issues and they will acquire analytical ability to give interpretation to the constitutional issues in contemporary times.

EVALUATION COMPONENTS

Evaluation Components	Distribution of Marks
Continuous Internal Assessment	25
Mid Term examination	25
End Term	50
Total	100

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	Fundamentals of Comparative Law	1-5
2	Public Law	6-10
3	Concept of Constitution	11-15
4	Constitutionalism	16-19
5	Constitutional foundations of powers	20-30
6	Classification of Constitution	31-35
7	Courts	36-42
8	Judicial Review	43-52
9	Constitutional Amendments	53-60

DETAILED SYLLABUS

UNIT	CONTENT
Module-I Fundamentals of Comparative Law	Necessity Impact of Globalisation
Module 2 Public Law	Meaning and definition of Public Law Concept of Public Law Public Law – International Law, Constitutional Law and Administrative Law Distinction between Public Law and Private Law
Module 3	Judicial Review- A Comparative Study Meaning and Idea of Constitution, Nature and objectives Living Constitution

Concept of Constitution	Organic Constitution Constitution as Fundamental Law
Module 4 Constitutionalism	Concept, Distinction between Constitution and Constitutionalism Essential features of Constitutionalism -Written Constitution, Separation of Powers, Fundamental Rights, Independence of Judiciary and Judicial Review
Module 5 Constitutional foundations of powers	Supremacy of Legislature in Law Making Rule of law Dicey's Concept of Rule of Law Modern Concept of Rule of Law Social and economic rights as part of rule of law Separation of powers Concept of Separation of Powers Checks and Balances Separation of Powers or Separation of Functions
Module 6 Classification of Constitution	Federal and Unitary Forms Features, Advantages and Disadvantages Models of Federalism and Concept of Quasi-federalism Role of Courts in Preserving Federalism Parliamentary and Presidential Forms of Government
Module 7 Courts	Writ Jurisdiction Protecting public interests through litigation. Locus standi and the nature of the judicial power
Module 8 Judicial Review	Independence of Judiciary Concept and Origin of Judicial Review Limitations on Judicial Review Judicial Accountability
Module 9 Constitutional Amendments	Various Methods of Amendment Limitations on Amending Power: Comparative Perspective Theory of Basic Structure

READINGS:

PRESCRIBED BOOKS

1. Basu DD, Comparative Constitutional Law, Third Edition 2014, Lexis Nexis
2. Basu DD, Comparative Federalism, Second Edition, Lexis Nexis, 2008
3. Jain MP, Indian Constitutional Law (6th ed., Wadhwa 2010)
4. Michel Rosenfeld, Andras Sajó, The Oxford Handbook of Comparative Constitutional Law, OUP, 2012
5. Singh M P, Comparative Constitutional Law, Second Edition, 2011, Eastern Book Company

REFERENCE BOOKS

1. Christopher Forsyth, Mark Elliott, Swati Javari, *Effective Judicial Review: A Cornerstone of Good Governance* (Oxford University Press, 2010).
2. David Strauss, *The Living Constitution* (OUP, 2010).
3. Sudhir Krishna Swamy, *Democracy and Constitutionalism in India – A study of the Basic Structure Doctrine* (OUP, 2009)
4. H.M. Seervai: *Constitutional Law of India: A Critical Commentary*. [Delhi. Universal Law Publishing Co. Ltd].
5. Lakshminath A, *Basic Structure and Constitutional Amendments: Limitations and Justiciability* (Deep and Deep 2002).
6. A.V. Dicey. *An Introduction to the Study of the Law of the Constitution*. (Universal Law Publishing Co)
7. Granville Austin: *Working a Democratic Constitution, the Indian Experience*. [New Delhi, Oxford University Press].
8. Granville Austin: *The Indian Constitution: Cornerstone of a Nation*. [New Delhi, Oxford University Press].
9. Pier Giuseppe Monateri, *Methods of Comparative Law* (Edward Elgar Publishing, 2012).
10. Vicki C. Jackson, Mark V. Tushnet, *Comparative Constitutional Law* (2nd ed. Foundation Press, 2006).

ARTICLES

1. Agarwal C, 'Rule of Law: Reflection upon we the People and Beyond' 252 (1) *Madras Law Journal* 8-16 (2010).
2. Ackerman B, 'The New Separation of Powers' 113 (3) *Harv. L. Rev.* 634-729 (2000).
3. Bhat I, 'Why and how Federalism matters in Elimination of Disparities and Promotion of Equal Opportunities for Positive Rights', 54(3) *Journal of the Indian Law Institute* 324-363 (July-Sept 2012).
4. Bosniak L, 'Persons and Citizens in Constitutional Thought' 8 (1) *International Journal of Constitutional Law* 9-29 (January 2010).
5. Bulman J, 'Federalism as a safeguard of the Separation of Powers', 112(3) *Columbia Law Review* 459-506 (2012 April).
6. Chapman N, 'Due Process as Separation of Powers' 121(7) *Yale Law Journal* 1672-1807 (2012 May).
7. Clark B & Amanda Leiter, 'Regulatory Hide and Seek: What Agencies Can (And Can't) do to Limit Judicial Review' 52(5) *Boston College Law Review* 1687-1732 (2011 November).
8. King D, 'Formalizing Local Constitutional Standards of Review and the Implications for Federalism' 97 (7) *Virginia Law Review* 1685-1726 (November 2011).
9. Levinson D & Richard H Pildes, 'Separation of Parties, Not Powers' 119(8) *Harvard Law Review* 2311-2386 (2006).
10. Schapiro, 'Judicial Federalism and the Challenges of State Constitutional Contestation', 115(4) *Penn State Law Review* 983-1006 (2011 Spring).
11. Sharma R, 'Judiciary as Change Agent: Some insights into the Changing role of Judiciary in India' 58(2) *Indian Journal of Public Administration* 264-286 (2012 April-June).

12. Siegel J, 'Institutional case for Judicial Review' 97(4) Iowa Law Review 1147-1200 (2012 May).
13. Singh DP, 'Sovereignty, Judicial Review and Separation of Power', 7(5) Supreme Court Cases 1-13 (2012 September).
14. Singh R K, 'Judicial Activism in India — Prospects and Challenges in the Twenty First Century' in Dr Lokendra Malik (ed), Judicial Activism in India—A Festschrift in Honour of
15. Strauss D, 'Do we Have a Living Constitution' 59 (4) Drake Law Review 973-984 (2011 Summer).
16. Tushnet M, 'The Possibilities of Comparative Constitutional Law', 108 Yale L J 1225 (1999).
17. Ullah A & Uzair Samee, 'Basic Structure of Constitution: Impact of Kesavananda Bharati...
18. Constitutional Status of Fundamental Rights', Vol. 26 (2) South Asian Studies 299-309 (July December 2011).



**GENERAL PRINCIPLES OF CORPORATE LAW (CORPORATE OPTIONAL)
SEMESTER I | LL.M.
SYLLABUS (SESSION: JULY-DECEMBER)**

Faculty Name	Dr. Dipak Das	Year/ Semester	1 st Semester
Course Name	General Principles of Corporate Law	No. of Credits	6
Course Code	NA	Session Duration	60 Minutes
No of Contact Hours	50 Lectures + 10 Tutorials =60 hours	Pre-requisite	
Introduction, Course Objective & Pedagogy	<p>The fundamental assumptions of corporate law have transformed in decades. It is a well recognized subject in the legal curriculum and the title of a voluminous literature, its exact scope is not obvious since the word company has no strict legal meaning. Legal scholars have derived from the functioning of the corporations that the corporations play limited role and persons administering the corporations have broad powers. It is the duty of the directors and the managers to protect the interest of all stakeholders, and the means to protect the interest is following the good principles of the corporate law. Corporations are distinctively able to contribute to the societal good by creating financial prosperity. A Corporation's wealth should be shared fairly among those who contribute to its creation. The ultimate purpose of corporations should be to serve the interests of society as a whole. Participatory, Democratic Corporate Governance is the best way to ensure the sustainable creation and equitable distribution of corporate wealth. This paper revolves around all the basics, core issues, eminent doctrines/principles that enhance the faith of the stakeholders towards the corporation thereby helping to understand the corporate culture within the country. Therefore the emphasis in this course is on the fundamental principles, concepts, and doctrines revolving around the subject matter of corporate law covering from pre incorporating to the establishment, management and to winding up of companies. The course content has been designed keeping in mind the Companies Act 2013 and its implications on the corporate sector.</p> <p>Course Objective is to develop an understanding about:</p> <p>CO1- To understand the conceptualization of basic principles of corporate law CO2 - To acquaint the knowledge of Corporate Personality, theories of personality and Jurisprudential aspect CO3 - To know the circumstance of Lifting the Corporate veil CO4 - To understand the significance Memorandum and Articles of Association</p>		

	<p>CO5 - To strike the balance between Doctrine of Ultra-vires Constructive notice and Indoor management</p> <p>CO6 - To know the procedure of Fund raising through Equity and Debt</p> <p>CO7 - To examine the Principle of Oppression and Mismanagement</p> <p>CO8 - To acquaint the knowledge of the role of Key managerial persons</p> <p>CO9 - To understand the Democratic Principles of Ownership and Management</p> <p>CO10 - To know the details of Corporate Governance and CSR.</p> <p>This subject requires teaching to be a combination of theory with practice. So, the teaching should direct the attention from evolution to current position of the general Principles of corporate law. The Methodology demands a step by step guide as to how the Principles of Corporate Law importance for economic growth of the nation. In this Endeavour teaching will be by discussion of provisions relating to the Corporate law including Companies Act, 2013, SEBI Act, 1992, SCR Act, 1956 and Depositories Act, 1996. The Course would be covered mainly through online lecture mode. Reference reading material would be provided as per the modules given below by the respective faculty member.</p>

LEARNING OUTCOMES: At the end of the course, students will be able to: acquaint themselves with the provisions and application of the Companies Act, 2013 along with various allied laws.

EVALUATION COMPONENTS

Evaluation Components	Distribution of Marks
Continuous Internal Assessment	25
Mid Term examination	25
End Term	50
Total	100

*Note: Pass marks 50% of the final grade.

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	Company Form and Structure	
2	Company - Registration and Incorporation	
3	Corporate Fund Raising	
4	Corporate Management	
5	Corporate Abuse and Remedies	
6	Corporate Governance and Corporate social responsibility	

DETAILED SYLLABUS

UNIT	CONTENT
Module 1 Company Form and Structure	Corporate Personality, personification – Concept Theories of Corporate Personality –Jurisprudential aspects Company – Definition, Nature, Characteristics, Classification of companies Doctrine of piercing the corporate veil – Statutory exceptions and Judicial interpretations Promotion of companies – Legal position of Promoters, Duties and Liabilities Pre-incorporation Contracts
Module 2 Company - Registration and Incorporation	Memorandum of Association – Importance and Contents Articles of Association – Significance and interrelationship Doctrine of Ultra Vires – Applicability, consequences Doctrine of Constructive Notice – Rule of presumption Doctrine of Indoor Management – Concept & exceptions Prospectus (meaning, issue and kinds)
Module 3 Corporate Fund Raising	Share/Equity Capital – Meaning and Nature of Shares, Kinds of Shares Rights issue, Bonus Issue - Rationale, mechanism Allotment –Principles & procedure Debenture/Debt Capital –Concept, Meaning and Kinds Debenture Trustee, Debenture Trust Deed Shareholder vis-à-vis Debenture holder
Module 4 Corporate Management	Directors – Meaning, Types, Qualifications, Disqualifications Legal Position of Directors Shadow, De-facto and De-jure Director Powers and Duties of Directors Meetings – Kinds and Requisites of valid meeting
Module 5 Corporate Abuse and Remedies	Shareholders Democracy Majority Powers and Minority Rights Principle of Non-Interference (Rule established in Foss v Harbottle) Protection against Oppression Protection against Mismanagement
Module 6 Corporate Governance and Corporate social responsibility	Meaning and evolution Principal of Corporate Governance CSR and its importance including statutory provisions Interrelationship between CG & CSR

READINGS:

STATUTES, RULES AND REGULATIONS:

1. The Companies Act, 2013
2. Securities and Exchange Board of India Act, 1992
3. (Issue of Capital and Disclosure Requirements) Regulations, 2018
4. Depositories Act, 1996

5. Securities Contract Regulation Act, 1956

CASE LAWS:

- Saloman v. Saloman & Co. Ltd. (1895-99) All ER Rep.33
- Lee v. Lee's Air Farming Ltd.(1960)3 AllER 420
- Dhulia – Amalner Motor Transport Ltd v. R.R. Dharamsi AIR 1952 Bom. 337:
- Daimler Co. Ltd. v. Continental Tyre & Rubber Co. Ltd. (1916-17) AllER Rep. 191
- Bacha F. Guzadar v. CIT Bombay AIR 1955 SC 74
- Gilford Motor Co. Ltd. v. Horne (1933) AllER 109
- Workman v. Associates Rubber Industry Ltd. (1985) 4 SCC 114
- Pratap Singh v. Bank of America (1976)46 Com. Cases 532
- Babulal Chaukhani v. Caltex (India) Ltd. AIR 1967 Cal 205
- Macaura v. Northern Assurance Co. Ltd, 1925 AC 619 HL
- Minerva Mills Ltd. v. Govt. of Maharashtra (1975) 45 Com. Cases 1
- Orient Paper Mills Ltd. v. State of Orissa AIR 1957 Orissa 232
- Rank Film Distributors v. ROC AIR 1967 Cal 32
- In re, Machinon Macknize & Co. (1967) Com L J 200
- Bell Houses Ltd. v. Citywall Properties Ltd. (1966) 2 AllER 674 A.L.
- Mudaliar v. LIC AIR 1963 SC 1185
- Royal British Bank v. Turquand (1943-60) AllER Rep.435
- Freeman v. Buckhurst Park Properties (1964)1AllER 630
- Regal (Hasting) Ltd. v. Gulliver (1942) 1 AllER 378
- Percival v. Wright (1902) 2 CH 421
- Industrial Development Consultants Ltd. v. Cooley (1972) 2 AllER 162
- SEBI v. SAHARA (2012)
- Cyrus Mistry v. Tata Sons (2016)

BOOKS AND ARTICLES

1. A Ramaiya, Guide to Companies Act, LexisNexis, 19th ed. (2020).
2. Charlesworth and Morse, Company Law, Sweet and Maxwell, 16th ed. (1999).
3. Paul Davis and Sarah Washington, Gower & Davis – Principles of Modern Company Law, Sweet & Maxwell (2012).
4. Dr. G.K.Kapoor and Sanjay Dhamija, Company Law and Practice, Taxmann, 25th ed. (2021)
5. K. Shekhar, Guide to SEBI - Capital Issues, Debentures & Listing, LexisNexis, 4th ed. (2016).
6. Kamal Gupta, C.R.Dutta on The Company Law, 6th Edn. (2008).
7. [Robert R. Pennington](#), Pennington's Company Law, Oxford University Publications (2001)
8. Agrawal and Baby on SEBI Act, Taxmann (2011).
9. [Nicholas Bourne](#), Bourne on Company Law, Routledge, 7th ed. (2016).
10. H.L.J. Ford and A.P.Austen, Ford's Principles of Corporations Law, Butterworths (1999).
11. Jonathan Charkham and Anne Simpson, Fair Shares: The Future of Shareholder Power and Responsibility, Oxford (1999).

ONLINE AVAILABLE BOOKS (In HNLU Digital Library)

1. Taxmann, Everything you need to know about Company Law, available at <https://www.taxmann.com.elibraryhnluremotexs.in/research/company-and-sebi/all-about/all-about-companies-act>
2. Avtar Singh, Company Law, Eastern Book Company, 17th Edition (2022) available at https://www.ebcwebstore.com.elibraryhnluremotexs.in/product_info.php?products_id=9910236



**LAW OF BANKING AND INSURANCE
LL.M. - SEMESTER I
SESSION: JULY-DECEMBER**

Faculty	Dr. Y. Papa Rao	Year/ Semester	LLM
Course Name	Law of Banking and Insurance	No. of Credits	6
No of Classes	50-Classes	Session Duration	60 Minutes
<u>INTRODUCTION, OBJECTIVES AND PEDAGOGY</u>	<p><u>INTRODUCTION</u> The course is designed to explain the students with conceptual and operational parameters of Law of Banking & Insurance. This course is an attempt towards imparting knowledge of various aspects of Banking regime and analyses the interdisciplinary study of Banking with other Laws. In the last three decades, there has been substantial liberalization of the banking sector and financial innovation. These changes have been facilitated by regulation of banks, which continue to lie at the heart of all financial systems, and have themselves driven changes in prudential and monetary regulation policy.</p> <p>The operational framework of insurance idea is provided by the general principles of contract. The insurance policy, being a contract, is subject to all the judicial interpretative techniques of rules of interpretation as propounded by the judiciary.</p> <p>Course Objective: (The objective of the Course is to enable the students to understand the Law of Banking and Insurance):</p> <ul style="list-style-type: none"> To make the students understand the Origin and Development of Banking To know the students the Business aspect of Banking To acquire the knowledge of recovery procedure To know the provisions of various legislations such as RBI Act, BR Act, DRT Act, SARFAESI Act, IBC and N.I. Act. To make the students understand the various dimensions of N.I. Act including Dishonour of Cheque and Consequences for Dishonour. To know the students Origin and Development of Insurance Industry To acquaint the knowledge of the Insurance Regulator, IRDA To make the students understand the various Basic principles of Insurance To give students input regarding Life, Fire, Marine and Motor Vehicles Insurances. 		

	<p>PEDAGOGY</p> <p>This subject requires teaching to be a combination of theory with practice. So, the teaching should direct the attention from evolution to current position of this Industry. The methodology demands a step by step guide as to how Banking forms a part of macroeconomy of country, what is the meaning of certain terms like CRR, SLR, consortium lending, either or survivor clause in an account and how this all should be of interest for a post graduate student. In this endeavor teaching will be by discussion of provisions relating to the said law which directly or substantively govern Banks along with interdisciplinary study of other laws with illustrations. As promulgation of new laws has happened in the last decade including new entrant Insolvency and Bankruptcy Law, Banking paradigm has seen a shift. These changes demand researchers to interpret and analyze given laws with changing circumstances of Banking Industry and Insurance Industry, also explore the facets effecting the Banking in Financial Industry as well as the Insurance in Stock Market.</p>
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SCHEME OF EVALUATION

- Research Project 20 Marks
- End-Semester Examination 80 Marks
- Total 100 Marks.

COURSE PLAN:

<u>SN</u>	<u>TITLE</u>	<u>LECTURES</u>
1	Business aspect of Banking and Recovery Process	13
2	Negotiable Instruments	12
3	Insurance Laws	10
4	Law of Insurance: Life Insurance, Fire Insurance, Marine Insurance	15

COURSE CONTENTS:

<u>TITLE</u>	<u>CONTENTS</u>
MODULE 1 Business aspect of Banking and Recovery Process	Origin of currency and Banking Industry Reserve Bank of India: Role of RBI in stability of Indian Macroeconomy Different Bank accounts and legal relation of Banker and customer Various laws governing Recovery actions: RDDBFI Act 1993, SARFAESI 2002, Insolvency and Bankruptcy Code 2016 Bank Guarantees and letter of credit.
MODULE 2 Negotiable Instruments	Legal aspects of Negotiable Instruments in general and special features of the following instruments in particular: Promissory Note, Bill of Exchange, Cheque, Drawer, Drawee, Payee, Holder, Holder-in-due course, Inland Instrument, Foreign Instrument, Negotiable Instruments, Negotiation, Indorsement.

	Crossing of Cheque-Criminal liability on dishonour of Cheque (Section 138-142) the law relating to payment of customers cheque-rights and duties of paying banker and a collecting banker.
MODULE 3 Insurance Laws	Nature-, History of Insurance in India Insurance Regulatory & Development Authority Act, 1999: Its role and functions. Contract of Insurance: Classification of contract of Insurance- Nature of various Insurance Insurance Contract, Insurable Interest, Premium: Definition, method of payment, days of grace, forfeiture, return of premium, Meaning and scope of risk, Causa Proxima.
MODULE 4 Law of Insurance: Life Insurance, Fire Insurance, Marine Insurance	Nature and scope of Life Insurance- Kinds of Life Insurance Policies. The policy and formation of a life insurance contract, Event insured against Life Insurance contract, Circumstance affecting the risk, amount recoverable under the Life Policy, Persons entitles to payment, Settlement of claim and payment of money, Life Insurance Act. Fire Insurance: Nature and scope of Fire Insurance, Basic Principles, Conditions & Warranties. Marine Insurance: Nature and Scope, Classification of Marine policies, Insurable interest. Conditions and express warranties, Voyage-deviation-, Perils of sea. Nature and scope- Absolute or no-fault liabilities, third party or compulsory insurance of motors vehicles, Claims Tribunal, Public Liability Insurance, Legal aspects of Motor Insurance, Claims Own Damages Claims, Third Party Liability Claims.

LEGISLATIONS:

- ✓ Banking Regulation Act 1949
- ✓ Reserve Bank of India Act 1934
- ✓ Recovery of Debts due to Banks and other Financial Institutions 1993
- ✓ Securitization asset Recon construction and Enforcement of Security Interest Act, 2002
- ✓ Insolvency and Bankruptcy Code 2016
- ✓ Foreign Exchange Management Act 1999
- ✓ Indian Contract Act and other substantive laws
- ✓ Insurance Act, 1938
- ✓ Life Insurance Act, 1956
- ✓ Marine Insurance Act, 1963
- ✓ General Insurance Act, 1972
- ✓ Motor Vehicle Insurance Act, 1988 (As amended 2019)
- ✓ Insurance Regulatory and Development Authority (IRDA) Act, 1999.

Books Recommended:

1. Tannan's Banking Law and Practice in India, 29th edition, by M.L. Tannan (2021).
Publisher: Lexis Nexis, Butterworths Wadhwa, Nagpur.
2. Banking Law and Practice by P.N. Varshney (Sultan Chand & Sons-2020).
3. Banking and Negotiable Instruments Law and Practice by P. Vasantha Kumar (EBC-2022)
4. Principles of Insurance Law by M.N. Srinivasan & K. Khanna, Lexis Nexis (2017)
5. Modern Law of Insurance in India By K.S.N. Murthy & K.V.S. Sarma (Sixth Edition-Lexis Nexis-2019).
6. Book: Reforming Maritime and Commercial Insurance Law, by Dr Baris Soyer,
Publisher: Lloyd's List (2012).
7. Book: Insurance Law: An Introduction illustrated edition, by Lord Justice Mance Iain Goldrein, Qc, Publisher: Lloyd's List (2012).
8. Book: Marine Insurance: Law and Practice by F. D. Rose, Publisher: Lloyd's List (2012).



**SPECIAL CONTRACTS
SEMESTER 1 | LL.M
SYLLABUS (SESSION: JULY-DEC)**

Faculty Name	Dr. Rana Navneet Roy	Year/ Semester	LLM Sem I
Course Name	Special Contracts	No. of Credits	6
Course Code	NA	Session Duration	60 Minutes
No of Contact Hours	50 Lectures + 10 Tutorials =60 hours	Pre-requisite	Law of Contract – I Law of Contract – II Corporate Law
Introduction, Course Objective, Pedagogy and Learning Outcome	<p>The law of contract is of fundamental importance in regulating commercial and other transactions. Our society depends upon free exchange in the marketplace at every stage. The interactions in the market all the times depend upon voluntary agreements between individuals or other “legal persons”. As the economy picks up, many more contracts are being written with a myriad of complex terms and conditions. These, often extremely critical terms and conditions get glossed over and sometimes overlooked, resulting in losses, project hold ups and legal fees to establish fault and compensation.</p> <p>Special Contracts focuses upon understanding the nuances of reading and reviewing contracts in the beginning and thereafter dwells upon developing a critical perspective required to draft an effective contract. The primary aim of this module is to build on some of the concepts and principles that were introduced in the first-year module of contract law in order that students gain a more in-depth and critical understanding of the nature and purpose of various broad categories of contracts. These and other important aspects of the law of contract will be addressed from a practical, commercial and critical perspective.</p> <p>Course Objective</p> <p>CO 01- To understand the basic elements and the structure of typical contracts.</p> <p>CO 02- To identify, explain and demonstrate a deep understanding and knowledge of principles and issues of the law relating to special contractual obligations.</p> <p>CO 03- To understand the operative clauses, boilerplate clauses and other drafting clauses to mitigate the risk that ensures maximum enforceability.</p> <p>CO 04- To plan, design and individually execute a substantial research-based project that identifies and critically examines aspects of contracts and contractual relationships and demonstrates relevant research principles and techniques.</p> <p>Pedagogy:</p>		

	<p>The course components are administered through class room teaching, Power-Point Presentations, tutorial classes, and continuous evaluations. Every component of the course module tries to inculcate a habit of critical thinking and understanding the interface of contract law with other laws.</p> <p>Students are not only encouraged to participate in the process of discussion but also expected to share their opinions, creative ideas and critical views thereafter in the class room which can help all the stakeholders for further improvements in teaching-learning process interpretation. The methods used teaching will be purely based on case law studies in form of a situation and involve honing practical skills.</p>
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Learning Outcome	<p>After the successful completion of the Course a student will be able to:</p> <p>LO 01- understand the basic elements of typical contract.</p> <p>LO 02- identify, explain and demonstrate a deep understanding and knowledge of principles and issues of the law relating to special contractual obligations. They will also learn to analyse principles related to infringement of agreement of Special Contract.</p> <p>LO 03- understand the operative clauses, boilerplate clauses and other drafting clauses to mitigate the risk that ensures maximum enforceability.</p> <p>LO 04- plan, design and individually execute a substantial research-based project that identifies and critically examines aspects of contracts and contractual relationships.</p>
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EVALUATION COMPONENTS

Evaluation Components	Distribution of Marks
Continuous Internal Assessment	20
End Term	80
Total	100

*Note: Pass marks 50% of the final grade.

BRIEF COURSE OUTLINE:

Modules	Topics	Sessions
1	CONTRACT DRAFTING, ITS EXECUTION AND BREACH	15
2	COMMERCIAL CONTRACTS	15
3	CORPORATE CONTRACTS	15

4	E-COMMERCE CONTRACTS	15
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DETAILED COURSE OUTLINE:

Modules	Particulars	Sessions
Module 1	<p>CONTRACT DRAFTING, ITS EXECUTION AND BREACH</p> <p>Elements of Contract Drafting</p> <p>Phase of Contract Execution:</p> <p>Preparing or Drafting a Contract</p> <p>Registration, Attestation and Notarization of Contract& E-Contracts</p> <p>Performance of Contract: Overview of General Principles</p> <p>Challenges in Contract Execution</p> <p>Breach of Contract</p> <p>Overview of General Principles</p> <p>Actual & Anticipatory Breach</p> <p>Remedies for Breach of Contract</p> <p>Damages for Breach</p> <p>Indemnity and Insurance Breach</p> <p>Breach of covenants</p> <p>Breach of any other obligations by a party</p> <p>Breach of payment</p> <p>Defenses for Breach of Contract</p> <p>Case Studies on Non-performance of Contractual Obligation during Covid-19 pandemic</p>	15
Module 2	<p>COMMERCIAL CONTRACTS</p> <p>Principles of Commercial Contracts</p> <p>Pre-Contract Negotiations</p> <p>Standard Terms of Commercial Contracts</p> <p>Types of Commercial Contracts:</p> <p>Manufacturing Agreement</p> <p>Venue Hire Agreement</p> <p>Terms and Conditions Agreement</p> <p>Representation/Agency Agreement</p> <p>Marketing Agreement</p> <p>Services Agreement</p> <p>Consultancy Agreement</p>	15
Module 3	<p>CORPORATE CONTRACTS</p> <p>Principles of Corporate Contracts</p> <p>Standard Terms of Commercial Contracts</p> <p>Types of Corporate Contracts:</p> <p>Contracts pertaining to Ownerships: Co-Founders Agreement / Partnership / LLP</p>	15

	Property Related Contracts: Lease / Rental / Asset Purchase Agreement Finance related Contract: Share-holders Agreement Employment Related Contracts including NDAs Corporate-to-Corporate Contracts: Mergers & Acquisition / Joint-Ventures / Trust Deed	
Module 4	E-COMMERCE CONTRACTS Fundamentals of E-Contracts Basic Elements Admissibility & Enforcement of E-Contracts Governing Law Conventional Contracts v E-Contracts Types of E-Contracts: Click Wrap Contract Source Code Escrow Agreement Software Development and Licensing Agreements Shrink Wrap Agreements Subscription Services Agreement Services Agreement Legal Issues and Jurisdiction Discharge and Remedy of E-Contract	15

RECOMMENDED TEXT BOOK:

1. Dr Richard Lawson, 'Commercial Contracts: A Practical Guide to Standard Terms' 2nd Edition
2. Bryan A Garner, 'Course Book on Drafting and Editing Contracts' 1st Edition 2020, West Academic Press
3. Ravi Singhania, 'Drafting of Contracts', 2nd Edition, 2020 Bloomsbury Publication
4. Sachin Rastogi, 'Insights into E-Contracts in India', 1st Edition 2003, Lexis Nexu
5. RK Singh, 'Law relating to Electronic Contracts', 2nd Edition, 2015, Lexis Nexu

REFERENCES:

1. Rodney Ryder, 'Drafting Corporate and Commercial Agreements', 1st Edition 2014, Lexis Nexu
2. R Kumar, 'Commercial Contracts', 2nd Edition, 2020, Bharat Publication
3. Bhumesh Verma, 'Practical Guide to Drafting Commercial Contracts' 1st Edition 2018, Oakridge Publication.
4. Willam Fox, 'International Commercial Agreements and Electronic Commerce', Wolters Kluwer

WEBSITES:

1. Basics to Contract Drafting and Contract Review, available at: <https://www.legalserviceindia.com/legal/article-3044-basics-to-contract-drafting-and-contract-review.html>
2. Readiness and Willingness for Specific Performance of Contract, available at: <https://ssrana.in/ufaqs/readiness-willingness-specific-performance-contract/>
3. Basic Principles of Contract, available at: <https://www.ulapland.fi/loader.aspx?id=60a15dd5-ebc6-4d06-a730-c363a4cf4327>

4. The law governing international International Commercial Contracts and the Actual Role of the Unidroit Principles, available at: <https://watermark.silverchair.com/uny001.pdf?token>
5. The Corporate Contract, available at: https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2163&context=journal_article
6. The Corporate Contract, available at: <file:///C:/Users/Rana%20Sir/Downloads/TheCorporateContractFinal.pdf>
7. E-Contract in India, available at: https://agamalaw.in/2015/06/03/e-contracts-in-india/?utm_source=Mondaq&utm_medium=syndication&utm_campaign=LinkedIn-integration
8. E-Contract in India, available at: <https://www.mondaq.com/india/contracts-and-commercial-law/1104590/e-contracts-in-india>



JURISPRUDENCE OF INTELLECTUAL PROPERTY RIGHTS
SEMESTER 1 | LL.M
SYLLABUS (SESSION: JULY-DEC)

Faculty @	Prof. (Dr.) V. C. Vivekanandan and Dr. Muhammed Aamir Khan	Year/ Semester	LL.M Ist Sem
Course Name	Jurisprudence of IPR	No. of Credits	6
Course Code		Session duration	60 Minutes
No of Hours/(Week)	50 Classes+ Tutorials	Pre-requisite	To provide an understanding of IPR Laws.
INTRODUCTION:	<p>With rapid proliferation of science and technology, the world has taken a sharp turn towards knowledge-based economy. The concept of Intellectual Property has evolved through time and the very nature of these intangible properties had made it necessary to develop new laws to protect such property. The question which has been debated in various levels is the conceptualization of outcomes of intellect to be treated as property from the perspective of commerce and from the perspective of the beneficiaries which is the society at large.</p> <p>This advance course is designed to explore the foundations of the justification of IP rights and the counter views in contemporary discourse. The course is designed to learners who have a basic exposure to the IP segments in the graduate level to accentuate and revisit the foundations, segments, the public policy issues of IP Laws and its impact on various stakeholders.</p>		
Course Objective	<p>This course objectives are enumerated as follows:</p> <p>CO1 To teach and elicit the views of the learners on the Justification of IPR from its European origins to the contemporary times.</p>		

<p>Pedagogy</p>	<p>CO2 To track the evolution of international perspectives of IPR and its impact on National Legal Regimes. CO3 To revisit the segments of IPR and understand the theory and practice perspective through case law development CO4 To critically examine the public policy perspective of various IP segments and their impact on multi stakeholders</p> <p>The pedagogy of the course is designed as:</p> <p>P1. The class hours will be utilized in catering a blend of instruction, discussion, and brainstorming sessions P2. Critical analysis by lecture and interaction deploying analysis of concepts/ justifications/ contra views and policy formulation P3. The Interactive method to deploy case presentations in the class for assessing the impact of the discourse in the class P4. To attempt for mapping the outcome-based learning through critical end term evaluation. P5. To use simulation exercise for participative outcome in the class room</p> <p>.</p>
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LEARNING OUTCOMES: Through the curriculum, the students will be introduced to the big picture of IPR and Law relating to it. At the end of the course, students will be able to:
LO1- To explain the origins, theories of property and foundations of IP Jurisprudence
LO2- To discuss various International Perspectives pertaining to various theories
LO3 – To explain various types of Intellectual Property i.e., Copyright, Patent, Trademark, and other emerging segments.
LO4 - To critically analyse various transactional issues under the Intellectual Property Law.
LO5- Know and understand the importance of the recent amendments and emerging issues under the Intellectual Property Law.

EVALUATION PARAMETERS:

Components of Course Evaluation	Criteria	% Distribution
Project Evaluation	Individual Assignments on Topics related to Syllabus and Relevant in Contemporary Times (15 marks for project submission and 5 marks for viva voce)	20%
End term Examination	Written Exam	80%
TOTAL		100%

Course Plan:

S. No	Topics	Lecture Session
1.	Jurisprudential foundation for IP	10
2.	International Perspective of IP	10
3.	Basics of IP legal regime in India	10
4.	Transactional issues in IP	10
5.	Public Policy and IP	10

DETAILED SYLLABUS

UNIT	CONTENT
Module 1 Jurisprudential foundation for IP	<ul style="list-style-type: none"> a. Origins of Intellectual Property b. Theories of property and foundations of IP Jurisprudence c. Segments of IP and their evolution d. Contemporary Developments of segmented approach to IPR
Module 2 International Perspective of IP	<ul style="list-style-type: none"> a. Paris Convention b. Berne Convention c. WIPO and WTO - TRIPS d. Contemporary agreements of IP – WCT/Madrid/PCT/Budapest Treaty/UPOV

Module 3 Basics of IP legal regime in India	a. Law of Copyright b. Law of Trademarks c. Law of Patents d. Emerging IP Segments – GI/PPVFR/Designs/ICs
Module 4 Transactional issues in IP	a. Legal foundation of Trade Secrets b. Confidentiality Agreements & Non-Compete agreements c. IP Licensing/ Evaluation d. FRAND and IP audit
Module 5 Public Policy and IP	a. Economic and Social analysis of IP b. SMEs and Start UP interface of IP c. Academic Institutions and d. Social media and IPR

Books:

1. Ahuja V K, Law Relating to Intellectual Property Rights, LexisNexis, 2017
2. Ananth Padmanabhan, Intellectual Property Rights Infringement and Remedies, Lexis Nexis, 2012
3. Elizabeth Verkey, Law of Plant Varieties Protection, Eastern Book Company, 2007
4. Feroz Ali Khader, The Law of Patents-With a Special Focus on Pharmaceuticals in India, LexisNexis, 2nd Edition, 2011
5. Gopalakrishnan and Agitha, Principles of Intellectual Property, Eastern Book Co., 2006
6. K C Kailasam and Ramu Vedaraman, Law of Trademarks including International Registration under Madrid Protocol and Geographical Indications, Lexis Nexis, 2013
7. Lionel Bently & Brad Sherman, Intellectual Property Law, Oxford University Press, 3rd Edition, 2008
8. P. Narayanan, Copyright and Industrial Designs, Third Edition, Eastern Law House, New Delhi, 2007
9. Rama Sharma, Commentary on Intellectual Property Laws, Wadhwa and Co., Nagpur, Vol. 1, 2007 19.
10. Rama Sharma, Commentary on Intellectual Property Laws, Wadhwa and Co., Nagpur, Vol. 2, 2007
11. W R Cornish, Intellectual Property: Patents Copyright Trademarks and allied rights, Sweet & Maxwell, London, 2010.
12. Wadehra B.L., Law Relating to Intellectual Property, 5th Edition (Reprint), Universal Law Publishing, 2016

References:

1. Lionel Bently and Brad Sherman, Intellectual Property Law, Oxford Publication.

2. Cornish and Llewelyn, Intellectual property: Patents, Copyright, Trademarks and Allied rights.
3. N.S. Gopalakrishnan and T. Agitha, Principles of Intellectual property, Eastern Book Company.
4. W.R. Cornish, Cases and Materials on Intellectual Property, Universal Law Publishing Company Pvt. Ltd.
5. Helen E. Norman, Intellectual Property Law, Oxford Publication.

Cases:

Trademarks: -

1. Bigtree Entertainment Pvt. Ltd. v. Brain Seed Sportainment Pvt. Ltd. &Anr.
2. Cadbury India Limited and Ors. v. Neeraj Food Products
3. Cadila Healthcare Ltd. v. Cadila Pharmaceutical Ltd.
4. Carlsberg Breweries v. Som Distilleries and Breweries Limited
5. Christian Louboutin SAS v. Abubaker &Ors.
6. Christian Louboutin SAS v. Mr. Pawan Kumar &Ors.
7. Corn Products Refining Co. v. Shangrila Food Products Ltd.
8. Crocs Inc Usa v. Bata India Ltd &Ors
9. ErwenWarnink BV v. J.Townend& Sons
10. Glenmark Pharmaceuticals Ltd. v. Curetech Skincare and Galpha Laboratories Ltd.
11. Godfrey Phillips India Ltd. V. P.T.I. Pvt. Ltd.
12. ITC Ltd. v. Britannia Industries
13. James Chadwick & Bros. Ltd. v. The National Sewing Thread Co. Ltd
14. Kaviraj Pandit Durga Dutt Sharma v. Navratna Pharmaceutical Laboratories
15. M/s. Castrol Limited &Anr. v. Iqbal Singh Chawla &Anr.
16. M/s. Nandini Deluxe v. M/s. Karnataka Co-Operative Milk Producers Federation Ltd.
17. N.R. Dongre . Whirlpool Corporation Inc.
18. Pidilite Industries Limited v. Poma-Ex Products &Ors.
19. Puma Se &Anr. V. Nikhil Thermoplast Ltd. &Ors.
20. Royal Orchid Hotels Ltd. v. Kamat Hotels (India) Ltd
21. S. Syed Mohideen v. P. Sulochana Bai
22. Sun Pharma Laboratories Ltd. v. Lupin Ltd. &Anr.
23. Yahoo Inc. v. MrRinshadRinu&Ors.

Patents: -

1. Bajaj Auto Limited Vs. TVS Motor Company Limited
2. Bayer Corporation vs Union Of India
3. Dr Snehlata C. Gupte v. Union of India &Ors
4. F. Hoffmann-La Roche Ltd vs Cipla Ltd., Mumbai Central
5. Guangxi liugong Machinery Co. Ltd. Vs J.C. Bamford excavators
6. Koninklijke Philips Electronics N.V. v Rajesh Bansal &Ors.
7. M/S. Iritech Inc. vs The Controller Of Patents
8. Merck Sharp & Dohme Corporation &Anr. v. Aprica Pharmaceuticals Private Limited
9. Monsanto Technology LLC &Ors Vs. Nuziveedu Seeds Ltd &Ors
10. Novartis v. Union of India

11. Nuziveedu Seeds Ltd. And Ors. Vs Monsanto Technology LLC and Ors.
12. Shamnad Basheer vs Union of India & Ors.

Copyright: -

1. B.K. Dani v/s State of M.P
2. Brooke Bond India Limited vs Balaji Tea (India) Pvt. Ltd
3. Fermat Education v. M/S Sorting Hat Technologies Ltd.
4. India TV Independent News Services Pvt. Ltd. vs Yashraj Films Pvt. Ltd
5. Indian Performing Right Society Ltd v/s. Eastern India Motion Picture Association
6. My Space Inc. v. Super Cassettes Industries Limited
7. Neetu Singh v. Rajiv Saumitra&Ors.
8. R.G Anand vs M/S. Delux Films &Ors
9. Sanjay Kumar Gupta &Anr. v.Sony Pictures Networks India Pvt. Ltd. &Ors.
10. The Chancellor, Masters and Scholars of the University of Oxford v Rameshwari Photocopy Services
11. Universal Music (India) Pvt. Ltd. vs Trimurti Films Pvt. Ltd.

Online Books (In HNLU Digital Library/Open Access Platform)

1. Rajkumar S. Adukia, A Handbook on Intellectual Property Rights in India, Microsoft Word - 34_Hb_on_IPR_8108104.doc (caaa.in)
2. Study Material- Intellectual Property Rights-Laws and Practice, The Institute of Company Secretaries of India, 2020. FINAL_IPR&LP_BOOK_10022020.pdf (icsi.edu)
3. Intellectual Property rights: A General Introduction, Vardhaman Mahaveer Open University, Kota, PGDIPR01.pdf (vmou.ac.in)
4. Ramakrishna B & Anil Kumar H.S, Fundamentals of Intellectual Property Rights: For Students, Industrialists and Patent Lawyers, 1st Edition, Notion Press, 2017.
5. Srinivasan C.S., The International Trends In Plant Variety Protection, FAO, 2005.

Articles /Blogs/Reports:

1. Levon M. khachigian, Pharmaceutical patents: Reconciling the Human right to health with the incentive to invent, Drug discovery Today, Vol. 25, July 2020 < Pharmaceutical patents: reconciling the human right to health with the incentive to invent | Elsevier Enhanced Reader>
2. BONADIO E and BALDINI A, COVID-19, Patents and the Never-Ending Tension between Proprietary Rights and the Protection of Public Health (2020) 11 European Journal of Risk Regulation 390 < COVID-19, Patents and the Never-Ending Tension between Proprietary Rights and the Protection of Public Health | European Journal of Risk Regulation | Cambridge Core>
3. Frank Tietze, Pratheeba Vimalnath, Leonidas Aristodemou, Jenny Molly, CrisisCritical Intellectual Property: Findings from the COVID-19 Pandemic, Working Paper Series, 2020. <https://dx.doi.org/10.2139/ssrn.3569282>
4. Santos Rutschman, Ana, IP Preparedness for Outbreak Diseases (September 21, 2017). 65 UCLA Law Review 1200 (2018), Saint Louis U. Legal Studies Research Paper No. 2019-16, Available at SSRN: <https://ssrn.com/abstract=3040974>

5. Siddhart Prakash, Nurturing Traditional Knowledge Systems for Development, October 2003, World Bank Document
6. S. B. Walker, Trade Secrets-Ethics and Law, in IEEE Engineering Management Review, vol. 7, no. 2, pp. 50-54, June 1979, doi: 10.1109/EMR.1979.4306734.
7. <http://www.tkdل.res.in/> Page | 41
8. Naresh Kumar Vats, Geographical Indication- The Factors of Rural development and Strengthening Economy, NISCAIR-CSIR, Sep 2016, <http://nopr.niscair.res.in/handle/123456789/39706>
9. <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>

BLOGS/CHANNELS/PODCASTS:

1. In Conversation with IPR & Competition Law, Aditya Trivedi & Isheta Boruah, Anchor by Spotify <In Conversation With IPR & Competition Law • A podcast on Anchor>
2. WIPOD <WIPOD – International Trademark System Talks>
3. <http://www.ipfridays.com/>
4. <https://www.murgitroyd.com/resource-centre/podcasts/>



**COPYRIGHT LAW (IPR Specialization)
SEMESTER I | LL.M.
SYLLABUS (SESSION: JUL-DEC)**

Faculty Name	Ms. Garima Panwar	Year/ Semester	I LLM
Course Name	Copyright Law	No. of Credits	6
Course Code	NA	Session Duration	60 Minutes
No of Contact Hours	50 Lectures + 10 Tutorials =60 hours	Pre-requisite	Basics of Intellectual Property Rights
Introduction, Course Objective & Pedagogy	<p>Copyright is a type of intellectual property that gives its owner the exclusive right to make copies of a creative work, usually for a limited time. The creative work may be in a literary, artistic, educational, or musical form. Copyright is intended to protect the original expression of an idea in the form of a creative work, but not the idea itself. When people create original works, they are protected by copyright law. This law lasts for a limited time, and it provides the work's creator with certain exclusive rights. The goal of copyright law is to protect created works from theft. In turn, this protection is meant to encourage creativity and the continued creation of new works that will ideally be made available to the public. A copyright is subject to limitations based on public interest considerations, such as the fair use doctrine across the globe.</p> <p>Some jurisdictions require "fixing" copyrighted works in a tangible form. It is often shared among multiple authors, each of whom holds a set of rights to use or license the work, and who are commonly referred to as rights holders. These rights frequently include reproduction, control over derivative works, distribution, public performance, and moral rights such as attribution.</p> <p>Copyrights can be granted by public law and are in that case considered "territorial rights". This means that copyrights granted by the law of a certain state, do not extend beyond the territory of that specific jurisdiction. Copyrights of this type vary by country; many countries, and sometimes a large group of countries, have made agreements with other countries on procedures applicable when works "cross" national borders or national rights are inconsistent.</p> <p>This course is an attempt towards imparting knowledge of various aspects of Copyright Law:</p>		

	<p>CO1- Providing an understanding of Concept of Copyright Law. Justification of Copyright as an intellectual property. Historical development of Copyright Law with certain exceptions and limitations;</p> <p>CO2 - Developing skills of analyzing of various under Copyright Law;</p> <p>CO3- Improving the students' level of comprehension and interest in engaging with personal laws and debating the same from the viewpoint of rights and well as personal liberty;</p> <p>CO4- Providing an understanding of Copyright in diverse IP conventions through the legal perspective.;</p> <p>This subject requires teaching to be a combination of theoretical foundation with practical application. The contact hours will be utilized in catering a blend of instruction, discussion, and brainstorming sessions. The enrolled students will be encouraged to participate in classes via minor assignments in the form of quiz, MCQs or addressing an issue based on facts.</p>

LEARNING OUTCOMES: Through the curriculum, the students will be able to comprehend the basic fundamentals and principles of copyright. In addition, after successful completion of the course, the students will be able to:

LO1- Understand the jurisprudential aspects and underpinnings of copyright

LO2 – Get equipped with the acumen to implement the law to various issues relating to copyright and related aspects

LO3- Examine and analyze emerging concepts of copyright in the digital era and come up with viable and pragmatic solutions to various problems

LO4 – Develop analytical and research skills and produce quality research work in the domain of copyright law

EVALUATION COMPONENTS

Evaluation Components	Distribution of Marks
Continuous Internal Assessment	20
End Term	80
Total	100

*Note: Pass marks 50% of the final grade.

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	INTRODUCTION	1-12
2	SUBJECT MATTER OF COPYRIGHT	13-21

3	AUTHORSHIP AND RIGHTS OF COPYRIGHT OWNERS	22-35
4	COMMERCIAL DEALING IN COPYRIGHT	36-44
5	INFRINGEMENT AND REMEDIES	45-52
6	CONTEMPORARY ISSUES IN COPYRIGHT LAW	53-60

DETAILED SYLLABUS

UNIT	CONTENT
Module 1 Introduction	Concept of copyright Justification of copyright as an intellectual property. Historical development of copyright law Before advent of printing press After advent of printing press Birth of Stationer's Co. 1556 Statute of Anne and its salient features The British Copyright Act 1911 Indian History of Copyright Law: o Phase 1: Indian Copyright Act 1847 o Phase 2: Copyright Act, 1914. o Copyright Act 1957 o Copyright Amendment Act 2012.
Module 2: International Legal Instruments Relating to Copyright law	The Berne Convention for the Protection of Literary and Artistic Works, 1886. Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (1961). Universal Copyright Convention, 1952 Trade Related Aspects of Intellectual Property Rights, 1995. (TRIPs) WIPO Performances and Phonograms Treaty, 1996 (WPPT) WIPO Copyright Treaty, 1996 (WCT) The Beijing Treaty on Audiovisual Performances Marrakesh Treaty to Facilitate Access to Published Works for Persons, Who Are Blind, Visually Impaired or Otherwise Print Disabled, 2013
Module 3: SUBJECT MATTER OF COPYRIGHT	Concept of Originality Idea/Expression Dichotomy Merger Doctrine Works Protected Artistic, Musical, Literary and Dramatic Sound Recording Computer Programs Cinematograph Films
Module 4 AUTHORSHIP AND RIGHTS OF COPYRIGHT OWNERS	Authorship of Copyright: Author as the First Owner Joint Authorship Economic Rights of Authors Moral Rights of Authors Neighboring Rights Performer's Rights

	Broadcasting Rights
Module 5 COMMERCIAL DEALING IN COPYRIGHT	Duration of Copyright Assignment of Copyright Licensing of Copyright Voluntary Statutory Compulsory Drafting of Copyright agreements International Copyright
Module 6 INFRINGEMENT AND REMEDIES	Infringement of Copyright Jurisdiction Defenses: Fair Use in Copyright Remedies for Infringement Civil Criminal Administrative
Module 7 CONTEMPORAR Y ISSUES IN COPYRIGHT LAW	Copyright: A human right and Free Speech implications First Sale Doctrine and Exhaustion of Copyright Copyleft and software licensing Copyright and AI Blockchain and Copyright Management

READINGS:

CASE LAWS:

- *Bleistein v. Donaldson Lithographing Co. (1903)-*
- *University London Press v. University Tutorial Press , (1916) 2 Ch601*
- *Feist Publication v. Rural telephone Service 499 US 340(1991)*
- *Mannion v. Coors Brewing Co. (2005)*
- *Govindan v. Gopal krishnan AIR 1955 Mad 391*
- *V.Errabhadrarao v. B.N.Sharma 1958*
- *CCH V. Law Society of Upper Canada 2004 SCC13*
- *EBC V. D B Modak (2008) 1 SCC1*
- *Baker v. Selden (1879)*
- *Nichols v. Universal Pictures Corp. (1930)*
- *Alexander v. Haley (1978) -Walter v. Lane (1900) Ac 539*
- *R. G. Anand v. M/s Delux Films AIR 1978 SC 1613*
- *Escort Equipments v. Action Equipments. 1999 PTC 36*
- *Anil Gupta V. Kunal Dasgupta Air 2002 Delhi 379*

- *Barbara Taylor Bradford v. Sahara Media and Ent. Ltd, 2004 (28) PTC 474*
- *Star India v. Leo Burnett 2003 PTC 81*
- *Mattel v. Jayant Agarwalla 2008 (38) PTC 416*
- *Agarwala Publishing House, Khurja v. Board of High School and Intermediate Education U.P. Allahabad*
- *Burlington Home Shopping Pvt. Ltd v. Rajnish Chibber*
- *Ananda Expanded Italics., In re.*
- *Fortune Films International v. Dev Anand and another*
- *Gramophone Company of India Ltd. v. Super Cassette Industries Ltd.*
- *Ram Sampath v. Rajesh Roshan - Associated Publishers (Madras) Ltd. v. K. Bashyam*
- *J. B. Khanna and Co. v. A Asad*
- *FE Engineering and Consultancy Pvt. Ltd. v. LG Cable Ltd.*
- *Indian Performing Rights Society v. Eastern India Motion picture*
- *Music Broadcast private Ltd. V. IPRS*
- *Manu Bhandari v. Kala Vikas Pictures*
- *Amarnath Sehgal v. Union of India*
- *Anand Patwardhan v. Director General Doordarshan*
- *Arun Chadha v. Oca Productions Ltd*
- *Najma Heptulla v. Orient Longman Ltd. and others*
- *Community for Creative Non-Violence v. Reid (1989)*
- *Shrinagar Cinemas Ltd v. Bharat Bala Productions Pvt Ltd*
- *Video Master v. Nishi Productions*
- *Deshmukh & co (Publishers) Pvt Ltd v. Avinash Vishnu Khandekar*
- *Gramophone Company of India v. Shanti Films Corporation*
- *Super Cassettes Industries Limited v. Nirualas Corner house PvtLtd*
- *Super Cassettes Industries Limited v. MySpace, Delhi HC December 2016*
- *The Chancellor Masters and Scholars of the University of Oxford v. Narendra Publishing House*
- *ESPN Star Sports v. Global Broadcast News Ltd.*
- *India TV Independent News service Pvt Ltd v. Yashraj Films Pvt Ltd*
- *Syndicate of the Press of University of Cambridge v. B D Bhandari*
- *Super cassettes Industries Ltd v. Chintamani Rao*
- *Warner Bros v. Santosh V.G.*
- *John Wiley v. Prabhat Chander Kumar*
- *Sundeman v. The Seajay Soc’y, Inc., 142 F.3d 194 (4th Cir. 1998)*

BOOKS & JOURNAL ARTICLES:

- Mellville B Nimmer & David Nimmer, NIMMER ON COPYRIGHT
- Alka Chawala, Law of Copyright
- P. Narayanan, COPYRIGHT and Industrial Designs (A commentary on the The Copyright Act)
- Ben Depoorter, Depoorter on Copyright
- Stephen Fishman J.D., Copyright Handbook, The What Every Writer Needs to Know
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- S. Sivakumar and Lisa P. Lukose, Journal of the Indian Law Institute , April-June 2013, Vol. 55, No. 2 (April June 2013), pp. 149-174

ONLINE AVAILABLE BOOKS (In HNLU Digital Library/Open Access Platform):

- https://www.google.co.in/books/edition/The_Copyright_Book/DZSoAwAAQBAJ?hl=en&gbpv=1&dq=copyright+books+e&printsec=frontcover
- https://www.google.co.in/books/edition/Copyrights_and_Copywrongs/sGjSY0rRC_wC?hl=en&gbpv=1&dq=copyright+books+e&printsec=frontcover
- https://www.google.co.in/books/edition/Reclaiming_Fair_Use/VWroer9-si8C?hl=en&gbpv=1&dq=copyright+books+e&printsec=frontcover
- https://www.google.co.in/books/edition/Drafting_Copyright_Exceptions/g23IDwAAQBAJ?hl=en&gbpv=1&dq=copyright+books+e&printsec=frontcover

ONLINE ARTICLES/BLOGS/REPORTS:

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- India: Moral Rights Under Copyright Law, available at <https://www.mondaq.com/india/copyright/537094/moral-rights-under-copyright-law#:~:text=WHAT%20ARE%20MORAL%20RIGHTS%3F,and%20the%20right%20to%20integrity.>

- The Moral Rights of an Author, by Nidhi Kumari, CNLU, available at <https://www.lawctopus.com/academike/moral-rights-author/>
- Ideas, Concepts, Scripts & Stories – Protecting Ideas in the Entertainment Industry Part V, available at [Ideas, Concepts, Scripts & Stories - Protecting Ideas in the Entertainment Industry Part V | BananaIP](#)
- Copyright – Neighbouring/Related Rights, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
- Madhu Noonian, India: Doctrine Of Originality In Copyright available at <https://www.mondaq.com/india/copyright/802134/doctrine-of-originality-in-copyright#:~:text=This%20doctrine%20stipulates%20that%20originality,be%20there%20for%20copyright%20protection.>
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- Copyright – Statutory and Compulsory Licensing, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
- Copyright – Civil and Criminal Remedies, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
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- Originality Requirements in Copyright Law, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
- LexOrbis, India: Revisiting The Doctrines In Copyright: The Oxford Dispute available at <https://www.mondaq.com/india/copyright/70858/revisiting-the-doctrines-in-copyright-the-oxford-dispute>
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- Subject-matter Requirement in Indian Copyright Law, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
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- Copyright – Fair Dealing, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>

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- Lok Sabha Debates, <http://loksabhaph.nic.in/Debates/Result15.aspx?dbsl=7562>

BLOGS/CHANNELS/PODCASTS:

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2. World Intellectual Property Organisation available at <https://www.youtube.com/user/wipo/videos>
3. WIPOD – Arbitration and Mediation matters available at Spotify, Apple Podcasts, Google Podcasts



LAW OF TRADEMARK

SEMESTER I | LL.M. (IPR SPECIALISATION)

SYLLABUS (SESSION: JUL-DEC 2022)

Faculty Name	Dr. Atul Jaybhaye	Year/ Semester	I/I
Course Name	Law of Trademark	No. of Credits	6
Course Code	NA	Session Duration	60 Minutes
No of Contact Hours	50 lectures + 10 Tutorials = 60	Pre-requisite	Basic understanding of IPR
Introduction, Course Objective & Pedagogy	<p>A trademark is a word, name, symbol, or device used to indicate the source, quality and ownership of a product or service. A trademark used in marketing is a recognizable sign or design that identifies the products or services of a particular source from those of others. The trademark owner can be an individual, business organization, or any legal entity. A trademark may be located on a package, a label, a voucher, or on the product itself. A trademark provides protection to the owner of the mark by ensuring the exclusive right to use it or to authorize another to use the same in return for payment. The period of protection varies, but a trademark can be renewed indefinitely beyond the time limit on payment of additional fees. In a larger sense, trademarks promote initiative and enterprise worldwide by rewarding the owners of trademarks with recognition and financial profit. Trademark protection also hinders the efforts of unfair competitors, such as counterfeiters, to use similar distinctive signs to market inferior or different products or services. The system enables people with skill and enterprise to produce and market goods and services in the fairest possible conditions, thereby facilitating international trade.</p> <p>With the advent of WTO, the law of trademarks is now modernized under the Trade Marks Act of 1999 along with the Rules thereunder and is in harmony with two major international treaties on the subject, namely, The Paris Convention for Protection of Industrial Property and TRIPS (Trade-Related Aspects of Intellectual Property Rights) Agreement. Trademarks being an important aspect of intellectual property, students need to be well versed with the conceptual and legal framework, and procedural requirements relating to trademarks. Therefore, the course curriculum is designed in such a way that students can grasp theoretical and practical aspects of trademark law.</p>		

	<p>CO1- To introduce the students to the concept of ‘trademark’ and ‘trademark law’ in a comprehensive manner as envisaged under the Trademark Act,1999.</p> <p>CO2 - To familiarize the students with the national and international regimes for the protection of Trademarks.</p> <p>CO3- To reflect upon new jurisprudence evolved by the Indian judiciary in relation to Trademark Law.</p> <p>CO4- To enable the students to critically appreciate the emerging issues in trademark law.</p>

LEARNING OUTCOMES: After the successful completion of the Course Curriculum, a student will be able to:

LO1- Identify and describe the basic requirement of trademark protection.

LO2 – List out the rights enjoyed by trademark owners.

LO3 - Apply the principles of trademark protection to legal problems correctly.

LO4- Analyze the principles related to the infringement of trademarks and passing off.

LO5 - To know and understand the emerging issues and challenges involved under trademark law.

EVALUATION PARAMETERS

Components of Course Evaluation	% of distribution
Project	20
End Term Exam	80
Total	100

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	INTRODUCTION TO TRADEMARK	1-12
2	REGISTRATION OF TRADEMARKS	13-20
3	INFRINGEMENT OF TRADEMARKS AND DEFENSES	21-29
4	SCOPE AND ENFORCEMENT OF UNREGISTERED TRADEMARKS	30- 36
5	ASSIGNMENT AND LICENSING OF TRADEMARK	37- 41
6	REMEDIES FOR INFRINGEMENT AND PASSING OFF	42-46
7	CONTEMPORARY ISSUES IN TRADEMARK LAW	47-60

DETAILED SYLLABUS

UNIT	CONTENT
	Meaning, Characteristics, and functions of Trademark History and Evolution of Trademark law in India.

Module 1 INTRODUCTION TO TRADEMARK	International Developments and Dimensions of Trademark Protection: Paris Convention for the Protection of Industrial Property, 1883. Trade-Related Aspects of Intellectual Property Rights (TRIPS), 1994. Madrid System for International Registration of Marks. Trademark Law Treaty, 1994. Nice Agreement, 1957 (Nice classification of classes of goods and services). Categories of trademarks: Conventional trademarks: Well-known marks, certification marks, collective trademarks, and associated trademarks. Non-Conventional trademarks: Sound marks, taste marks, olfactory marks.
Module 2 REGISTRATION OF TRADEMARKS	Procedure of registration (national and international) Rights conferred by registration of trademarks Grounds for refusal of registration (absolute and relative) Spectrum of distinctiveness and its relevance Protection of well-known trademarks
Module 3 INFRINGEMENT OF TRADEMARKS AND DEFENSES	Infringement of trademarks Direct Infringement Indirect Infringement Concept of deceptive similarity Defenses for trademark infringement Fair use Doctrine of laches Parody Doctrine of exhaustion
Module 4 SCOPE AND ENFORCEMENT OF UNREGISTERED TRADEMARKS	General principles: Passing off action Evidence in passing off action Goodwill Misrepresentation Damage Difference between infringement and passing off
Module 5 ASSIGNMENT AND LICENSING OF TRADEMARK	Assignment and Licensing of Trademark – Its meaning Relevant provisions under the Trademark Act Trademark licensing agreement and the important clauses
Module 6 REMEDIES FOR INFRINGEMENT	Civil Criminal Administrative

AND PASSING OFF	
Module 7 CONTEMPORARY ISSUES IN TRADEMARK LAW	Legality of parallel imports in India Disparagement and Comparative advertisement Character and celebrity merchandising The use of blockchain in trademark and brand protection Plain packaging and its impact on trademark law

READINGS:

STATUTES, RULES AND REGULATIONS:

1. Trade Marks Act, 1999
2. Trade Marks Rules, 2017

CASE LAWS:

1. Amritdhara Pharmacy vs Satyadeo Gupta 1963 AIR 449
2. Atlas Cycle Industries Ltd. v. Hind Cycles Limited ILR 1973 Delhi 393
3. Cadbury India Limited and Ors. v. Neeraj Food Products 2007 (35) PTC 95 Del
4. Cadila Healthcare Ltd. v. Cadila Pharmaceutical Ltd. 2007 (35) PTC 95 Del
5. Colgate Palmolive Company and Anr. v. Anchor Health and Beauty Care Pvt. Ltd.
6. Corn Products Refining Co. v. Shangrila Food Products Ltd. (1929) 4 RPC 11 (2)
7. Erwen Warnink BV v. J.Townend & Sons 1979 (2) AER 927
8. ITC Ltd. v. Britannia Industries CS (COMM) 1128/2016
9. James Chadwick & Bros. Ltd. v. The National Sewing Thread Co. Ltd 1953 SCR 1028
10. Kaviraj Pandit Durga Dutt Sharma v. Navratna Pharmaceutical Laboratories 1997 PTC (17)(DB) 779
11. Listen Ltd. V. Harley (1929) 4 RPC 11 (2)
12. Mattel, Inc. & Anr. v. MS. Aman Bijal Mehta & Ors. CS(COMM) 803/2017
13. Milmet Oftho Industries and Others vs. Allergan Inc. (2004) 12 SCC 624
14. N. R. Dongre v. Whirlpool Corporation 1996 PTC (16) 583 SC
15. irma Ltd. v. Nimma International and another 2010 (42) PTC 307 (Del)
16. Reckitt & Colman Products Ltd. v. Borden Inc. (1940) 42 BOMLR 734
17. S. Syed Mohideen v. P. Sulochana Bai 2016 (66) PTC 1
18. Shoppers Stop Ltd. v. Vinod Shopper's Stop CS No. 458 of 2015 Delhi HC
19. Sunil Mittal v. Darzi on Call CS (Comm) No. 1381/2016.
20. Yahoo! Inc. vs Akash Arora (1999) [78 (1999) DLT 285]

BOOKS AND ARTICLES

Books:

1. Ashwani Kumar Bansal, *Law of Trademarks in India*, 3rd ed., Thomson Reuters (2014).
2. Venkateswaran on *Trade Marks & Passing Off*, (Set of 2 Volumes), 7th ed., LexisNexis (2018).
3. Cornish and Llewelyn, *Intellectual Property: Patents, Copyrights, Trademarks and Allied Rights*, 8th ed., Sweet and Maxwell (2013).

4. Correa M. Carlos, *Oxford Commentaries on the GATT/WTO agreements: Trade Related Aspect of Intellectual Property Rights*, 1st ed., Oxford Press (2007).
5. Dana Shilling, *Essentials of Trademarks and Unfair Competition*, 1st ed., Wiley (2008).
6. Deborah E. Bouchoux, *Intellectual Property*, 4th ed., Thomson Legal Studies (2015).
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8. K. C. Kailasam and Ramuvedaraman, *Law of Trade Marks- Including International Registration under Madrid Protocol and Geographical Indications*, Fourth Edition (Reprint), LexisNexis (2017).
9. Narayanan P.S., *Law of Trademarks and Passing Off*, 6th Ed. Eastern Law House (2018).
10. Rodney D Ryder, *Trademarks Advertising and Brand Protection*, 1st ed., MACMILLAN India Ltd. (2006).
11. V. K. Ahuja, *Law relating to Intellectual Property Rights*, 3rd ed., Lexis Nexis Butterworths Wadhwa (2017).
12. Eashash Ghosh, *Imperfect Recollections: The Indian Supreme Court on Trade Mark Law*, Thomson Reuters, (2020).
13. V.K. Unni, *Trade Mark and the Emerging Concepts of Cyber Property Rights*, Eastern Law House, (2005)
14. Lionel Bently and Brad Sherman, *Intellectual Property Law*, OUP Oxford; 5th ed., (2018).

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1. Dev Gangjee, Non-Conventional Trade Marks in India, <http://docs.manupatra.in/newslines/articles/Upload/BB1047DA-5CCF-41BC-9C82-487F5DC570D3.pdf>
2. Lisa P. Kukose, Non-Traditional Trademarks: A Critique, https://www.jstor.org/stable/44782501#metadata_info_tab_contents
3. Review of Trademark and Its Enforcement Provisions under TRIPS, https://www.researchgate.net/publication/324015978_Review_of_Trademark_and_Its_Enforcement_Provisions_under_TRIPS
4. Trademarks: Distinctiveness is an Exception of Descriptiveness, <https://www.sconline.com/blog/post/2021/08/24/trademarks/>
5. https://ipindia.gov.in/writereaddata/Portal/IPOGuidelinesManuals/1_93_1_THE_MADRID_PROTOCOL.pdf
6. <https://www.intepat.com/blog/trademark/trademark-infringement-v-passing-off/>
7. Comparative Advertising and Product Disparagement vis-à-vis Trademark Law, <http://docs.manupatra.in/newslines/articles/Upload/597132AB-96EC-4DB0-8A82-8D732D603A14.pdf>
8. Licensing One's Persona: Analysing the Practice of Personality Merchandising, https://www.jstor.org/stable/43953480#metadata_info_tab_contents
9. The Use Of Blockchain In Trademark And Brand Protection, <https://www.jdsupra.com/legalnews/the-use-of-blockchain-in-trademark-and-1929008/#:~:text=Blockchain%20is%20a%20form%20of,everyone%20on%20the%20blockchain%20platform.>
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FOUNDATIONS OF CYBER LAW

SEMESTER I | LL.M.

SYLLABUS (SESSION: JUL-DEC 2022)

Faculty @	Dr. V.C. Vivekanandan Ms. Debmita Mondal	Year/ Semester	LLM Technology and Law Specialization
Course Name	Foundations Of Cyber Law	Course Credit	6
Course Code	NA	Pre-requisite	NA
Number of Classes	55 classes + 5 revision classes	Session duration	60 Minutes
COURSE OUTLINE	<p>Human history is a blend of intellectual and technical evolution. Such a journey of the past, present and future has and will throw the challenges of negative impact which is managed by prevalent legal regimes. In such constant, the advent of cyber space is revolutionary in its evolutionary quotient and that has equally thrown challenges for its governance. The cyber space it its technical nomenclature of 'Internet' has expanded human imagination, socialization, political participation, cultural cohesion, democratization of knowledge never before any phase of technology evolution, In the same breadth it has also thrown humongous challenges to the social, political and economic framework by hate speech, false news and digital frauds, The big challenge for all nations and international framework is to augment the tremendous positive outcome with that of reigning the negative ones. This specialization is designed to map the contours of the interface of law and technology with special reference to cyber space and its contemporary phase of evolution.</p>		
COURSE - OBJECTIVES	<p>The main objectives of this course are as follows:</p> <ul style="list-style-type: none"> To expose and analyses the trajectory of cyber space and its impact on all walks of life including the jurisprudence of law. To study and analyses the confluence and conflicts of cyber space operations with the legal and regulatory framework of sovereign states and international relations. To study and examine the emerging cyber space domain through the prism of structure of constitution and its fundamental values governing the citizens. 		

	<p>To map the emerging issues of cybercrimes and the challenges of prevalent criminal justice system</p> <p>To study the legislations and its impact of cyber space operations – IT Act/ E commerce, E-Governance and Global Internet Governance</p> <p>To identify the emerging challenges of the rapid evolving technological juggernaut of cyber space and the relevant prescription by way of national and international legislative framework.</p>
PEDAGOGY	<p>Considering that the classes will be conducted through online mode the mode of teaching will as of now essentially consist of:</p> <p>Lectures with power point presentations; Invited lectures of Cyber Law practioners Guided reading and critical reflection of case laws; Class discussion A dedicated time slot for Q&A session.</p>
LEARNING OUTCOMES	<p>Students after completing this course is expected to:</p> <p>Understand the challenges of internet governance and regulations. Spread awareness about newer principles for determining jurisdiction in cyberspace. Identify how internet and technology affects fundamental rights. Develop understanding about role of technology in cybercrime. Recognize interface between technology leaps and evolution of law.</p>

EVALUATION COMPONENTS

Evaluation Components	Distribution of Marks
Project	20
End Term	80
Total	100

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	Introduction to Cyber space and Internet Regulation	7
2	Challenges of Territoriality in Cyberspace	15
3	Constitutional rights in Cyberspace	8

4	Technology and Crime in Cyberspace	15
5	Technological Jumps and Menace for Cyber Regulation	10
	Revision	5

DETAILED SYLLABUS

Unit	Content
Module 1	<p>Introduction to Cyber space and Internet Regulation</p> <ul style="list-style-type: none"> • Evolution of Internet, its usage and salient features • Overview of cyber law • Legal challenges of Information Society • Role of regulators in Cyberspace: Who controls digital world? • Lessig's model of regulation in cyberspace • ICANN and International mechanisms interfacing Cyber space governance
Module 2	<p>Challenges of Territoriality in Cyberspace</p> <ul style="list-style-type: none"> • Questions of Cyberspace Sovereignty and cyberspace as '<i>global common</i>'. Case study of Dark web, its necessity and malice • Cyber Law and International Law Interface Convention on Cybercrime, 2001 Tallinn Manual on the International Law Applicable to Cyber Warfare International Code of Conduct for Information Security • Jurisdictional Challenges in Cyberspace
Module 3	<p>Fundamental rights in Cyberspace</p> <ul style="list-style-type: none"> • Online Free Speech v. Hate speech • Challenges to Privacy in Digital World Concepts of Privacy: Invasion and Decryption Aadhar Saga Right to be Forgotten • Access to Information v. Technological Barriers in Cyberspace
Module 4	<p>Technology and Crime in Cyberspace</p> <ul style="list-style-type: none"> • Crime against Individual • Crime against State • Crime against Organization • Crime against Property • Fixing liability for crimes using/by Technology.

Module 5	Technological Jumps and Menace for Cyber Regulation <ul style="list-style-type: none"> ● Supercomputing, Internet of Things and Big Data ● Augmenting Reality through: <ul style="list-style-type: none"> Cloud computing E-commerce and E-contracting Digital Payment and currencies.
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SUGGESTED READINGS

Books:

1. L Lessig, Code 2.0 (Basic Books, 2006, available as a free e-book).
2. Murray A. (2016) Information Technology Law: The law and society, 3rd ed., OUP
3. Karnika Seth, Computers, Internet and New Technology Laws, Lexis Nexis (2021).
4. Apar Gupta, Commentary on Information Technology Act, Lexis Nexis (2016).
5. Rohas Nagpal, Cyber Crime and corporate liability, Wolter Kluwers (2008).
6. N S Nappinai, Technology Laws Decoded, Lexis Nexis (2017).
7. Vakul Sharma, Information Technology: Law and Practice, Universal Law (2005).
8. Pavan Duggal, Text Book on Cyber Law, Universal Law Publishing (2008).
9. Sarfaraz Ahmed Khan & Pankaj Prakash Umbarkar, Cyber Crimes Security and Warfare's, Satyam Law International, 2022.

Articles:

1. Ira Steven Nathenson, Cyberlaw Will Die and We Will Kill It, (2020) Chapter in Research Handbook on Information Law and Governance (Sharon Sandeen, Christoph Rademacher, & Ansgar Ohly, eds.), Edward Elgar, Forthcoming
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3731093
2. Mary Anne Franks, Unwilling Avatars: Idealism and Discrimination in Cyberspace, 20 COLUM. J. GENDER & L. 224 (2011).
https://repository.law.miami.edu/cgi/viewcontent.cgi?article=1304&context=fac_articles
3. Schia, Niels Nagelhus, and Lars Gjesvik. *China's Cyber Sovereignty*. Norwegian Institute of International Affairs (NUPI), 2017. JSTOR, <http://www.jstor.org/stable/resrep07952>.
4. Hobart, Paul Milton. "Cyber Death in Cyber Time and Cyber Space." American Intelligence Journal, vol. 28, no. 2, 2010, pp. 5–17. JSTOR, <http://www.jstor.org/stable/44327153>.
5. Bloom, Les, and John E. Savage. On Cyber Peace. Atlantic Council, 2011. JSTOR, <http://www.jstor.org/stable/resrep03352>.
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7. Jessica Malekos Smith, Can Democracy Endure Where The Cyber Things Are, 5 HOMELAND & NAT'l Sec. L. REV. 1 (2016). <https://nationalinterest.org/feature/can-democracy-endure-where-the-cyber-things-are-18563?page=0%2C1>
8. Rajendran Narayanan, Sakina Dhorajiwala, The Namesake: Human Costs of Digital Identities, EPW, <https://www.epw.in/engage/article/nameof-human-costs-digital-identities>
9. Why Do We Care So Much About Privacy?
<https://www.newyorker.com/magazine/2018/06/18/why-do-we-care-so-much-about-privacy>

10. Jyoti Panday, India's Supreme Court Upholds Right to Privacy as a Fundamental Right—and It's About Time, <https://www.eff.org/deeplinks/2017/08/indias-supreme-court-upholds-right-privacy-fundamental-right-and-its-about-time>
11. NIPFP, Backdoors to Encryption: Analysing an intermediary's duty to provide "technical assistance". <https://datagovernance.org/report/backdoors-to-encryption-analysing-an-intermediarys-duty-to-provide-technical-assistance>
12. Sunitha Abhay Jain, An Indian Perspective Regulation of Cryptocurrency, EPW, Vol. 56, Issue No. 34, 21 Aug, 2021.
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14. Sahana Udupa, India Needs a Fresh Strategy to Tackle Online Extreme Speech, EPW, Vol. 54, Issue No. 4, 26 Jan, 2019.
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PRIVACY LAW AND DATA PROTECTION

SEMESTER I | LL.M.

SYLLABUS (SESSION: JUL-DEC-2022)

Faculty Name	Prof. (Dr.) Yogendra Srivastava	Year/ Semester	1/I LLM-Technology and Law Specialization
Course Name	Privacy Law and Data Protection	No. of Credits	6
Course Code	NA	Session Duration	60 Minutes
No of Contact Hours	50 Lectures + 10 Tutorials =60 hours	Pre-requisite	Constitution of India
Introduction, Course Objective & Pedagogy	<p>In this course we will see the conceptual & practical understanding of the laws relating to Privacy and data protection. The understanding of privacy laws and data protection will enable us to gain knowledge on personal information, its protection, remedies for unauthorized access and informational privacy.</p> <p>The main objectives of this course are as follows:</p> <p>CO1-examine the historical background of privacy law; CO2– analyze the Indian and global perspective relating to data protection law; CO3- build comprehensive understanding of the contemporary developments in the domain; CO4-prepare the students to conduct systematic and impactful research in the area and to face the present day challenges;</p> <p>This subject requires teaching to be a combination of theoretical foundation with practical application. The contact hours will be utilized in catering a blend of lecture, discussion, and brainstorming sessions. The enrolled students will be encouraged to participate in classes via minor assignments in the form of quiz, MCQs, book reviews, projects or addressing an issue based on facts.</p>		

LEARNING OUTCOMES: Through the curriculum, the students will be introduced to the big picture of corporate finance and Law relating to it. At the end of the course, students will be able to:

LO1- Enhance the knowledge on Privacy Law and Data Protection.

LO2- Competency in understanding of various dimensions of Data Protection Laws and privacy Law and its application in various jurisdictions.

LO3 -Identification of the privacy obligation & managing compliance issues relating to privacy law and data protection.

EVALUATION COMPONENTS

Evaluation Components	Distribution of Marks
Continuous Internal Assessment (15 marks project submission + 5 viva-voce)	20
End Term Examination	80
Total	100

*Note: Pass marks 50% of the final grade.

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	Introduction to the Privacy	1-15
2	Privacy Law and Data Protection-Indian Perspective	16-30
3	Privacy Law and Data Protection-Global Perspective	31-45
4	Data protection: Challenges, Initiatives and Road Ahead	46-60

DETAILED SYLLABUS

UNIT	CONTENT
Module 1 Introduction to the Privacy	Introduction to the Privacy laws History of Privacy What is Privacy? Evolution of Privacy Doctrine in India Constituent Assembly and privacy Concept of privacy in other jurisdictions Criticisms of the privacy doctrine
Module 2 Privacy Law and Data Protection- Indian Perspective	What is data protection? Informational Privacy vis-à-vis Data Protection Information Technology Act, 2000 and Related Privacy and Data Protection Provisions

	Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Information) Rules, 2011 Aadhaar Act, 2016, Aadhaar Data Security Regulations, 2016 and Aadhaar (Sharing of Information) Regulations, 2016
Module 3 Privacy Law and Data Protection- Global Perspective	The European Union Data Protection Regulations (GDPR) The Personal Data Protection Act, 2012 (Singapore) United Nations: A Human Rights-Based Approach to Data ILO and Protection of Worker’s Data UNCTAD: Data Protection Regulations and International Data Flows Data Privacy, Ethics and Protection Guidance on Big Data for achievement of the Agenda 2030 OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data
Module 4 Data protection: Challenges, Initiatives and Road Ahead	Personal Data Protection Bill, 2021 Data Sovereignty and Data Security Processing of Personal Data Rights of Individuals and Entities on Processing of personal data Remedies for Unauthorized Processing

Suggested Readings (Case Laws):

1. A.k. Gopalan v. State of Madras, 1950 SCR 88
2. M.P. Sharma and Others v. Satish Chandra, District Magistrate and Others, 1954 SCR 1077
3. Kharak Singh v. State of Uttar Pradesh and Others, (1964) 1 SCR 334
4. Satwant Singh Sawhney v. D. Ramarathnam, (1967) 3 SCR 735
5. Gobind v. State of M.P., (1975) 2 SCC 148
6. Malak Singh v. State of Punjab and Haryana, (1981) 1 SCC 420
7. State of Maharashtra v. Madhukar Narain Mardikar, (1991) 1 SCC 57
8. R. Rajagopal and Others v. State of Tamilnadu, (1994) 6 SCC 632
9. People’s Union for Civil Liberties v. Union of India, (1997) 1 SCC 301
10. Mr. ‘X’ v. Hospital ‘Z’, (1998) 8 SCC 296
11. National Legal Service Authority v. Union of India (NALSA), (2014) 5 SCC 438
12. ABC v. State (NCT of Delhi), (2015) 10 SCC
13. Justice Puttaswamy (Retd.) v. Union of India, (2015) 8 SCC 735
14. Justice K.S. Puttaswamy (Retd) v. Union of India (2017) 10 SCC 1
15. Supreme Court Advocates on Records Association v. Union of India, (2016) 5 SCC 1
16. Wolf v. Colorado, (1949) 238 US 25
17. Griswold v. Connecticut, 381 US 479 (1965)
18. Jane Roe v. Henry Wade, 410 US 113 (1973)

Suggested Readings (Books and Articles):

3. Warren and Brandeis, “ The Right to Privacy”, Harvard Law Review (1890), Vol. 4, No. 5

4. Doorthy J Glancy, “ The invention of the Right to Privacy”, Arozona Law Review (1979), Vol. 21, No. 1
5. Alan F. Westin, *Privacy And Freedom*, 25 Wash. & Lee L. Rev. 166 (1968)
6. Daniel J. Solove, *UNDERSTANDING PRIVACY*, Harvard University Press, May 2008
7. <https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.455.4866&rep=rep1&type=pdf>
8. <https://courses.ischool.berkeley.edu/i205/s10/readings/week11/gavison-privacy.pdf>
9. Christina P. Moniodis, “Moving from Nixon to NASA: Privacy ‘s Second Strand- A Right to Informational Privacy”, Yale Journal of Law and Technology (2012), Vol. 15 (1), at page 159. The article attributes Daniel Solove’s work on privacy as- Daniel J. Solove, *Understanding Privacy* 70 (2008)
10. Richard A. Posner, “Privacy, Surveillance, and Law”, The University of Chicago Law Review (2008), Vol.75
11. “Report of the Group of Experts on Privacy” (16 October, 2012), Government of India, available at http://planningcommission.nic.in/reports/genrep/rep_privacy.pdf
12. Taneja Rishika and Kumar Sidhant, *Privacy Law: Principles, Injunctions and Compensation*, Eastern Book Company (2021) (**Book available in EBC Reader**)
13. Goyal Gaurav, Kumar Ravindra, *Right to Privacy in India: Concept and Evolution* (2016)
14. Yvonne McDermott, “Conceptualizing the right to data protection in an era of Big Data”, *Big Data and Society* (2017)
15. http://www.oas.org/dil/data_protection.htm
16. <https://ili.ac.in/pdf/pt.pdf>
17. <https://www.ntia.doc.gov/legacy/ntiahome/privacy/files/CPRIVACY.PDF>
18. http://164.100.47.193/Isscommittee/Joint%20Committee%20on%20the%20Personal%20Data%20Protection%20Bill,%202019/17_Joint_Committee_on_the_Personal_Data_Protection_Bill_2019_1.pdf (Joint Parliamentary Committee Report on Data Protection Bill-2019)
19. <https://www.dsci.in/sites/default/files/Summary-%20and-Primer-on-Joint-Parliamentary-Committee-Report-and-Data-Protection-Bill-2021.pdf> (Summary and Primer on Joint Parliamentary Committee Report and Data Protection Bill, 2021)
20. <https://trilegal.com/wp-content/uploads/2021/12/The-Data-Protection-Bill-2021.pdf>
21. <https://www.azbpartners.com/bank/the-draft-data-protection-act-2021/>
22. <https://id4d.worldbank.org/guide/data-protection-and-privacy-laws> (World Bank Document-Data Protection and Privacy Laws)
23. <https://www.oecd.org/sti/ieconomy/oecdguidelinesonthe protectionofprivacyandtransborderflows ofpersonaldata.htm> (OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data)
24. <https://www.anaassociates.com/wp-content/uploads/2021/04/Data-Protection-Privacy-India-2021-ANA-Law-Group.pdf> (Data Protection and Privacy: Contributed by: Anoop Narayanan and Priyanka Gupta)
25. <https://www.ourcommons.ca/Content/Committee/411/ETHI/Reports/RP6094136/ethirp05/ethirp05-e.pdf> (PRIVACY AND SOCIAL MEDIA IN THE AGE OF BIG DATA Report of the Standing Committee on Access to Information, Privacy and Ethics Pierre-Luc Dusseault, M.P. Chair, Canada)
26. Bachlechner, D., La Fors, K., Sears, A.M.: The role of privacy-preserving technologies in the age of big data. In: WISP 2018 Proceedings, vol. 28 (2018)



EMERGING TECHNOLOGIES AND LAW

SEMESTER I | LLM SYLLABUS (JULY-DECEMBER)

Faculty Name	Dr. Priyanka Dhar	Year/ Semester	LLM/I
Course Name	Emerging Technologies and Law	No. of Credits	6
Course Code	NA	Session Duration	60 Minutes
No of Contact Hours	60 hrs	Pre-requisite	None
Introduction, Course Objective & Pedagogy	<p>The Course on Emerging Technologies and Law is designed to capture the contours of emerging technologies and the response of the legal system for regulating it on its impact on society at large. The rapid changes and leapfrogging of technologies in the recent decades can be described as a paradigm shift and legal regimes find them as a big challenge notwithstanding their benefits to the stakeholders. This specialization in the Master's Programme tries to map the contours of the interface of law with the technologies, its pros and cons in terms of its impact, the regulatory nuances and implementation and insights for future developments. This course sets a sui generis road map based on the attempts in other institutes to teach and research on this topic.</p> <p>The course objectives can be enumerated as follows:</p> <ul style="list-style-type: none"> To map the emerging technologies of Big Data related developments focusing on the interface of law and regulations To teach and sensitize the student about the international developments in the field of technology and response of major players like US/ EU/China and Japan for augmenting the Dos and Don'ts To critically analyze the socio-economic and political ramifications of these technologies and lessons for public policy formulation. To analyze the role played by modern technologies in facilitation of a global war. To explore the international response by way of multilateral agreements/understanding. <p>The course will be taught by a lecture and discussion method.</p>		

LEARNING OUTCOMES:

- 1) This course will enable to enhance knowledge on Artificial Intelligence Law and its related aspects like block chain, Big Data, online platforms and etc.
- 2) To expose the students on Indian and Global developments and perspectives of the segments of the course outline.
- 3) To develop critical thinking on the subject from Litigation and academic enhancement perspective
- 4) To provide inputs for research publications.

EVALUATION COMPONENTS

Evaluation Components (As directed by EC/ APC)	Distribution of marks
Project Examination	20 marks
End Term Examination	80 marks
Total	100 marks

*Note: Pass marks 50% of the final grade.

COURSE PLAN

S No.	Topics	Lecture Sessions
1	ARTIFICIAL INTELLIGENCE AND LAW	20
2	DARK LINING IN SILVER CLOUD	10
3	FINANCIAL TECHNOLOGIES: DEVELOPMENT AND CHALLENGES	13
4	TECHNOLOGY AND WARFARE	17

DETAILED SYLLABUS

UNIT	CONTENT
MODULE - I ARTIFICIAL INTELLIGENCE AND LAW	Introduction to Artificial Intelligence Evolution of AI devices AI and its Application in different sectors Debates and Controversies Biases in Machine Learning Data Rights Neutrality Use of data without breach of privacy Limits of AI Legal trends in the AI industry Artificial Intelligence Law and its development in India, USA, UK and other jurisdictions
MODULE - II	Issues and concerns of the Cloud Cloud Basics India and Cloud Computing

DARK LINING IN SILVER CLOUD	Legal and Regulatory Issues on the Cloud Big Data and Its Implications
MODULE - III FINANCIAL TECHNOLOGIES: DEVELOPMENT AND CHALLENGES	Digital Currencies and Issues: Global overview Digital Currency Virtual Currency Cryptocurrencies Rethinking the regulation of Cryptoassets Applicability of securities law to crypto assets Regulatory building blocks and other concerns Regulatory concerns and responding to change
MODULE – IV TECHNOLOGY AND WARFARE	New Military Technologies Legal characterization and status Unmanned Aerial Systems (UAS) Unmanned Maritime Systems (UMSs) Unmanned targeting and legal implications Lethal Autonomous Weapons Autonomous weapons in the Kill Chain Levels of human control Military accountability Biotechnological innovations and warfare Armed Drones and lethal robots: Legal challenges International Humanitarian Law during Cyber and Network warfare

READINGS:

BOOKS

- 1) Bart Custers, Eduard Fosch-Villaronga (ed.), Law and Artificial Intelligence Regulating AI and Applying AI in Legal Practice (2022) Springer, ISBN 978-94-6265-522-5.
- 2) Dan Saxon (ed.) International Humanitarian Law and the Changing Technology of War (2013) Martinus Nijhof, ISBN 978-90-04-22949-5.
- 3) Iris H-Y Chiu and Gudula Deipenbrock (ed.), Routledge Handbook of Financial Technology and Law (2021) Routledge, ISBN 978-0-367-34414-6, 2021.
- 4) James G., Ernst D., Rachel Kerr and Guglielmo V., (ed.) Routledge Handbook of War, Law and Technology (2019) Routledge, ISBN 9781351619981.
- 5) James Kraska, Raul Pedrozo, Disruptive Technology and the Law of Naval Warfare (2022), Oxford University Press, ISBN 9780197630198.
- 6) Joshua A. T., Runaway Technology can law keep up? Cambridge University Press, ISBN 978-1-108-42612-1 2021.
- 7) Lilian E., Burkhard S. and Edina H., (ed.), Future Law Emerging Technology, Regulation and Ethics (2020) Edinburgh University Press, ISBN 978 1 4744 1761 7.
- 8) Michael S. and Nathan A H. (ed.), The Virtual Currency Regulation Review (2018) Law Business Review,

http://www.nishithdesai.com/fileadmin/user_upload/pdfs/NDA%20In%20The%20Media/News%20Articles/181207_A_The-Virtual-Currency-Regulation-Review-India.pdf

- 9) Rajiv Malhotra, *Artificial Intelligence and the Future of Power* (2021) Rupa Publications, ISBN 978-93-90356-43-0.
- 10) Siddharth P. and Maximilian S., *Technology, Innovation and Access to Justice Dialogues on the Future of Law* (2021) Edinburgh University Press, ISBN 978-1-4744-7386-6.
- 11) Syren Johnstone, *Rethinking the Regulation of Cryptoassets Cryptographic Consensus Technology and the New Prospect*, (2021) Edward Elgar Publishing, ISBN 978 1 80088 678 0.

ARTICLES

- 1) Gartner, "Seven cloud-computing security risks", [online] Available at <http://www.networkworld.com/news/2008/070208-cloud.html>
- 2) Hogan Lovells, "Cloud Computing: A Primer on Legal Issues, Including Privacy and Data Security Concerns", [online] Available at http://www.cisco.com/web/about/doing_business/legal/privacy_compliance/docs/CloudPrimer.pdf
- 3) James X. Dempsey, "Artificial Intelligence: An Introduction to the Legal, Policy and Ethical Issues", [online] Available at https://www.law.berkeley.edu/wp-content/uploads/2020/08/Artificial-Intelligence-An-Introduction-to-the-Legal-Policy-and-Ethical-Issues_JXD.pdf
- 4) Kaufman, L.M. "Data security in the world of cloud computing." *Security & Privacy, IEEE* 7.4 (2009): 61-64.
- 5) Nishith Desai Associates, "A Walk in The Clouds – Legal & Tax Issues in Cloud Computing My Cloud, Your Cloud, Whose Cloud?" (2013).
- 6) Rain Liivoja, "Technological change and the evolution of the law of war," *International Review of the Red Cross* (2015), 97 (900), 1157–1177. doi:10.1017/S1816383116000424
- 7) Ryan Calo, "Artificial Intelligence Policy: A Primer and Roadmap" (2017), https://lawreview.law.ucdavis.edu/issues/51/2/Symposium/51-2_Calo.pdf .
- 8) Sapovadia, Vrajlal, "Legal Issues in Cryptocurrency", 2015, 10.1016/B978-0-12-802117-0.00013-8.
- 9) Winkler, V.J.R., "Securing the Cloud: Cloud Computer Security Techniques and Tactics", Syngress, 2011, ISBN 978-1-59749-592-9.