



SYLLABUS
SEMESTER II | LL.M.
(January-June)
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*Dissertation shall also be made during the semester (200 + 100 marks)



COMMERCIAL ARBITRATION

SEMESTER II | LL.M.

SYLLABUS (SESSION: JAN-JUNE)

Faculty	Mr. Amitesh Deshmukh	Year/ Semester	2/LL.M
Course Code	NA	Session duration	1 hour
No of Contact Hours (Week)	60	Pre-requisite	None
Course Introduction	<p>The course gives an insightful exposition to the law of commercial arbitration both in the domestic and international contexts. The course examines and discusses theoretical foundations of international & national arbitration and legal exposition of commercial arbitration through multilateral instruments and other regional initiatives. It focuses mainly on the various legal and policy issues pertaining to arbitral process, ranging from entering into the arbitration agreement to the enforcement of the final award. Critical issues of competence and jurisdiction of arbitral tribunal, procedural fairness, legality and enforcement of the arbitral award will be specifically addressed. Reference shall also be made to national arbitration statutes of select jurisdictions, major international arbitration treaties/conventions/model law and the rules of major international arbitral institutions to fully understand the contemporary developments.</p>		
Pedagogy	<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 research debates, MCQs or addressing an issue based on facts (which may or may not be graded).</p>		

Course Objectives:

Course Objective is to develop an understanding about:

- C01**- concepts relevant for International Commercial Arbitration
C02 – procedure of International Commercial Arbitration
C03- merits and demerits of various types of arbitration
C04- awards and related issues in International Commercial Arbitration
C05- various arbitral institutions and their working

LEARNING OUTCOMES

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

- L01** - elaborate and apply the concepts of ICA
L02 – explain the principles and process of International Commercial Arbitration
L03 – demarcate among various types of arbitrations and list their advantages and disadvantages
L04 - identify components of a valid award and comment upon the issues relating to awards
L05 – discuss about various institutions and their procedures

EVALUATION COMPONENTS

Components of Course Evaluation	% distribution
End term Examination	80%
Individual Projects and Presentation	20%
Total	100%

COURSE PLAN

S.No.	Topics	Lecture Hours
1	Theoretical Foundations & Concepts in Commercial Arbitration	10
2	Competence & Jurisdiction of Arbitral Tribunal	10
3	Procedural Issues in Arbitration	10
4	Legality & Fairness in Arbitral Process	10
5	Enforcement & Recognition of Arbitral Awards	10
6	Modern Trends in Arbitration	10

DETAILED SYLLABUS FOR COMMERCIAL ARBITRATION

MODULE	DETAILS
Module 1 Theoretical foundations & Concepts	<ul style="list-style-type: none"> • Nature & Meaning of Commercial Arbitration • Interpretation of International Commercial Arbitration a) Two Theoretical Models: <ul style="list-style-type: none"> ➤ National order approach ➤ The denationalized autonomous approach b) Theories in International Commercial Arbitration <ul style="list-style-type: none"> ➤ Jurisdictional Theory ➤ Contractual theory ➤ Hybrid theory ➤ Autonomous Theory c) Concepts in International Commercial Arbitration <ul style="list-style-type: none"> ➤ <i>Lex fori/Lex Arbitri</i> ➤ Choice of Law ➤ Conflict of Law/ Applicable Law ➤ Party Autonomy ➤ Freedom of Contract ➤ Reciprocity /Sovereignty ➤ Unification/Harmonization
Module 2 Competence & Jurisdiction of Arbitral Tribunal	<ul style="list-style-type: none"> ➤ Institutional v. <i>Ad hoc</i> Arbitration ➤ Appointment of Arbitrators ➤ Validity of Arbitration Agreement ➤ Jurisdiction of Arbitral Tribunal ➤ Doctrine of <i>Separability</i> ➤ Principle of <i>competence-competence</i> ➤ Judicial Approach
Module 3	<ul style="list-style-type: none"> ➤ Notice of Arbitration ➤ Principles of Natural Justice

Procedural Regularities in Arbitration	<ul style="list-style-type: none"> ➤ Determination of Rules of Procedure ➤ Reasoned Awards ➤ Settlement of Disputes ➤ Judicial Approach
Module 4 Legality & Fairness in Arbitral Awards	<ul style="list-style-type: none"> ➤ Procedural v. Substantive Law in Arbitration ➤ Choice of Law ➤ Applicable Law in Arbitration ➤ Rule of Fairness in Arbitration ➤ Rules of Major Arbitral Institutions ➤ Recent Trends ➤ Judicial Approach
Module 5 Finality & Enforcement of Arbitral Awards	<ul style="list-style-type: none"> ➤ Finality of Arbitral Awards ➤ Setting aside of domestic awards ➤ Non-Enforcement of Foreign Awards ➤ Public Policy: National & Transnational Perspectives ➤ Judicial & Legislative Trends ➤ Rules of Major arbitral Institutions ➤ Scope & Extent of Judicial Intervention in Arbitration ➤ Legislative Trends in major Jurisdictions
Module 6 Modern Trends in Arbitration	<ul style="list-style-type: none"> ➤ Legislative and Judicial Trends in India ➤ The Institutional Incline ➤ AI and Commercial Arbitration ➤ FinTech Arbitration ➤ Climate change disputes Arbitration

STATUTES/ INSTRUMENTS/ RULES:

- *The Arbitration & Conciliation Act, 1996*
- *English Arbitration Act, 1996*
- *The Federal Arbitration Act, 1925*
- *UNCITRAL Model Law on International Commercial Arbitration*
- *ICC/ AAA/LCIA/ICSID/SIAC/ HKIAC Rules*

SUGGESTED LIST OF CASES:

- *TDM Infrastructure private ltd v.UE development corporation ltd*

- *M/S. Afcons Infrastructure Ltd. & Anr v. M/S Cherian Varkey Constntruction co ltd*
- *R M Investment & Trading v. Boeing*
- *S.B.P. & Co v. Patel Engineering Ltd. & Anr*
- *Konkan Railway corporation v. mehul construction ltd*
- *Konkan Railway corporation v. Rani construction ltd*
- *Bhatia International v. Bulk Trading S. A. & Anr*
- *Venture Global Engineering v. Satyam Computer Services Ltd*
- *Bharat Aluminium Co. V. Kaiser Aluminium Technical Service, Inc.*
- *Imax Corporation v. M/S E-City Entertainment*
- *World Sport Group Ltd v. MSM Sattelite pte Ltd*
- *Chloro controls pvt Ltd v. Sevem trent water purification Inc &ors.*
- *Shri Lal Mahal Ltd v. Progetto Grano Spa*
- *Phulchand Exports Ltd v. O O O Patriot.*
- *BCCI v. Cochin Cricket Pvt. Ltd.*
- *Indus Mobile Distribution Private Ltd. v. Datawind Private Ltd & Ors.*
- *Devyani International Ltd. v. Siddhivinayak Builders and Developers*
- *Indus Mobile Distribution Private Ltd. v. Datawind Private Ltd & Ors.*
- *Antrix Corporation Ltd. v. Devas Multimedia Pvt. Ltd.*

SUGGESTED BOOKS (Available in HNLU Library):

Offline Library

1. Vijay K. Bhatia and Maurizio Gotti (eds), *Discourse and Practice in International Commercial Arbitration – Issues, Challenges and Prospects*, Ashgate Publications.
2. Walter Mattli and Thomas Dietz (Eds), *International arbitration and Global Governance Contending theories and evidence*, Oxford University Press.
3. Stavros L. Brekoulakis, *Third Parties in International Commercial Arbitration*, Oxford University Press.
4. Zheng Sophia Tang, *Jurisdiction and Arbitration Agreements in International Commercial Laws*, Routledge.

Online Library

1. Fach Gomez and Lopez-Rodriguez (eds), *60 Years of the New York Convention: Key Issues and Future Challenges*, 2019. (Kluwer arbitration)
2. Paulsson and Bosman (eds), *ICCA International Handbook on Commercial Arbitration*, 2021. (Kluwer arbitration)
3. Gary B. Born, *International Arbitration and Forum Selection Agreements: Drafting and Enforcing* (6th Ed.), 2021. (Kluwer arbitration)
4. Dave, Hunter, Nariman, et al. (eds), *Arbitration in India*, 2021. (Kluwer arbitration)
5. Gary B. Born, *International Arbitration: Law and Practice*, 2021. (Kluwer arbitration)
6. Blackaby, Partasides, Redfern, et al., *Redfern and Hunter on International Arbitration* (6th ed.), 2015. (Kluwer arbitration)

7. Greenberg, Weeramantry and Kee, International Commercial Arbitration: An Asia Pacific Perspective (Second Edition), 2021. (Kluwer arbitration)

SUGGESTED BLOGS:

1. Kluwer Arbitration Blog, available at <http://arbitrationblog.kluwerarbitration.com/>
2. Columbia Law School, The American Review of International Arbitration, available at <http://aria.law.columbia.edu/blog/>
3. Lexology, The International Arbitration Blog, available at <https://www.lexology.com/blogs/1399>
4. Global Arbitration Review, available at <https://globalarbitrationreview.com/>

*Please note that the readings are only preliminary in nature and the course instructor/s reserve the right to recommend further cases, articles, blogs, podcasts, videos, documentaries, books, etc. as reading material.



LAW RELATING TO SECURITIES

SEMESTER II | LL.M.

SYLLABUS (SESSION: JAN-JUNE)

Faculty	Dr. Anindhya Tiwari	Year/ Semester	LL. M. 2 ND Semester
Course Name	LAW RELATING TO SECURITIES	Each Session Duration	55 Minutes
No of Lectures	60-Lectures	Pre-requisite	None
Introduction	<p>The Law Relating to Securities plays a significant role in formation of capital of the Corporation in particular and Nation's economy in general. The term "securities" refers to documents indicating ownership or creditor-ship, such as shares, debentures, bonds and treasury certificates. The owners of securities obtain certain rights in relation to the earnings and assets of the issuer, or from associated voting power. Securities are regulated to help ensure that investors have accurate information about the securities and their value, to facilitate the trading of securities, to help maintain the integrity of the trading system, to prevent undesirable transaction in securities and prevent securities fraud. This is achieved through regulation of the conduct of those who issue securities, regulation and licensure of brokers and dealers who facilitate the trade of securities, and even regulation of the conduct of individual investors.</p> <p>The Law Relating to Securities aims to develop the ability of the students to understand the essence of law relating to issuance of securities, fields of regulation and the supremacy of law as one of the indications of a well-regulated financial market. This would enable the students to represent the interest of a corporation, an institution or individuals in an organization and aims to develop the ability to provide legal</p>		

consultations for the administration of an organization within the scope of a definite competence. This subject will also help to understand the role of intermediaries in the securities market and the regulatory framework of these bodies. The Regulatory Bodies try best to cope with the changing scenario of market and the impact of global market over securities market in India. It needs to regulate the various types of securities and steps of issuance had empowered the regulatory bodies to come with the regulations, rules and notifications as and when required. Thus, the Law Relating to Securities Market will draw a complete picture of understanding the various aspects of Capital Markets and Market Intermediaries.

COURS OBJECTIVES:

- To understand the Evolution of Securities Laws in U.K, U.S and India
- To acquaint the Legal Framework pertaining to the Securities Laws in India
- To know the concept and working of Capital Market and Market Intermediaries
- To measure of performance of Stock Exchanges and Depositories
- To examine the role of Securities and Exchange Board of India
- PEDAGOGY: The method of teaching is Lecture Method with Power Point Presentation which includes Legal Provisions and Case Laws pertaining to the Law Relating to Securities. Participatory and reflective learning through discussions covering all dimensions of the Subject in general and Class in particular.

EVALUATION COMPONENTS

End Term Examination	80 marks
Project	20 marks
Total	100 marks

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	Introduction	1-10
2	Regulatory Framework	11-25
3	Capital Markets	26-40
4	Stock Exchanges	41-50
5	Depository System	51-60

COURSE CONTENTS:

Module	Contents
Introduction	<ul style="list-style-type: none"> • Evolution of the Law of Securities – UK, USA, India – • Indian Capital Market – Need, Functions, Structure and Constituents, • Primary market, Secondary market, • Features of Developed Capital Market: The International Organization of Securities Commissions (IOSCO), • Securities Market and Economic Growth.
Regulatory Framework	<ul style="list-style-type: none"> • SEBI - Objective, Power, Functions, Securities Appellate Tribunal, Appeal and Appearance before SAT • ICDR Regulations 2018, IPO, FPO, Rights Issue, Bonus Issue, Preferential Issue • Insider trading – SEBI (Prohibition of Insider Trading) Regulations 2015 Objective, Connected Person, Price sensitive information.
Capital Markets	<ul style="list-style-type: none"> • Stock broker • Sub-broker • Merchant Bankers • Under writers • Debenture trustees • Debenture Trust Deed • Credit Rating Agencies.
Stock Exchanges	<ul style="list-style-type: none"> • Stock Exchanges – Functions, significance, operations and trading mechanism, • Corporatization and Demutualization of Stock Exchanges. – National Stock Exchange, Bombay Stock Exchange • Securities Contract (Regulation) Act and Rules • Listing & Delisting of securities • Derivatives
Depository System	<ul style="list-style-type: none"> • Depositories Act 1996 - Concept and Benefits • Difference between Depository and Custodian, • NSDL and CDSL • Dematerialization of securities • Indian Depository Receipts, American Depository Receipts & Global Depository Receipts.

BOOKS FOR REFERENCES:

1. LEXIS NEXIS's GUIDE TO THE COMPANIES ACT BY A RAMAIYA-19 EDITION NOVEMBER 2020.
2. Securities Law by Alastair Hudson-November 2013, Sweet & Maxwell, 2nd edition.
3. Machiraju H.R., *The Working of Stock Exchanges in India*, Taxmann Allied Service (P) Ltd., 59/32, New Rohtak Road, New Delhi – 110 005 third edition-2009.
4. Gopaldaswamy N., *Inside Capital Market*, ICFAI, Hyderabad (2009)
5. Kothari, Vinod, *Securitisation, asset reconstruction and enforcement of Security Interest*. 6th Edition October, 2020. Lexis Nexis.
6. Ferran, Eilis, *Company Law and Corporate Finance* (Latest ed.) Oxford University Press, 1999.
7. Company Law and Practice by Dr. G.K. Kapoor and Sanjay Dhamija (TAXMANN) 26th edition, September, 2022.
8. Securities Law by Kondaiah Jonnalagadda, (First Edition-2015) Lexis Nexis.
9. SEBI Manual (Taxmann). Taxmann, July, 2022.

CASE LAWS:

- Sahara v. SEBI (2013)1 SCC 1.
- DLF v. SEBI (2015)
- Mistry v. Tata Sons. (2017)
- Hindustan Lever Ltd. V. SEBI (1996)
- S. Karthik & Ors v. N. Subhash Chand Jain & Ors.(23/09/2021)
- Dahiben Umedbhai patel v. Norman James Hamilton (1985) 57 CompCas 700(Bom)
- M.S. Madhusoodhanan v. Kerala Kaumudi Pvt. Ltd. (2004) 9 SCC 204.
- S.P. Jain v. Kalinga Tubes. (1965) 2 SCR 720.
- V.B. rangaraj v. V.B. Gopalakrishnan. AIR 1992 SC 43.
- Messer Holdings Limited v. Shyam Madanmohan Ruia (2010) 159 CompCas 29.
- Western Maharashtra Development Corporation Ltd. V. Bajaj Auto Ltd. (2010) 154 CompCas 593(Bom).
- Sholapur Spinning & Weaving Co. Ltd. Inre. (1965) 35 CompCas 165(Bom).
- Raksjree Sugars and Chemicals Limited v. Axis Bank Limited. AIR 2011 Mad 144.
- Multi Commodity Exchange v. Central Electricity Regulatory Commission. 2011(113) Bom LR531.

ACTS, RULES AND REGULATIONS:

- The Companies Act, 2013
- The Securities (Contract) Regulation Act, 1956
- The Forward Contracts (Regulation) Act, 1952.

- The SEBI Act, 1992
- The Depositories Act, 1996
- The Companies Rules, 2014
- The ICDR Regulations, 2018.



CORPORATE RECONSTRUCTION

SEMESTER II | LL.M.

SYLLABUS (SESSION: JAN-JUNE)

Faculty	Mr. Mayank Shrivastava	Class/ Semester	LLM/II
Course Name	Corporate Reconstruction	Session duration	1 hour
No of Contact Hours	60	Pre-requisite	None
Course Objectives	<p>The students are expected to remember and understand the underlying concepts of corporate restructuring. They should be able to apply the knowledge to various transactions of corporate restructuring taking place in the real corporate world. They should be capable of evaluating the strengths, weaknesses, opportunities and threats of different modes of corporate restructuring and prepare drafts of corporate documents.</p> <p>For attaining the desired outcomes of the course, certain objectives have been framed. The objectives of the course are:</p> <ul style="list-style-type: none"> ● To identify and describe the various concepts underlying the modes of corporate restructuring. ● To explain the law relating to different modes of corporate restructuring. ● To associate and distinguish between the provisions relating to different modes of corporate restructuring <p>The above mentioned objectives shall help the students in achieving the desired outcomes of the course.</p>		

LEARNING OUTCOMES

After completion of the course, the students are expected:

- To evaluate and assess the best possible mode of corporate restructuring.
- To apply the conceptual understanding and knowledge of provisions to a given set of problems faced by companies in real life situation.
- To prepare draft documents required for corporate restructuring.
- To frame legal opinions on a given situation.
- To prepare research projects after examining and investigating the modes of corporate restructuring.

EVALUATION COMPONENTS

End-Term Examination	80
Project	20
Total	100

COURSE PLAN

S.No.	Module	Lecture Sessions
1	Module I	1-15
2	Module II	16-30
3	Module III	31-45
4	Module IV	46-60

DETAILED SYLLABUS

UNIT	CONTENT
Module I INTRODUCTION	<ol style="list-style-type: none"> 1. Corporate Restructuring: Meaning, Need and Scope 2. Modes of Corporate Restructuring 3. Joint Ventures, Disinvestment and Slump Sale 4. Financial Restructuring: Buy Back, Reduction and Reorganisation of Capital 5. Funding Options for Corporate Restructuring: Venture Capital, Angel Investment and Private Equity
Module II MERGERS	<ol style="list-style-type: none"> 1. Legal and Procedural Aspects of Mergers 2. Accounting, Diligence and Human Aspects of Mergers 3. Taxation Aspects of Mergers 4. Stamp Duty on Merger Transactions 5. Post Merger Aspects: Reorganisation and De-listing
Module III ACQUISITIONS AND TAKEOVERS	<ol style="list-style-type: none"> 1. Corporate Demergers and Reverse Mergers: Procedural Aspects and Tax Implications 2. Takeover and Acquisition: Meaning, Concept and Types 3. Legal and Procedural Aspects of Takeover: Disclosures, Open Offer and Exemptions 4. Due Diligence 5. Valuation
Module IV PRACTICAL ASPECTS	<ol style="list-style-type: none"> 1. Interest of Small Investors and Minorities in Corporate Restructuring 2. Corporate Insolvency 3. Competition Law Aspects of Combinations 4. Drafting of Merger Scheme 5. Drafting of Shareholders Agreement

READINGS:

ARTICLES

- Sudheendhra Putty, "Corporate Restructuring: Why and How", Corporate Professionals Today, vol. 11, 2008, p. 93
- Rajesh Dhawan, "Corporate Restructuring", SEBI and Corporate Law Weekly, vol. 90, 2009, p. 123.
- Naresh Kumar, "Corporate Restructuring", SEBI and Corporate Law Weekly, vol. 12, 1997, p. 67.
- Rashmi Tyagi, "Enforceability of Non-compete Clause in a Joint Venture Agreement", Corporate Professionals Today (2008) 13 CPT 57.
- Subrata Kumar Ray, "Formation of Joint Venture in India", Corporate Professionals Today (2004) 1 CPT 504.
- Anna Bansal, "Slump Sale and the Incidental Concerns", SEBI and Corporate Law Weekly (2013) 122 SCL 65.
- Gaurav N Pingle, "Buy Back under Companies Act, 2013 – Provisions and Procedure", Corporate Professionals Today (2018) 42 CPT 359
- Nikita Snehil, "Proposed Changes Under SEBI (Buy Back of Securities), Corporate Professionals Today
- Regulations, 2018 – An Overview", Corporate Professionals Today (2018) 41 CPT 846
- Divesh Goyal, "Reduction of Share Capital - An Insight View", (2017) 79 taxmann.com 17
- Rajeev Venugopal, "SEBI AIF Regulations - Whether this could lead to a change in private equity landscape in India", SEBI and Corporate Law Weekly (2012) 114 SCL 65.
- Jayantika Singh, "Alternative Investment Funds - Venturing Out of the Fund Troubles", SEBI and Corporate Law Weekly (2013) 118 SCL 101.
- Shrijith Nair and Nandita Thakur, "Private Equity Investment in India", SEBI and Corporate Law Weekly (2009) 90 SCL 38 (MAG).
- Barsha Dikshit and Rahul Maharshi, "Fast Track Merger - Faster Way of Corporate Restructuring", (2017) 77 taxmann.com 299 (Article).
- Divesh Goyal "Mergers and Amalgamations Under Cos. Act - An Overview", (2017) 79 taxmann.com 169.
- Yogesh Mittal, "Cross Border Mergers - An In Depth View", SEBI and Corporate Law Weekly (2018) 147 SCL 83.
- V. V. Vara Prasad and B. Murali Krishna, "Merger and Acquisitions - Management Practices", Corporate Professionals Today [2009] 15 CPT 708.
- T. P. Ghosh, "Acquisitions and Mergers – An international Comparison of the Accounting and Disclosure Norms", (1995) 4 SCL 33 (Mag.).
- Md Sahanur Islam et al, "The Behavioral Aspect of Mergers and Acquisitions",

- Global Journal of Business Research, vol. 6(3), 2012, p. 103.
- Ekta Gupta, "Corporate Restructuring - Tax Implications", SEBI and Corporate Law Weekly, vol. 61, 2005, p.124.
- Neha Srivastava, "Mergers and Acquisition Deals in India from Direct Tax Perspective", (2017) 78 taxmann.com 117
- Zeenat Masoor Masudi and Iftexhar Anees, "Stamp Duty Implications of Mergers and Demergers", (2012) 113 SCL 112 (Article)
- Tahir Ashraf Siddiqui, "Pertinent Intellectual Property Issues in Mergers and Acquisitions- An Analysis", [2011] 107 SCL 9 (Mag).
- Ashok K Saxena, "Delisting of Securities", (2002) 37 SCL 110 (Mag).
- Munmi Phukon, "Non-compliance of Listing Regulations may Lead to Compulsory Delisting", (2018) 148 SCL 1 (Articles)
- Ashish Banga, "Reverse Mergers: Indian Scenario", (2009) 92 SCL 49 (MAG)
- Rajesh Dhawan, "Demerger - Tax Implications", (2011) 20 CPT 338
- Rajeev Babel, "Discretionary Jurisdiction of Company Court in Declining Demerger", (2016) 135 SCL 85 (Articles)
- V. P. Chhabra, "Computation of Additional Shares for Creeping Acquisition Under Takeover Code", (2017) 141 SCL 25.
- Anushree Agrawal, "Poison Pill Device - An Anti Takeover Defence", (2012) 112 SCL 121.
- Pammy Jaiswal and Rahul Maharishi, "Minority Squeeze Out - A Strong New Provision under Section 236 of the Companies Act 2013", (2017) 38 CPT 403
- Shripal Lakdawala, Parthiv Kamdar, Karnav Gandhi, "SEBI Streamlines Procedure for Seeking Exemption under Takeover Code", (2018) 90 taxmann.com 323 (Article)
- Suvir Sharma and Siddharth Sharma, "Overhauling of the SEBI takeover Code 2011 - An analysis of amended key regulations", (2012) 116 SCL 55 (Article).
- Gaurav N. Pingle, "SEBI Eases Takeover Code for Buying Stressed Assets", (2017) 142 SCL 15
- Sudheendhra Putty, "Corporate Due Diligence", (2009) 89 SCL 29 (Mag).
- Sowmya Narayan S. Prakash C., "Due Diligence Review in Proposed Acquisition", (1999) 21 SCL 143 (Mag).
- M. Sayed Ahmed and Kirti Ram Hariharan, "Liability for Mis-statement in Prospectus and Due Diligence Duty", (1999) 22 SCL 75 (Mag)
- Kamal Garg and Ravi Bhushan, "Valuation by Registered Valuers", (2018) 93 taxmann.com 174.
- Rajkumar S. Adukia, "Valuation Approaches and Methodologies", (2018) 6 Chartered Secretary 39.
- Taruna Kumbhar and Honey Soni, "Registered Valuers and Valuation Rules, 2017", (2018) 6 Chartered Secretary 53
- Jitendra Kumar Panda, "Rights and Benefits Available to Minority Shareholders - A Comparative Study", (2013) 28 CPT 278.

- T. V. Ganesan, “Majority Shareholders Rights v Minority Shareholders Rights”, (2014) 128 SCL 1.
- Megha Bhasin, “Oppression of Minority Shareholders - A Jurisprudential Analysis”, (2011) 105 SCL 121 (Mag)
- Sikha Bansal and Richa Saraf, “Insolvency Code - Plights and Rights of Operational Creditors”, (2018) 147 SCL 105.
- Prateek Gattani and Nipun Singhvi, “Resolving Jurisprudence - Winding Up vis-a-vis Insolvency”, (2018) 41 CPT 853.
- Kamal Garg and Himanshu Sarpal, “Forensic Science vis-a-vis Insolvency and Bankruptcy Code”, (2018) 41 CPT 615
- Vipin Kumar, “Regulation of Combinations - Issues and Appraisal”, (2013) 117 SCL 36.
- Ravi Prakash, “Merger Control Under Competition Policy”, (2008) 87 SCL 37 (MAG).
- Shubham Khare and Niharika Maske, “An Analysis of Mergers, Amalgamations and Acquisitions Under the Competition Act, 2002”, (2010) 97 SCL 58 (MAG)

Books

- A. Ramaiya, Guide to Companies Act, LexisNexis Butterworths, Wadhwa, Nagpur
 - *(Latest Eds.)*
- M.C. Bhandari Guide to Company Law Procedures, Lexis Nexis ButterworthsWadhwa, Nagpur *(Latest Eds.)*
- Taxmann Master Guide to Companies Act 2013 & Company Rules *(Latest Eds.)*
- S K Kataria, The Companies Act, 2013 with Rules and Ready Referencer byBloomsbury Publication *(Latest Eds.)*
- Sridharan and Pradhan Guide to Takeovers and Mergers by Wadhwa & Co. *(LatestEds.)*
- ICSI Handbook on Mergers Amalgamations and Takeovers *(Latest Eds.)*
- K.R. Sampath Mergers/Amalgamations, Takeovers, Joint Ventures, LLPs andCorporate Restructure, Snow White Publications *(Latest Eds.)*
- S. Ramanujam Mergers et al, LexisNexis Butterworths Wadhwa Nagpur *(Latest Eds.)*
- Ray Mergers and Acquisitions Strategy, Valuation and Integration, PHI, *(Latest Eds.)*

Case Laws

- Ion Exchange (India) Ltd. In re, (2001) 105 Comp Cases 115 (Bom)
- Miheer H. Mafatlal v. Mafatlal Industries Ltd., JT 1996 (8) 205

- Bank of Baroda Ltd. v. Mahindra UGINE Steel Co. Ltd., (1976) 46 Com Cases 227 (Guj)
- MEL Windmills Pvt. Ltd. v. Mineral Enterprises Ltd & Anr., (2019) 155 SCL 54(NCLAT)
- Real Image LLP v. Qube Cinema Technologies (P.) Ltd., [2018] 97 taxmann.com 436(NCLT- Chennai)
- Marshall Sons & Co. India Ltd v. ITO, 223 ITR 809 (SC)
- Hindustan Lever Limited v. State of Maharashtra, (2003) 117 Com Cases 758

NOTE: The lists of articles, books and case laws are only indicative and students are expected to keep themselves apprised of the latest happenings by reading journals, reporters and other materials on the subject.



IPR ISSUES IN CYBERSPACE AND THE INFORMATION TECHNOLOGY ACT
SEMESTER II - LL.M, (SPECIALIZATION- IPR)
SYLLABUS (SESSION: JAN-JUNE)

Faculty	Dr. Atul Jaybhaye	Year/ Semester	LLM 2 ND SEMESTER
Course Name	IPR Issues in Cyberspace and the Information Technology Act	Each Session Duration	1 Hour
No. of Contact hours	60	Pre-requisite	Basics of IPR

INTRODUCTION, COURSE OBJECTIVE & PEDAGOGY:

Technology is ever-changing and its influence on traditional norms/ laws regulating physical activities is gigantic. With the ever-growing need and emergence of information technology laws, newer wrongs/ crimes have been increasingly recognized and brought into the realm of regulation and governance in cyberspace. Internet and Technology have played a supplementing and/or adversarial role to intellectual property rights in cyberspace. This paper aims to acknowledge the role of the internet in modern life and recognize the challenges it has posed to conventional notions of crime, wrong, jurisdiction, and remedies available to right holders in digital space.

Course Objectives:

CO1: To understand the emergence of the Internet and its influence on traditional concepts of jurisdiction, crime, and laws.

CO2: To study the different prevalent laws governing cybercrimes and cyber wrongs in digital space.

CO3: To examine the conventional and emerging challenges posed to trademark law by technology and cyberspace.

CO4: To analyse the exclusive rights under Copyright Law and its Challenges/ limitations in Digital Space.

CO5: To recognize the role of patents as support and/or hindrance to technology facilitating internet or digital activities.

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

LO1- Identify and explain jurisdiction issues in cyberspace and laws governing it in India and across the globe.

L02 – Develop the ability to critically analyse nuances of recent trends and techniques used by cyber fraudsters in the digital age.

L03 – Demonstrate the concept of trademarks, domain names, and their infringement in cyberspace along with remedies.

L04- Know and understand the importance of digital copyright, challenges to distribution and reproduction rights in cyberspace, and allied issues.

L05 – Equip with the knowledge of patenting technology facilitating online transactions, misuse, and monopoly of patent in cyberspace.

EVALUATION COMPONENTS

Components of Course Evaluation	% Distribution
Merged Mid-End Term Examination	80 %
Individual Projects	20%
Total	100%

COURSE PLAN

S.No.	Topics	Lecture Sessions (in approx..)
1.	INTRODUCTION	1-8
2.	CHALLENGES OF JURISDICTION IN CYBERSPACE	9-19
3.	OVERVIEW OF THE INFORMATION TECHNOLOGY ACT, 2000	20-31
4.	UNDERSTANDING TRADEMARK IN CYBERSPACE	32-41
5.	COPYRIGHT IN THE DIGITAL WORLD	42-51
6.	INTERNET PATENTS	52-60

DETAILED SYLLABUS

UNIT	CONTENT
Module 1 INTRODUCTION	1. History and Evolution of the Internet 2. Types of Computer Networks

	<ol style="list-style-type: none"> 3. Impact of the Internet on Intellectual Property 4. Concept of cyberspace and emerging threats 5. Cyber security and its principles
Module 2 CHALLENGES OF JURISDICTION IN CYBERSPACE	<ol style="list-style-type: none"> 1. Concept of Jurisdiction and its types 2. Issues of jurisdiction in cyberspace 3. The Test evolved <ol style="list-style-type: none"> a) -Minimum Contacts Theory b) -Sliding Scale Theory c) -Effects Test and International targeting 4. Jurisdiction under IT Act, 2000
Module 3 OVERVIEW OF THE INFORMATION TECHNOLOGY ACT, 2000	<ol style="list-style-type: none"> 1. Object, scope, and applicability of the Act 2. Use of Digital Signature 3. E-commerce and E-governance 4. Cyber Contraventions 5. Cyber Crimes against Individuals, Government and Property 6. Right to privacy vis a vis Right of Interception 7. Recent trends in cybercrimes and cases 8. Appropriate bodies for redressing civil and criminal offence
Module 4 UNDERSTANDING TRADEMARKS IN CYBERSPACE	<ol style="list-style-type: none"> 1. Concept of domain name and its types 2. Domain names and related disputes 3. Sale of Counterfeit and Grey market Goods through cyberspace 4. E-commerce and Trademark infringement 5. Google Adwords and Trademark Infringement 6. Linking, Framing, Meta tagging and related Trademark Implications 7. Role of ICAAN and UDRP/ INDRP
Module 5 COPYRIGHT IN THE DIGITAL AGE	<ol style="list-style-type: none"> 1. Concept of Digital Copyright 2. Challenge to Distribution and Reproduction Rights in Cyberspace <ol style="list-style-type: none"> a) Digital Piracy of Software, Films, Books, and other copyrighted material b) Search Engines and Copyright Challenges in Cyberspace

	<ul style="list-style-type: none"> c) Social Media and Copyright infringement 3. Digital Rights Management and role of Blockchain and Smart contracts 4. DMCA and Indian developments
Module 6 INTERNET PATENTS	<ul style="list-style-type: none"> 1. Concept of Internet Patents 2. Patenting technology facilitating online transactions 3. Business Method Patents & Legal Requirements 4. Misuse and Monopoly of Patents in Cyberspace <ul style="list-style-type: none"> a) Apple v. Samsung b) Amazon's One-click Patent c) Alice Case Law

READINGS:**STATUTES, RULES AND REGULATIONS:**

1. The Information Technology Act, 2000
2. The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021
3. The Copyright Act, 1957
4. The Digital Millennium Copyright Act, 1998
5. The Patent Act, 1970
6. The Trademarks Act, 1999

CASE LAWS:

1. *International Shoe Co. v. Washington* 326 U.S. 310 (1945)
2. *Calder v. Jones* 465 U.S. 783 (1984)
3. *Zippo Manufacturing Co. v. Zippo Dot Com, Inc.*, 952 F. Supp. 1119
4. *Casio India Co. Limited v. Ashita Tele Systems pvt. Ltd.* 2003 (27) PTC 265 (Del)
5. *Independent News Service Pvt. Limited v. India Broadcast Live Llc and Ors.* 2007 (35) PTC 177 (Del.)
6. *Banyan Tree Holding (P) Limited v. A. Murali Krishna Reddy and Anr.* CS (OS) No. 894/2008
7. *Suhas Katti v. State of Tamilnadu* C No. 4680 Of 2004
8. *Ritu Kohli's Case*, 2000
9. *Shreya Singhal v. Union of India, Writ Petition (Criminal) No. 167 of 2012*
10. *Yahoo!, Inc. v. Akash Arora & Anr.*, 78 (1999) DLT 285

11. *Satyam Infoway Ltd v. Siffynet Solutions Pvt. Ltd* Appeal (civil) 3028 of 2004
12. *My Space Inc. v. Super Cassettes Industries Ltd.*, FAO(OS) 540/2011
13. *Eastern Book Company & Ors v. D.B. Modak & Anr*, Appeal (civil) 6472 of 2004
14. *A&M Records, Inc. v. Napster, Inc.*, 239 F.3d 1004
15. *Apple Inc. v. Samsung Electronic Co., Ltd.*, 137 S. Ct. 429;
16. *Alice Corp. v. CLS Bank International* 573 U.S. 208 (2014)

BOOKS:

1. Dr. Karnika Seth, *Cyber Laws in the Information Technology Age*, Lexis Nexis, 1st Ed.
2. Dr. Karnika Seth, *Computers, Internet and New Technology Laws*, Lexis Nexis, 3rd Ed.
3. Nandan Kamath, *Law relating to Computers, Internet and E-commerce*, Universal Law Publication Co., 5th Ed.
4. Elizabeth Verky and Jitihin Saji Issac, *Intellectual Property Law*, EBC, 2nd Ed.
5. G. Peter Albert, *Intellectual Property Law in Cyberspace*, Bloomberg BNA; 2nd Ed.
6. Dr. Pavan Duggal, *Exploring Intellectual Property Rights in Cyberspace*, Saakshar Law Publications, (Kindle Edition).
7. Dr. Manoj Kumar Sinha and Vandana Mahalwar, *Copyright Law in the Digital World: Challenges and Opportunities*, Springer; 1st ed. 2017, (Kindle Edition).

ONLINE ARTICLES/BLOGS/REPORTS:

1. Singh, Yatindra. "Cyber Laws." *Journal of the Indian Law Institute*, vol. 44, no. 2, Indian Law Institute, 2002, pp. 190–204, <http://www.jstor.org/stable/43951808>.
2. Carroll, Lisa. "Intellectual Property Law: A Better Way to Skin the Cat: Resolving Domain Name Disputes." *GPSolo*, vol. 17, no. 6, American Bar Association, 2000, pp. 46–47, <http://www.jstor.org/stable/23671901>.
3. Justice S. Muralidhar, Jurisdictional Issues in Cyberspace, *The Indian Journal of Law and Technology* Volume 6, 2010. https://www.lkouniv.ac.in/site/writereaddata/siteContent/202004131505182050sanjana_mittal_law_JURISDICTIONAL_ISSUES_IN_CYBERSPACE.pdf
4. Asim Vehbi, Core Issues of Copyright Law in the Digital Environment: The Promise of Blockchain, *International Journal of Applied Engineering Research* ISSN 0973-4562 Volume 13, Number 20 (2018) pp. 14510-14516. https://www.ripublication.com/ijaer18/ijaerv13n20_07.pdf
5. Eugene R. Quinn, Jr., Abusing Intellectual Property Rights in Cyberspace: Patent Misuse Revisited, *William Mitchell Law Review*, Vol. 28:3 <https://open.mitchellhamline.edu/cgi/viewcontent.cgi?article=1691&context=wmlr>

6. Dr. Atul Jaybhaye, Cyber Law and IPR Issues: The Indian Perspective, *Bharati Law Review*, 2016, pp.166-179,
<http://docs.manupatra.in/newsline/articles/Upload/19A86CE4-2FBD-432B-B166-AFBA9087A834.pdf>
7. Dr. Atul Jaybhaye and Ms. Barkha Dodai, Copyright Piracy in the Digital Age with Special Reference to Napster's Case, *International Journal of Law Management and Humanities*, Volume 4, Issue 5, Page 2137 – 2148,
<https://www.ijlmh.com/paper/copyright-piracy-in-the-digital-age-with-special-reference-to-napsters-case/>



LAW OF PATENTS

SEMESTER II - LL.M, (SPECIALIZATION- IPR)

SYLLABUS (SESSION: JAN-JUNE)

Faculty	Dr. Ankit Singh	Year/ Semester	1 ST Year/2 ND Semester
Course Name	Law of Patents	Each Session Duration	1 Hour
No of Lectures/ Week	5	Pre-requisite	Basics of Intellectual Property Rights

INTRODUCTION:

A Patent is a monopoly provided by the sovereign for a limited period. A Patent aims to protect and promote innovation in various scientific fields. As part of legal process, a patent application needs to undergo a rigorous examination process before it is granted to the inventor/applicant. Patents are statutorily designed real life legal instruments aimed at protecting inventions. It acts as economic incentives to inventors who put in intellectual labor to develop new and useful inventions and foster research and development by providing limited term exclusivity to patentees to commercially make use of the inventions they own. Patents are granted by national governments in consideration for disclosing to the public the scientific and technological information subsisting in the inventions by the inventors/or the subsequent owners of the inventions for a limited period. Hence, they are enforceable only within the territorial limits of the nation granting it.

Generally, novelty, non-obviousness and industrial applications are the three key conditions to be considered before a patent is granted. Though all jurisdictions across the world seek these conditions, the degree of each of these conditions varies with jurisdictions. This has led to a situation where some inventions are patentable in some jurisdictions and not in others. The rapid developments of technology leading to a boom in bio technology, nano-technology and pharmaceutical industry have also created much flux in the standard of conditions for patent. This program is structured to give a profound insight into the conditions of patenting and how it has responds to technological advancements.

Course Objective

This course is an attempt towards imparting knowledge of various aspects of Patent Law.

CO1 – Providing an understanding of the concept of patent law, historical development, and justification of patent as an intellectual property.

- CO2** – Developing skills of analyzing various concepts and principles relating to patents.
- CO3** – Improving the students’ level of comprehension and interest in engaging with patent law and debating the same from the viewpoint of personal rights as well as sovereign requirements.
- CO4** – Providing a comprehensive understanding of patent law and procedures in diverse IP conventions.

EVALUATION COMPONENTS

End Term Examination	80 marks
Project	20 marks
Total	100 marks

Learning Outcomes

After successful completion of the course, the learners would:

LO1 – Understand and foundational principles of patent law

LO2 – Develop enhanced understanding of the international instruments relating to patents

LO3 – Analyse the contemporary scenario and trends relating to patents at both national and international levels

LO4 – Get acquainted with the procedure of obtaining patents, rights of a patent-holder and other commercial aspects pertaining to patents

LO5 – Be equipped with analytical knowledge that would enable them to carry out research in the area of patent law and related jurisprudence

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	INTRODUCTION	1-12
2	CONCEPT OF PATENTABILITY	13-21
3	PROCEDURE OF OBTAINING PATENT	22-35
4	RIGHTS OF PATENTEE	36-44
5	PATENT LICENSING	45-52
6	INFRINGEMENT AND REMEDIES	53-60

DETAILED SYLLABUS

UNIT	CONTENT
Module 1 INTRODUCTION	1. Origin of Patent: History, Meaning and Nature 2. Evolution of Indian Patent Law 3. Rationale behind Patenting 4. International Instruments related to Patents - Paris Convention, 1883 - Patent Cooperation Treaty, 1970

	<ul style="list-style-type: none"> - Budapest Treaty, 1977 - Patent Law Treaty, 2000
Module 2 CONCEPT OF PATENTABILITY	<ol style="list-style-type: none"> 1. Patentability Criteria: Novelty, Non-obviousness and Industrial Application 2. Non-patentable inventions under the Indian Patents Act, 1970 3. Pharmaceutical Patenting and Ever-greening of Patents
Module 3 PROCEDURE OF OBTAINING PATENT	<ol style="list-style-type: none"> 1. Invention disclosure 2. Filing an application for Patent 3. Patent Prosecution 4. Examination and Opposition 5. Grant of Patent
Module 4 RIGHTS OF PATENTEE	<ol style="list-style-type: none"> 1. Rights of a Patent Holder 2. Use of patent and Exceptions 3. Surrender and Revocation of Patents 4. Patents of Addition
Module 5 PATENT LICENSING	<ol style="list-style-type: none"> 1. Principle of Working of Patents 2. Voluntary Licensing 3. Compulsory Licensing of Patents: TRIPS and Patents Act, 1970 4. Bolar Provisions in the Patents Act, 1970 5. Transfer of Technology 6. Patent Pooling; Cross-Licensing; Patent Pledges
Module 6 INFRINGEMENT AND REMEDIES	<ol style="list-style-type: none"> 1. Infringement of Patents 2. Civil and Criminal Remedies

READINGS:**CASE LAWS:**

- *Novartis v. Union of India and others, (2013) 6 SCC 1*
- *F. Hoffmann-La Roche Ltd. & Anr. v Cipla Ltd., 2012*

- *Natco Pharma Ltd. v/s Bayer Corporation, 2012*
- *Bayer Corporation v. Union of India, 2010 (43) PTC 12 (Del.) (DB)*
- *Graham v. John Deere Co. of Kansas City, 383 U.S. 1 (1966)*
- *Bishwanath Prasad Radhe Shyam v. Hindustan Metal Industries, (1979) 2 SCC 511*
- *CTR Manufacturing Industries Limited v. Sergi Transformer Explosion Prevention Technologies Pvt. Ltd., 2016 (65) PTC 262 (Bom)*
- *Court of Appeal in Pozzoli v. BDMO (2007)*
- *Hotchkiss v. Greenwood, 52 U.S. 248, 267 (1850)*
- *Haberman and V&A Mktg. Ltd. v. Jackel International Ltd. (1999)*
- *KSR International Co. v. Teleflex (2007)*
- *Lux Traffic Controls Ltd. v. Pike Signals Ltd. (1993)*
- *Wellcome Foundation Ltd. v. V.R. Laboratories (Aust) Pty. Ltd. (1982)*
- *British Acoustic Films Ltd. v. Nettlefold Productions Ltd. (1935)*
- *American Home Products Corporation v. Novartis Pharmaceuticals UK Ltd. (2001)*
- *Parks-Cramer Co. v. G.W. Thornton and Sons Ltd. (1966)*
- *General Electric Co. v. Jewel Incandescent Lamp Co. (1945)*

BOOKS

- *Intellectual Property: Patents, Copyright, Trademarks and allied rights*; Cornish, W.R.; Universal Law Publishing
- *Indian Patent Law and Practice*, Kalyan C. Kankanala, Arun K. Narasani & Vinita Radhakrishnan, Oxford University Press
- *Patent law essentials: a concise guide*, Durham, Alan L, Quorum Books
- *Law relating to patents, trademarks, copyright designs, geographical indications*, Wadehra, B.L.; Universal Law Publishing

- *Intellectual property; patents, trademarks and copyrights*, Stim, Richard, Thomson Learning
- *Patents for future: future for mankind future for inventor & owner future for science & technology*, Zaveri, N.B., Vakils, Feffer & Simons
- *Licensing: the international sale of patents and technical knowhow*, Brooke, Michael Z., Gower Publishing
- *Patent law (along with supplement)*, Narayanan, P.; Eastern Law House

ARTICLES:

- *Bolar Provision in India*, RK Dewan & Co. (published in 2022), available at <https://www.lexology.com/library/detail.aspx?g=2030e864-e0d0-4033-b7c7-aedfefbf755b>
- *Non Patentable Inventions Under The Indian Patent Act*, De Penning & De Penning (published in 2023), available at <https://www.mondaq.com/india/patent/1403916/non-patentable-inventions-under-the-indian-patent-act>
- *Compulsory Licensing in India and changes brought to it by the TRIPS Agreement*, Hana Onderkova, Head of IP - European Business & Technology Centre (published in 2021), available at https://intellectual-property-helpdesk.ec.europa.eu/news-events/news/compulsory-licensing-india-and-changes-brought-it-trips-agreement-2021-10-12_en
- *Cross-Licensing Of Patents*, SaiSruthi B. (Khurana and Khurana, published in 2018), available at <https://www.mondaq.com/india/patent/741158/cross-licensing-of-patents#:~:text=Cross%2Dlicensing%20agreements%20serve%20the,of%20the%20parties%20are%20protected.>
- *Voluntary licensing and technology transfer deemed critical to support manufacturing capacity at UN General Assembly* (published in 2023), available at <https://medicinespatentpool.org/news-publications-post/voluntary-licensing-and-technology-transfer-deemed-critical-to-support-manufacturing-capacity-at-un-general-assembly>
- *How to File a Patent in India?*, Ahlawat & Associates (published in 2022), available at <https://www.lexology.com/library/detail.aspx?g=a9fcbb69-0b2a-44c2-96b2-c901c892793d>



**GEOGRAPHICAL INDICATION AND PROTECTION OF PLANT
VARIETIES & FARMER RIGHTS**

SEMESTER II - LL.M, (SPECIALIZATION- IPR)

SYLLABUS (SESSION: JAN-JUNE)

Faculty Name	Dr. Debmita Mondal	Year/ Semester	LLM 2 nd Semester
Course Name	Geographical Indication and Protection of Plant Varieties and Farmer Rights	No. of Credits	6
Course Code	NA	Session Duration	1 Hour
No of Contact Hours	60	Pre-requisite	Basic IPR
Introduction, Course Objective & Pedagogy	<p>The course on Geographical Indication and protection of Plant Varieties and Farmers Rights deals with the legal structure which lays down the basic rules for trade in goods with GI protection. Course provides an introduction to geographical indications (GIs), explaining their basic features, use and protection as an intellectual property right. The course focuses primarily on the protection of GIs as an intellectual property right, it also addresses the economic and social dimensions of Geographical Indications and introduces a comparative look at GI law for better perspective. For the same, the course will concentrate on relevant international conventions and national legislation on GIs.</p> <p>Lastly, the course will provide insights about protection of Plant Varieties and Farmer's rights in India and internationally with the help of UPOV Convention and Indian national legislations. It will highlight the recent case studies and challenges from India.</p> <p>The main objective of this course is to highlight the nuances of</p>		

	<p>geographical indication protection as one of the intellectual property rights. Course Objective is to develop an understanding about:</p> <p>C01- the conceptualization of geographical indication as IP right;</p> <p>C02 -the concepts of and relating to geographical indications and similar terms;</p> <p>C03- insight(s) of international legal structures for protection of geographical indications;</p> <p>C04- the object, process, rules and challenges of protecting geographical indication in India;</p> <p>C05- the laws relating to plant variety and farmers rights protection in India.</p> <p>. 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>
<p>LEARNING OUTCOMES</p>	<p>Through the curriculum, the students will be introduced to the big picture of Geographical Indication as Intellectual Property and Law relating to it. At the end of the course, students will be able to:</p> <p>LO1- Demonstrate an understanding of socio-legal reasons for geographical indication protection.</p> <p>LO2 -Be equipped with the knowledge of legal structures for protection of geographical indications.</p> <p>LO3 -Elaborate on the concept and issues in regards protection of plant varieties in India.</p>

EVALUATION COMPONENTS

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

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

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	INTRODUCTION OF GEOGRAPHICAL INDICATION	1-12
2	GLOBAL EFFORTS FOR PROTECTION OF GI	13-21
3	PROTECTION FOR GEOGRAPHICAL INDICATIONS IN INDIA	22-35
4	GEOGRAPHICAL INDICATIONS, TRADE AND DEVELOPMENT	36-44
5	PROTECTION OF PLANT VARIETY AND FARMERS' RIGHTS	45-52
6.	CASE STUDIES AND DISCUSSION	52-60

DETAILED SYLLABUS

UNIT	CONTENT
Module 1 INTRODUCTION OF GEOGRAPHICAL INDICATION	<ol style="list-style-type: none"> 1. Concept of GI. 2. Different Terminologies relating to GI. 3. Rationale of protection of GI- Whether GI is a private property? 4. Various Forms of Protection for GI: <ul style="list-style-type: none"> - Sui-Generis Legislations. - Trademark Approach. - Competition and Unfair Trade Policies. 5. Distinction of GI and Trademark: <ul style="list-style-type: none"> - "First in time, first in right" Test. - Source distinctiveness and differential distinctiveness - "Geographically descriptive " fair use defense in TM and its limitations. - Comparative study of USA and EU framework.
Module 2 GLOBAL EFFORTS FOR PROTECTION OF GI	<ol style="list-style-type: none"> 1. Paris Convention for protection of Industrial Property, 1883. 2. Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods, 1891. 3. Lisbon Agreement for the Protection of Appellations of Origin and Their International Registration, 1958 and Geneva Act of 2015. 4. Agreement on Trade Related Aspects of Intellectual Property (TRIPs), 1995. 5. Role of Free Trade Agreements in protection of GI. <ul style="list-style-type: none"> - EU-India Free Trade Agreement, Investment Protection Agreement and Geographical

	<p>Indications Agreement, 2022.</p> <ul style="list-style-type: none"> - 23/12/2020 – Regional Comprehensive Economic Partnership (RCEP)-FTA for ASEAN countries
<p>Module 3 PROTECTION FOR GEOGRAPHICAL INDICATIONS IN INDIA</p>	<ol style="list-style-type: none"> 1. Terminological Understanding of basic concepts. 2. Registration of GI. 3. Duration of protection, Renewal, Restoration and Cancellation of GI. 4. Rights conferred by registration and its assignment and licensing. 5. Conflict with prior mark. 6. Infringement of GI and Remedies. 7. India's Experience with GI Protection: Challenges, Regulatory Loopholes through Case Studies.
<p>Module 4 GEOGRAPHICAL INDICATIONS, TRADE AND DEVELOPMENT</p>	<ol style="list-style-type: none"> 1. GI: Old and New World. 2. GI and Cross-border trade challenges. 3. GI and local/ rural development. 4. GI and protection of cultural heritage & TK.
<p>Module 5 PROTECTION OF PLANT VARIETY AND FARMERS' RIGHTS</p>	<ol style="list-style-type: none"> 1. Concept of Plant Breeding 2. Need for protection of plant varieties 3. Patent v. Plant Variety Protection (PVP) as IPs <ul style="list-style-type: none"> - Conflicts and Coexistence. 4. International Legal Framework on PVP <ul style="list-style-type: none"> - UPOV Convention. - PGFRA Treaty. 5. Overview of PVP and FR Act in India. <ul style="list-style-type: none"> - Types of Varieties protected - Conditions for protection - Registration Procedure and Rights for breeders - Farmers' Right and Research Exemption. - Concepts of Gene Funding, Benefit Sharing and Compulsory License - Infringement and Remedies. 6. Relationship between the Doha Declaration on TRIPS Agreement and the UN Convention on Biological Diversity (CBD).

READINGS:

CONVENTIONS, STATUTES, RULES AND REGULATIONS:

1. Paris Convention for the Protection of Industrial Property, 20 March 1883.

2. Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods, 1891.
3. Agreement on Trade-Related Aspects of Intellectual Property Rights, 15 April, 1994.
4. Council Regulation 2081/92 of 14 July 1992, on the protection of GIs and designations of origin for agricultural products and foodstuffs, 1992.
5. The Lanham Act Pub.L. 79–489, 60 Stat. 427
6. Lisbon Agreement for the Protection of Appellations of Origin and Their International Registration, October 31, 1958, as revised, July 14, 1967, 923 U.N.T.S. 205 [hereinafter Lisbon Agreement], www.wipo.int/treaties/en/text.jsp?file_id=285856/.
7. World Intellectual Prop. Org. [WIPO], Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications and Regulations under the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications, WIPO Document LI/DC/19 (May 20, 2015), [hereinafter Geneva Act], www.wipo.int/meetings/en/details.jsp?meeting_id=35202.
8. Union for the Protection of New Varieties of Plants (UPOV), 1961, 1991.
9. International Treaty on Plant Genetic Resources for Food and Agriculture, 1983.
10. The Geographical Indications of Goods (Registration and Protection) Act, 1999.
11. The Protection of Plant Varieties and Farmers Rights Act, 2001.

CASE LAWS:

1. Cor Cimex S.A. v. DM Enterprises & Distributors, No. 91178943, 2008 WL 5078739 (T.T.A.B. November 17, 2008)
2. Case C-132/05, Comm'n v. Federal Republic of Germany (Parmesan), 2008 E.C.R. I-957.
3. Case C-12/74, Commission v. Germany, 1975 E.C.R 181.
4. Case C-3/91, Exportur SA v. LOR SA and Confiserie du Tech SA, 1992 E.C.R. I-5529.
5. Case T-43/15 R, CRM Srl v. Comm'n, 2015 Order of the President of the General Court.
6. Ervin Warnick v. Townend & Sons [1979] A.C. 73.
7. Bollinger v. Costa Brava Wine Co Ltd [1960] RPC 16.
8. Wineworths Group Ltd v. Comite Interprofessionel du Vin de Champagne [1992] 2 NZLR 327 (CA).
9. Fage UK Ltd. v. Chobani UK Ltd. [2014] EWCA (Civ) 5.
10. Kraft Foods Italia v. Associazione fra produttori per la tutela del 'Salame Felino' and Others, 2014 [Unreported].
11. Bollinger v. Costa Brava Wine Co. Ltd. [1961] RPC 116 (Ch.) (Eng.).
12. Vine Prods. Ltd. v. Mackenzie & Co Ltd. [1969] RPC 1 (Ch.) at 4 (Eng.),
13. John Walker & Sons Ltd. v. Henry Ost & Co Ltd. [1970] RPC 151 (Ch.) (Eng.)
14. HP Bulmer Ltd. v. Bollinger S.A. [1978] RPC 79 (C.A.) (Eng.)

15. Erven Warnink Besloten Vennootschap v. J Townend & Sons (Hull) Ltd. [1979] AC 731 (HL) (Eng.).
16. Institut National des Appellations d'Origine des Vins et Eaux-de-Vie v. Andre Wines Ltd. (1990) 30 C.P.R. 3d 279 (Can. Ont. C.A.).
17. Dairy Bureau of Canada v. Annable Foods Ltd. (1993) 46 C.P.R. 3d 289, 309 (Can. B.C. Sup. Ct.).
18. New Zealand: Comite Interprofessionel du Vin de Champagne v. Wineworths Group, Ltd. [1991] 2 NZLR 432 (HC).
19. Otard, Inc. v. Italian Swiss Colony, 141 F.2d 706 (C.C.P.A. 1944).
20. State of Idaho Potato Comm'n v. G & T Terminal Packaging, Inc., 425 F.3d 708, 721–22 (9th Cir. 2005).
21. Case C-478/07 Budějovický Budvar National Corporation v. Rudolf Ammersin GmbH (C-478/07) [2009] E.C.R. I-7721; 2009 E.T.M.R. 65, at 106–29 (Budweiser II).
22. Anheuser-Busch v. Budějovický Budvar 2006 Sweden.
23. Complaint by the United States, *EC – Trademarks and Geographical Indications for Agricultural Products and Foodstuffs*, WTO Doc. WT/DS174/R (adopted 20 April 2005).
24. Complaint by Australia, *EC – Protections of Trademarks and Geographical Indications for Agricultural Products and Foodstuffs*, WTO Doc. WT/DS290/R (adopted 20 April 2005).
25. Bureau Nat'l Interprofessionnel du Cognac v. Int'l Better Drinks Corp., 6 U.S.P.Q.2d 1610, 1615 (T.T.A.B. 1988).
26. Institut Nat'l des Appellations d'Origine v. Brown-Forman Corp., 47 U.S.P.Q.2d 1875, 1877 (T.T.A.B. 1998).
27. Pillsbury-Washburn Flour Mills Co v. Eagle, 86 F. 608 (7th Cir. 1898).
28. McIlhenny Co. v. Ed. Bulliard, 10 Trademark Rep. 213, 215 (W.D. La. 1920).
29. Institut National Des Appellations D'Origine v. Brown-Forman Corp., 47 U.S.P.Q.2d 1875 (T.T.A.B. 1998).
30. Tea Board, India v. ITC Ltd. (2011) 48 PTC 169 (Cal).

BOOKS

1. V.K. Ahuja, *Law relating to Intellectual Property Rights* (Latest Edn.), LexisNexis.
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. Gopalakrishnan and Agitha, *Principles of Intellectual Property*, Eastern Book Co., 2006
5. Wadehra B.L., *Law Relating to Intellectual Property*, 5th Edition (Reprint), Universal Law Publishing, 2016.

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

1. Calboli, I., & Ng-Loy, W. (Eds.). (2017). *Geographical Indications at the Crossroads of Trade, Development, and Culture: Focus on Asia-Pacific*. Cambridge: Cambridge University Press. doi:10.1017/9781316711002. <https://www.cambridge.org/core/books/geographical-indications-at-the-crossroads-of-trade-development-and-culture/3E2DD2994578FC243041D3EEFFEC39B3>.

ONLINE ARTICLES/BLOGS/REPORTS:

1. Soumya Vinayan, *Geographical Indications in India: Issues and Challenges - An Overview*, 20 J. WORLD INTELL. PROP. 119 (2017).
2. Gautami Govindrajan & Madhav Kapoor, *Why the Protection of Geographical Indications in India Needs an Overhaul*, 8 NLIU L. REV. 22 (2018).
3. Tania Singla, *Post-Registration Quality Control Measures for Geographical Indications in India: The Way Forward*, 7 INDIAN J. INTELL. PROP. L. 103 (2014-2015).
4. Dev Gangjee, *Quibbling Siblings: Conflicts between Trademarks and Geographical Indications*, 82 Chi.-Kent L. Rev. 1253 (2007). Available at: <https://scholarship.kentlaw.iit.edu/cklawreview/vol82/iss3/6>
5. Prashant Reddy Thikkavarapu, *The Overlap between the Patents Acts and the Plant Variety Protection & Farmer's Rights Act in India: A Seed of Doubt*, 21 J. WORLD INTELL. PROP. 243 (2018).
6. Rohit Mooka & Silky Mukherjee, *TRIPS Flexibilities and India's Plant Variety Protection Regime: The Way Forward*, 5 BRICS L.J. 117 (2018).
7. Albrecht Conrad, *The Protection of Geographical Indications in the TRIPS Agreement*, 86 TRADEMARK REP. 11 (1996).
8. Irina Kireeva & Bernard O'Connor, *Geographical Indications and the TRIPS Agreement: What Protection is Provided to Geographical Indications in WTO Members*, 13 J. WORLD INTELL. PROP. 275 (2010).
9. Prabhash Ranjan, *Recent Developments in India's Plant Variety Protection, Seed Regulation and Linkages with UPOV's Proposed Membership*, 12 J. WORLD INTELL. PROP. 219 (2009).
10. N. S. Gopalakrishnan, *An Effective Sui Generis Law to Protect Plant Varieties and Farmers' Rights in India: a Critique*, 4 J. WORLD INTELL. PROP. 157 (2001).
11. Pradyot Ranjan Jena et al., *Geographical Indication Protection and Rural Livelihoods: Insights from India and Thailand*, 29 Asian-Pac. Econ. Literature 174 (2015).

BLOGS/CHANNELS/PODCASTS:

1. GIs for Food Stuffs: IP or ReCIpe? <https://spicyip.com/2018/04/gis-for-food-stuffs-ip-or-recipe.html>.

2. WIPO, explained: How to Protect Geographical Indications.
<https://youtu.be/Cf14oQu5PY0>
3. WIPO Director General on Geographical Indications.
<https://youtu.be/R4RSG5RKGpk>
4. Geographical Indications and its registration process. Biotechnology Industry Research Assistance Council.
<https://youtu.be/MgqD2BP8Ack>
5. Geographical Indications, NPTEL-IITM.
<https://youtu.be/7k5rCsnlMSI>



TELECOM LAW
SEMESTER II | LL.M.
SYLLABUS (SESSION JANUARY- JUNE)

Faculty	Dr. Priyanka Dhar Mr. Abhinav K Shukla	Year/Term	1/LLM
Course Name	Telecom Law	Session Duration	1 Hour
No. of Contact	5 Lectures per Week	Pre-requisite	
Introduction, Course Objective and Pedagogy	Amongst the various human endeavors in the field of technology and science, the progress achieved by modern communication is enormous. Like other global democracies the Indian economy has also seen an immense growth since the development of Telecommunication sector. From the time of East India Company till many years after independence, the Indian		

government controlled exclusively all forms of communication in the country. More recently, due to change in governmental policies and institutional reforms the role of the government as principal provider of communication services has weakened gradually. In its place a multitude of privately owned telecom networks, television channels, and radio stations have emerged. These networks offer Indian consumers diverse options of telephony, broadcasting, entertainment and Internet use. Together with information technology, the communication sector has proved to be a key driving force of the Indian economy. Hence it is essential that there is presence of a robust and mature legal system to ensure sustained economic development especially in infrastructure sectors like communications. The global democracies are also matching up to the technological developments and creating better infrastructure to meet the requirements of their citizens. There is a global consensus that while development of infrastructure to harness technological development is very important, it is also essential that there are constant regulatory reforms in the said sector as well. Also, an effective dispute resolution mechanism should be in place to resolve consumer issues and promote development of telecom sector which is a key driving factor for people to invest in this sector. Thus, present course curriculum is designed to present discussions, deliberations on certain legal issues that arise in the course of implementation of telecom projects and afterwards.

The overarching object of course is to acquaint students with the in-depth knowledge of law related to Telecommunication Laws in India. In particular, this course seeks to achieve the following objectives:

CO1-To develop and provide the conceptual understanding of laws relating to Telecommunication in India.

CO2-To demonstrate the legal aspects of Telecommunication Laws in India.

CO3-To study the interface of telecommunications laws with other branches of law.

The mode of teaching will essentially consist of:

- Lectures with power point presentations;
- Guided reading and critical reflection of case laws;
- Class discussion

LEARNING OUTCOMES: On completion of this course, the students will be able to:

L01- Determine the nature and scope of various laws relating to Telecom sector in India.

L02- Students will learn this course from practical point of view and will get exposure to the manner of prosecuting applications/appeals before the appropriate authorities, responding to the office actions and determining the nature of enforcement of various laws.

L03- Examine the primary Central statutes regulating the telecom sector.

L04- Explore the historical roots of utility regulation.

EVALUATION PARAMETERS:

Components of Course Evaluation	% of distribution
Project	20 Marks
End Term Examination (SACE)	80 Marks
Total	100 Marks

COURSE PLAN:

Module No.	Topics	Lecture Session
I	Overview of Telecommunication Laws	1-10
II	Regulation in Telecom Sector in India	11-23
III	Telecom Sector and Dispute Resolution	24-35
IV	International Legal Regime in the Telecommunication Sector	36-45
V	Issues and Challenges in Telecommunication	46-60

DETAILED SYLLABUS:

<p>Module 1</p> <p>OVERVIEW OF TELECOMMUNICATION LAWS</p>	<p>1.1. Understanding the evolution of Telecommunication Laws - Nature, Scope and overview of developments in India</p> <p>1.2. Indian Telecommunication Industry - History, Constitutional aspects, Retention of Central Government Control</p> <p>1.3. Telecom Policies- National Telecom Policy, 1994 to National Digital Communications Policy, 2018.</p> <p>1.4. Legislative Enactments and regulatory framework in India- The Telecommunications Act, 2023, The Telegraph Act, 1885, C-DOT, TRAI, TDSAT, WPC.</p>
<p>Module 2</p> <p>REGULATION OF TELECOM SECTOR IN INDIA</p>	<p>2.1 Licensing and Spectrum Allocation- Licensing as per the Telecom Policies, Allocation, Allotment and recent issues</p> <p>2.2 Telecom Regulatory Authority of India- Apex Court ruling and the evolution of TRAI, powers, tussles with the DoT on powers of the TRAI</p> <p>2.3 TRAI Act- Purpose of the Act, Powers of the Authority, Members under the Act, Government Powers over the Authority</p> <p>2.4 Authority's Regulations Functions- Directory roles,</p>

	<p>Statutory functions, Regulation making powers, Powers to enforce compliance</p> <p>2.5 Regulation of Cable Television: Overview of the Cable Networks Act, TDSAT's roles in Cable Regulation.</p>
<p>Module 3</p> <p>TELECOM SECTOR AND DISPUTES SETTLEMENT</p>	<p>3.1 Dispute Resolution- Understanding the nature of disputes in the Sector, Current disputes, Resolution Mechanisms under the Act</p> <p>3.2 TDSAT- Creation of the TDSAT, Adjudicatory and appellate powers, Chairperson, Dispute between various stake holders, Issues relating to Licensing and Interconnection</p> <p>3.3 Powers of the TDSAT- Enforcing Orders, Appeals to the Apex Court, Jurisdiction of the TDSAT in hearing dispute and limitations</p> <p>3.4 Protection of Consumers- Quality Services in the Sector, Consumer Rights Advocacy, Complain as well as Grievance Redressal Mechanism</p>
<p>Module 4</p> <p>INTERNATIONAL LEGAL REGIME IN THE TELECOMMUNICATION SECTOR</p>	<p>4.1 Evolution of Telecommunication laws in USA, UK and EU- Conceptual framework, Historical legal framework, Current Polices, Regulators, Dispute resolution mechanism</p> <p>4.2 International Telecommunication Union (ITU)- Evolution, Organizational Structure, Role, International efforts</p> <p>4.3 International Telecommunications and Law of the Sea- Submarine Cables, Threats and Benefits, Contribution of the International Cable Protection Committee (ICPC)</p>
<p>Module 5</p> <p>ISSUES AND CHALLENGES IN TELECOMMUNICATION</p>	<p>5.1 Cable Network and Broadcasting: Advertisement, consumer protection. Protection of minors (children); Indecency; piracy; Jurisdictional issues; Improving Existing Dispute Resolution Mechanisms.</p> <p>5.2 Emerging issues: Future of Telecommunication Laws, Competition Law and Telecommunication sector, Enabling 5G in India- Regulatory issues and Challenges, OTT and live streaming services, Satellite Internet.</p> <p>5.3 Satellite communication: Acquiring Orbit/Frequency Spectrum; Launching Satellite;</p>

	Responsibility and Liability, Satellite Communications: The Legal Gap, GMPCS, Developing Countries Perspectives, Direct Broadcasting Satellites.
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READINGS:**STATUTES**

- 1) The Telecommunications Act, 2023
- 2) Indian Telegraph Act, 1885
- 3) Indian Wireless Telegraphy Act, 1933
- 4) The Cable Television Networks (Regulation) Act, 1995
- 5) Cable Television Networks (Amendment) Rules, 2021
- 6) The Telecom Regulatory Authority of India Act, 1997
- 7) The Telecom Regulatory Authority of India (Amendment) Act, 2000
- 8) The Telecom Regulatory Authority of India (Amendment) Act, 2014.

REFERENCE BOOKS

- 1) Vikram Raghavan, Communication Law in India (Legal aspects of Telecom, Broadcasting and Cable Services), 2007.
- 2) Anastassios Gentzoglanis, and Anders Henten, eds. (2010), Regulation and the Evolution of the Global Telecommunications Industry, Edward Elgar.
- 3) Ian Walden, Telecommunications Law and Regulation, Oxford University Press, 2012, pp. 3-24; 277-546; 653-850.
- 4) Manish Yadav, Telecom Dispute Settlement in India, 2013.
- 5) R.U.S Prasad, Resolving Disputes in Telecommunications: Existing Country Practice & Future Challenges, Oxford University Press, 2010, pp. 1-187.
- 6) Sharon K. Black, Telecommunications Law in the Internet Age, Morgan Kaufmann Publishers, 2002, pp. 1-47; 327-426.
- 7) Christian Koenig, Andreas Bartosch, and Jens-Daniel Braun, EC Competition and Telecommunications Law: A Practitioner's Guide (International Competition Law Series), Kluwer Law International, 2002.
- 8) Francis Lyall, International Communications: The International Telecommunication Union and the Universal Postal Union, (1st ed.), Routledge, 2011.
- 9) Ashok Desai, India Telecommunication Industry: History, Analysis, Diagnosis (1st ed. 2006) Sage Publications.
- 10) Vikas Nehru, Global Wireless Spiderweb: The Invisible Threat Posed by Wireless Radiation, (July 2016).

- 11) Shafilluah Khan & Sakib Khan Pathan (ed.) *Wireless Networks and Security: Issues, Challenges and Research Trends*, Issues, Challenges and Research Trends, Springer, 2013.
- 12) Anjali Garg & Manisha Kabra, *Regulatory reforms in India: Effectiveness, Efficiency and impacts*, The Energy and Resources Institute, TERI, (Jan 2009).

ARTICLES

- 1) Rory Macmillan, 'Reflections on Regulation and Dispute Resolution in the Indian Telecommunication Sector', *Journal of Indian Law Institute*, vo147, No 1, 2005.
- 2) Zaraq Zaroor, *An Overview of Indian Telecom Sector*, *Abhinav National Monthly Refereed Journal of Research in Commerce & Management*, Vol-4, issue-3, 62-69, ISSN-2277-1166 (March 2015).
- 3) Dr. Papori Baruah & Rashmi Baruah, *Telecom Sector in India: Past, Present and Future*, *IJHSSS*, Vol-1, issues-3, 147-156, ISSN: 2349-6959 (Online), ISSN: 2349-6711 (Print) (Nov. 2014).
- 4) Ms. Pritish & Dr. Taruna Saxena, *An Analysis of the Indian Telecom Industry*, *IOSR-JBM*, Vol-17, issue-10, 35-42, e-ISSN: 2278-487X, p-ISSN: 2319-7668. (Oct. 2015).
- 5) Azher Parvez & Satyanarayana Chary, *Foreign Direct Investment (FDI) and Telecommunication Sector in India*, *Journal of Telecommunications System & Management*, Vol-6, issue-1, 1-5, ISSN: 2167-0919 (Mar. 2017).
- 6) Ramesh Subramanian, *the (Continuing) Evolution of India's Telecom Policy*, *Communication of the IIMA*, Vol-8, issue-3, 33-48, (2008).
- 7) Gopika GG, *Growth and Development of Telecom Sector in India-An Overview*, *IOSR-JBM*, Vol-16, Issue-9, 25-36, (Sept 2014).
- 8) Paul Brusley, *Dispute Resolution in Telecommunication-The Regulatory Perspective*, *Sweet & Maxwell Limited*, Issue-1, 4-9, 2005.
- 9) Nishith Desai, *The Indian Telecom Sector-Legal and Regulatory Framework*, (July 2014).
- 10) Kapil Kumar, *Key Challenges of Telecom Sector in India*, *International Journal of Engineering Research and Development*, Vol-13, issue-9, 5-8, e-ISSN: 2278-067X, p-ISSN: 2278-800X, (Sept 2017).
- 11) Rajbinder Singh, *Impact of Reliance JIO on Indian Telecom Industry: An Empirical Study*, *IJSRM*, Vol-5, issue-7, ISSN (e): 2321-3418, 6469-6474, 2015.

LIST OF CASES

- 1) *Delhi Science Forum v. Union of India*, 1996 SCC (2) 405
- 2) *General Manager, Telecom v. M. Krishna*, (2009) 8SCC 481
- 3) *Union of India v. Association of Unified Telecom Service Providers of India* (2011) 10 SCC 543
- 4) *Center for PIL v. Union of India*, (2011) 1 SCC 560
- 5) *People's Union for Civil Liberties v. Union of India*, (2013) 10 SCC 1
- 6) *Vodafone International Holdings BV v. Union of India*, (2012) 6 SCC 613.

- 7) Union of India v. Association of Unified Telecom Service Providers of India (2011) 10 SCC 543
- 8) Tata Teleservices Ltd v. Bharat Sanchar Nigam Ltd, (2008) 10 SCC 556
- 9) BSNL vs Telecom Regulatory Authority of India, (2014) 3 SCC 222
- 10) Star India Private Ltd. v. Department of Industrial Policy and Promotion , (2019) 2 SCC 104
- 11) Star India P. Ltd. v. The Telecom Regulatory Authority of India, 146 (2008) DLT 455
- 12) Aircel Digilink India v. Union of India, (2005) SCC Online TDSAT 105
- 13) Viom Network Ltd. v. S Tel Private Ltd, 2013 SCC Online Del 4511
- 14) V-Con Telecom Towers Pvt. Ltd. v. Tata Tele service Ltd, (2018) SCC Online TDSAT 758.
- 15) AUSPI v. Union of India, 2006 SCC Online TDSAT 13
- 16) AUSPI v. Union of India, (2011) 10 SCC 553
- 17) Union of India v. ASSOCHAM, 2019 SCC Online SC 1393
- 18) Union of India v. Association of Unified Telecom Service Providers of India, (2020) 3 SCC 525
- 19) BSNL v. Telecom Regulatory Authority of India, (2014) 3 SCC 222
- 20) Bharti Airtel v. TRAI 2018 SCC Online TDSAT 624
- 21) BSNL v. TRAI (2014) 3 SCC 222
- 22) CCI v. SAIL (2010) 10 SCC 744.
- 23) Cellular Operators' Association of India v. Telecom Regulatory Authority of India, (2016) 7 SCC 703.



CYBER FORENSICS AND CYBER CRIME

SEMESTER - II | LL.M

SYLLABUS (SESSION JANUARY - JUNE)

Faculty Name	Prof. (Dr.) Yogendra Kumar Srivastava	Year/ Semester	LLM 2 nd SEMESTER
Course Name	Cyber Forensics & Cyber Crime	No. of Credits	4
Course Code	NA	Session duration	1 Hour
No of Contact Hours/ Week	60	Pre-requisite	-
Introduction, Course Objective & Pedagogy	<p>The development in the field of Law, Science and Technology has proven to be a breakthrough for humans in all walks of life. Amongst all the developments and advancements in the field of technology and science, the Internet is revered as the messiah of mankind considering the liberating effect it has brought into our lives. While the list of benefits that are attached to the advent of the Internet are numerous, one cannot ignore the impact of its development and growth on the criminal law set up in global democracies.</p>		

The way in which the Internet is being used by individuals and organizations to commit illegal activities has become a challenge for the law enforcement agencies to apprehend and successfully prosecute considering the jurisdictional issues involved in such crimes.

Cybercrimes represent the latest generation of crimes which challenge the very existence of conventional criminal law and questions the suitability of the already existing legal regime to the new branch of crime.

Given the speed of technological progress, while the global democracies find it difficult to match up and step up their game in terms of providing a safer online platform, the criminals are faster to respond to the changes and are way technologically ahead of all in terms of finding new avenues for commission of crime in the cyber world. Cyber forensics has been growing as a field of science which can be used successfully not only to apprehend these cyber criminals but also to facilitate the court in successfully bringing the offender to justice.

In this backdrop, the present course curriculum is designed to present discussions, deliberations on certain legal issues that arise due to the use of technology by individuals for committing crimes against individuals, property as well as the governments and find viable solutions as to how these miscreants can be apprehended successfully with the use of technology.

The overarching object of the course is to acquaint students with the in-depth knowledge of issues related to Cybercrime and the applicable regulatory regime. Also, the concepts of Cyber forensics and its impact on related areas of study would also be analyzed. This course seeks to achieve the following objectives:

C01-To develop and provide the conceptual understanding of issues surrounding cybercrimes and related laws in India and in other International Jurisdictions.

C02-To develop a critical understanding and approach to handle issues relating to Cyber Crime.

C03-To demonstrate the functioning of Cyber forensics as an important tool to investigate Cyber Crimes.

C04-To understand the various facets of Forensic Science

	<p>and Cyber Crime vis-a-vis Intellectual Properties and Information Technology.</p> <p>Pedagogy:</p> <p>Considering that the classes will be conducted through online mode the mode of teaching will as of now essentially consist of:</p> <ul style="list-style-type: none"> • Lectures with power point presentations; • Guided reading and critical reflection of case laws; • Class room discussion/debates;
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LEARNING OUTCOMES: - Through the curriculum, the students will be introduced to the various facets of cyber-crimes and cyber forensics. On completion of this course, the students will be able to:

LO1 the course shall inform and educate the learners about the essentials of various crimes committed by using the cyber space.

LO2 the course shall bring awareness in the learners about the key issues involving the cybercrimes and the laws related to different jurisdictions.

LO3 the course shall impart education to the learners to examine nexus between cyber forensics and cyber-crimes.

LO4 the course shall help the learners to develop an analytical and critical perspective about the existing legal framework to deal with the cases related to cyber-crimes and cyber forensics vis-à-vis IP, IT and Cyber Forensic matters.

EVALUATION COMPONENTS

Components of Course Evaluation	% distribution
End Term Examination	80%
Individual Projects and Presentation	20%
Total	100%

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	INTRODUCTION	08
2	VARIOUS FACETS OF CYBER CRIME	12
3	CYBER FORENSICS	12
4	ACQUISITION AND ADMISSIBILITY OF DIGITAL EVIDENCE	12
5	IP, IT AND CYBER FORENSICS	12
6	REVISION	04

DETAILED SYLLABUS

UNIT	CONTENTS
Module 1 INTRODUCTION	<p>1. Introduction into crime related to the Internet.</p> <p>(a) Meaning and definition of cyber space (b) Concept of Cyber Crime</p> <p>(c) Challenge to Laws (d) Jurisdiction in Cyber Space</p> <ul style="list-style-type: none"> • Concept of Cyber Space • Subject Matter Jurisdiction • Personal Jurisdiction • Determining jurisdiction and applicable law for online disputes <p>2. Budapest Convention on Cyber Crime 3. Additional Protocol to the Convention on Cybercrime Concerning the Criminalisation of Acts of a Racist or Xenophobic Nature Committed Through Computer Systems (2003) 4. Second Additional Protocol to the Convention on Cybercrime on Enhanced Cooperation and Disclosure of Electronic Evidence (2022) *</p> <p><i>*NB: This protocol was opened for signature on 12 May 2022 and had not entered into force as of December 2022.</i></p>

	<p>ESSENTIAL READINGS</p> <ul style="list-style-type: none"> • Talat Fatima, <i>Cyber Crimes</i>, EBC, 2nd Ed.,2016 • Syed Asifuddin v. State of Andhra Pradesh, 2006 (1) ALD (Cri) 96; 2005 CriLJ 4314 • Diebold Systems Pvt. Ltd. vs The Commissioner, ILR 2005 KAR 2210
<p>Module 2</p> <p>VARIOUS FACETS OF CYBER CRIME</p>	<p>1. Crimes against Individuals</p> <ul style="list-style-type: none"> (a) Hate Speech (b) Harassment and Stalking (c) Identify Theft and Evasion of Digital Privacy (d) Cyber Forgery (e) Consumer related crimes <p>2. Crimes against property</p> <ul style="list-style-type: none"> (a) Cyber Trafficking (b) Cyber Vandalism (c) Intellectual Property Crimes in cyber space (d) Hacking Computer System (e) Internet Time Theft (f) Hacking into computer system <p>3. Crime against Government</p> <ul style="list-style-type: none"> (a) Cyber Terrorism (b) Attack on protected systems (c) Cyber Laundering (d) E-payments and Internet Banking: crimes and regulations <p>ESSENTIAL READINGS</p> <ul style="list-style-type: none"> • Rakesh v. Central Bureau, Delhi District Court, 2011 5 February 2011 • Maqbool Fida Husain v. Raj Kumar Pandey, Delhi HC decided on 8/5/2008. • State of Tamil Nadu v. SuhasKatti,Decided by CMM, Egmore, decided on Nov. 5, 2004 • Shreya Singhal v U.O.I, SC decided on 24/03/2015. • Internet & Mobile Association of India vs. RBI [W.P. Civil 528 &373 of 2018] • Manohar Lal Sharma v. Union of India &Ors. [W.P Crl.

	<p>No. 314 of 2021]</p> <ul style="list-style-type: none"> • Dhyande v. Kachurji Wankhede vs. Nawab Malik IAL 25975-2021 IN SUIT (L) 25974-2021
<p>Module 3</p> <p>CYBER FORENSICS</p>	<ol style="list-style-type: none"> 1. Defining cyber forensics <ol style="list-style-type: none"> (a) Why is Cyber Forensic Important (b) Techniques forensic Investigators use 2. Types of cyber forensics <ol style="list-style-type: none"> (a) Database Forensics (b) Email Forensics (c) Malware Forensics (d) Mobile Forensics (e) Network Forensics 3. Steps in cyber forensics <ol style="list-style-type: none"> (a) Data Collection (b) Analysis (c) Presentation 4. Block Chain as Forensic tool <p>ESSENTIAL READINGS</p> <ul style="list-style-type: none"> • https://www.techtarget.com/searchsecurity/definition/computer-forensics • https://www.youtube.com/watch?v=ENrjn-1D1e8 • Manohar Lal Sharma vs. Union of India &Ors. [W.P CrI. No. 314 of 2021] • Harsh Chugh vs. U.O.I. Writ Petition Civil Diary No. 10980/2020
<p>Module 4</p> <p>ACQUISITION AND ADMISSIBILITY OF DIGITAL EVIDENCE</p>	<ol style="list-style-type: none"> 1. Acquisition and handling of Digital Evidence <ol style="list-style-type: none"> (a) Introduction (b) Meaning of Digital Evidence (c) Principles of Digital Evidence (d) Digital Evidence handling 2. Analysis and admissibility of Digital Evidence <ol style="list-style-type: none"> (a) Electronic Evidence and the Indian Evidence Act, 1872

	<p>(b) Evidence and the Indian Supreme Court (c) Admissibility of Digital Evidence</p> <p>ESSENTIAL READINGS</p> <ul style="list-style-type: none"> • Karnika Seth, <i>Computers Internet and New Technology Laws</i> (2016) • Anvar P.V. v. P.K.Basheer & Ors. (2014) 10 SCC 473 • ShafhiMohd. v. S/O H.P. (2018) 2 SCC 801 • Arjun Pandit Rao Khotkarv. Kailash Kushanrao Gorantyal, 2020 SCC Online SC 571
<p>Module 5</p> <p>IP, IT AND CYBER FORENSICS</p>	<p>1. Tools of DRM for enforcement of copyright</p> <p>(a) What is DRM? (b) How does DRM work? (c) What are different types of DRM technologies and methods and their usage? (d) DRM and its existence across Copyright Laws in various countries</p> <p>2. Smart Contracts</p> <p>(a) Smart Contracts Defined (b) How Smart Contracts work? (c) Benefits of Smart Contract (d) Applications of Smart Contracts</p> <p>3. Crypto currencies</p> <p>(a) Introduction (b) Rationale behind crypto (c) Regulation of crypto currencies across the world (d) EU, UK, CHINA & USA (e) Regulation of Cryptocurrency in India</p> <p>4. Cloud and Virtual Technology Security</p> <p>(a) Introduction (b) Security Requirements of Virtualisations (c) Attacks on Virtualisation (d) Security Solutions</p> <p>ESSENTIAL READINGS</p> <ul style="list-style-type: none"> • Karnika Seth, <i>Computers Internet and New Technology Laws</i> (2016)

	<ul style="list-style-type: none"> • Kamath Nandan, <i>Law Relating to Computers Internet & E-commerce - A Guide to Cyberlaws & The Information Technology Act, Rules, Regulations and Notifications along with Latest Case Laws</i> 5thEd. (2016) • Noel Harper &Ors. v. U.O.I &Anr. [W.P. (Civil) No. 566/2021] • Jeevan Jyothi Charitable Trust &Ors. Vs. U.O.I [W.P. (C) No. 751/2021] • Ferid Allani v. U.O.I &Ors. [W.P. (C) 7/2014 decided on 12th Dec. 2019]
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READINGS

STATUTES, RULES AND REGULATIONS:

1. The Information Technology Act, 2000
2. The Information Technology Amendment Act, 2008
3. The Information Technology (Use of Electronic Records and Digital Signatures) Rules, 2004
4. The Information Technology (Intermediaries Guidelines) Rules, 2011
5. Digital Personal Data Protection Act, 2023
6. Budapest Convention on Cybercrime

CASE LAWS

1. Anvar P.V v. P.K.Basheer&Ors. (2014) 10 SCC 473
2. Arjun Pandit Rao Khotkarv. Kailash KushanraoGorantyal, 2020 SCC Online SC 571
3. Rakesh v. Central Bureau, Delhi District Court, 2011 5 February, 2011(Delhi Blast case terror e-mail sent by hacking Wi Fi in Mumbai)
4. Aveek Sarkar v. State of West Bengal (SC) Criminal Appeal no. 902 of 2004 decided on 3/2/2014
7. Maqbool Fida Husain v. Raj Kumar Pandey, Delhi HC decided on 8/5/2008
8. Vaibhav Jain v.Vice Chancellor Devi Ahilya Vishwavidyalaya, decided on 3rdJan 2002 , available at Indian Kanoon - <http://indiankanoon.org/doc/521882/>
9. State of Tamil Nadu v. SuhasKatti,Decided by CMM, Egmore, decided on Nov. 5, 2004 available at <http://www.prashantmali.com/cyber-law-cases;>
<http://www.legalserviceindia.com/lawforum/index.php?topic=2238.0> 51
10. Syed Asifuddin v. State of Andhra Pradesh, 2006 (1) ALD (Cri) 96; 2005 CriLJ 4314
11. Diebold Systems Pvt. Ltd. vs The Commissioner, ILR 2005 KAR 2210

12. Vinod Kaushik v. Madhrika Joshi, WP(C) 160/2012, Delhi High Court, order dt. 27/01/2012 available at <https://it.maharashtra.gov.in/Site/Upload/ACT/Madhrika%20Vs%20Kaushik-highcourt.PDF>
13. Chander Kalani v. SBI Bank, complaint no. 1 of 2014 decided on 12/01/2015 available at <https://it.maharashtra.gov.in/Site/Upload/ACT/DIT Adjudication Chander%20Kalani Vs SBI Ors-12012015.PDF>;
14. State of A.P. through Inspector of Police, Cyber Crimes P.S., CID, Hyderabad v. Prabhakar Sampath, Add. CMM Hyderabad, decided on 31/03/2015, CC 489 of 2010 available at: www.prashantmali.com/cyber-law-cases
15. NAASCOM v. Ajay Sood, 119 (2005) DLT 596
16. Shreya Singhal v U.O.I, SC decided on 24/03/2015
17. My Space Inc. v. Super Cassettes Industries Ltd., Delhi (DB), FAO(OS) 540/2011, C.M.APPL.20174/2011, 13919 & 17996/2015 decided on 23 December, 2016 available at <http://indiankanoon.org/doc/12972852/>
18. Amway India Enterprises Pvt. Ltd. v. 1Mg Technologies Pvt. Ltd., (Del) I.A. 11335/2018CS(OS) 410/2018 decided on July 8, 2019, available at <http://indiankanoon.org/doc/145401736/>;
19. Amazon Seller Services v. Modicare, Del(DB) decided on 31/01/2020 available at: <http://indiankanoon.org/doc/43335747/>
20. Satyam Infoway Ltd v. Sify net solutions Pvt. Ltd., AIR 2004 SC 3540
21. Aqua Minerals v. Pramod Barse, 2001 PTC 619 (Del)
22. Internet & Mobile Association of India vs. RBI [W.P. Civil 528 & 373 of 2018]
23. Manohar Lal Sharma v. Union of India & Ors. [W.P. CrI. No. 314 of 2021]
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2. Pavan Duggal, *Cyber Law : The Indian Perspective*, Saaksghar Law Publication, 2nd Ed., 2004
3. Talat Fatima, *Cyber Crimes*, EBC, 2nd Ed., 2016
4. S K Verma, Raman Mittal, *Legal Dimensions of Cyberspace*, ILI, 2004

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5. Kamath Nandan, *Law Relating to Computers Internet & E-commerce - A Guide to Cyberlaws & The Information Technology Act, Rules, Regulations and Notifications along with Latest Case Laws* 5th Ed. (2016)
6. Prashant Mali, *Cyber Law and Cyber Crimes*, 2nd Ed. (2015)
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8. Vakul Sharma, *Information Technology Law & Practice* 6th Ed. (2018)

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1. D. E. Sorkin, "Technical and Legal Approaches to Unsolicited Electronic Mail" available at <http://www.sorkin.org/articles/usf.pdf>
2. C. Palmer, "Ethical Hacking" available at <http://ishwer.zxq.net/hacking/ebook/Ethical%20hacking.pdf>
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4. Sarah Gordon, "Cyberterrorism" available at <https://www.symantec.com/avcenter/reference/cyberterrorism.pdf>
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6. Jay Mazoomdar, "Explained: How Pegasus spyware infects a device; what data may be compromised" available at <https://indianexpress.com/article/explained/pegasus-whatsapp-spyware-israel-india-7410890/>
7. "Pegasus spyware controversy: The story so far (a timeline of events)" available at <https://www.freepressjournal.in/india/pegasus-spyware-controversy-the-story-so-far>
8. Nishith Desai, E-commerce in India – Legal, tax and regulatory analysis available at http://www.nishithdesai.com/fileadmin/user_upload/pdfs/Research%20Papers/E-Commerce_in_India.pdf
9. Hemali Shah and Aashish Srivastavat "Signature Provisions in the Amended Indian Information Technology Act 2000: Legislative Chaos", 43 Comm. L. World Rev. 208 2014 available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2748441

10. Christopher Reed, "Legally binding electronic documents: Digital Signatures and Authentication 35(1) International Lawyer 89-106 available at <http://www.jstor.org/stable/40707597>
11. "Cyber Laws of India", www.iibf.org.in/documents/Cyber-Laws-chapter-in-Legal-Aspects-Book.pdf (Book on IT security of IIBF published by Taxmann Publishers)
12. Clay Wilson, "Cyber Crimes", in Franklin D. Kramer, Stuart H. Starr and Lerry K. Wentz (Eds.), *Cyberpower and National Security*, University of Nebraska Press: Potomac Books, available at <http://www.jstor.com/stable/j.ctt1djmhj1.23>
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15. Frosio, Giancarlo, *Internet Intermediary Liability: WILMap, Theory and Trends* (October 16, 2017). 13(1) *Indian Journal of Law and Technology* (2017) ; Centre for International Intellectual Property Studies, Research Paper No. 2017-10. Available at SSRN: <https://ssrn.com/abstract=3053966>.
16. Amlan Mohanty, *New Crimes under the Information Technology Amendment Act, 7 Ind. J. L. & Tech.* 103 (2011) available at Westlaw India
17. https://www.unodc.org/documents/Cybercrime/AdHocCommittee/Second_session/Stein_Schjlborg_contribution.pdf



SOCIAL MEDIA AND LAW

SEMESTER II | LL.M (ONE YEAR COURSE)

SYLLABUS (SESSION: JAN-MAY 2024)

Faculties' Names	Dr. Deepak Kumar Srivastava	Year/ Semester	2 nd Semester
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Course Name	Social Media and Law	No. of Credits	
Course Code	NA	Session Duration	1Hour
No of Contact Hours	60	Pre-requisite	Basic understanding of the Constitution of India and matters related to social media
Introduction & Pedagogy	<p>Information Communication Technologies (ICTs), offer a unique opportunity to connect to every individual and design the communication structure accordingly to each person. Such a medium of communication is referred to as Social Media. Social Media has become a vital communications tool through which individuals can exercise their right of freedom of expression and exchange information and ideas. In the past year, a growing movement of people around the world has been witnessed who are advocating for change, justice, equality, accountability of the powerful and respect for human rights, wherein the Internet and Social Media has played a key role. and it is transforming how people connect with each other and how information is shared and distributed.</p> <p>Social media is open to misuse as well, as several cyber-crimes can be easily committed through social media. This gives the State a justification to regulate online content in the interests of the public at large, the necessity of which cannot be denied.</p> <p>In light of the above, the course is designed to provide a basic understanding of social media and its implications. The course will also provide legal issues and comparative knowledge of other countries where social media has been considered a boon, not a bane.</p> <p>The methods to be followed for teaching will be Lecture, Case study and Group Discussion.</p>		
Objectives	<p>CO1- to provide a basic understanding of social media and its implications</p> <p>CO2-To provide an understanding of the ethical and professional issues which arise from the use of social media in the judicial process and legal practice.</p> <p>CO2- To provide a review of the legal issues which arise in</p>		

	connection with the use of social media.
Learning outcome:	<p>LO-1: Upon successful completion of this course, students will have an enhanced knowledge of the impact that emerging technologies – specifically social media.</p> <p>LO-2: Students will understand the regulatory challenges and laws applicable to regulate social media</p> <p>LO3- Students will understand the role of intermediaries and their liabilities.</p> <p>LO-3: In addition, students will gain skills in the discovery of social media content which will use as a piece of evidence.</p>

EVALUATION COMPONENTS

Components of Course Evaluation	Distribution of Marks
End Term examination	80
Projects and Presentation/Viva Voce	20
Total	100

LECTURE PLAN

S.No.	Module	No. of Lectures
I.	Conceptualizing Social Media	1-7
II.	Social media and Ethics	08-15
III.	Constitution of India and Social Media	16-25
IV.	Regulatory challenges before Social Media	26-35
V.	Laws relating to Social Media	36-43
VI.	Liabilities of intermediaries	44-52
VII.	Social Media and Self Regulation	53-60

DETAILED SYLLABUS

MODULE	CONTENT
Module I Conceptualizing Social Media	<ul style="list-style-type: none"> ➤ Introduction ➤ Media-Morphosis - Press, Electronic Mass Media, Digital Media and social media ➤ Theorizing social media- Meaning Definition Concept and Evolution ➤ Reasons for the growth of Social Media ➤ Social Media and its impact
Module II Social media and Ethics	<ul style="list-style-type: none"> ➤ Ethical Issues in Indian Media: Code of Ethics, Media Bias, Censorship, Privacy issues, Obscenity, Violence, Hate speech, Fake news and post-truth, Trial by media, Women

	<p>and Children in media, Pressures on Media Freedom (Political, Commercial, Legal)</p> <ul style="list-style-type: none"> ➤ Concept of the Ethics and the Law ➤ Salient Features of Indian Constitution ➤ Fundamental Rights, Directive Principles of State Policy, Fundamental Duties
Module III Constitution of India and Social Media	<ul style="list-style-type: none"> ➤ Digital constitutionalism ➤ Constitutional provisions regarding social media. ➤ Restrictions on freedom of speech and expression. ➤ Right to broadcast and telecast. ➤ Power of State to legislate u/a 246 read with 7th Schedule. ➤ Misleading advertisement vis a vis consumer right.
Module IV Regulatory challenges before Social Media	<p>Problems posed by Social Media:</p> <ul style="list-style-type: none"> ➤ Pornography and Obscenity, ➤ Hate Speech, ➤ Hacking of Social Media accounts ➤ Intellectual Property Issues (Trade Mark Infringement and Dilution, Copyright Infringement, Trade Secret Disclosure), Defamation, ➤ Privacy Violation by Social Media ➤ AI and Deep Fake Videos ➤ Any other...
Module V Laws relating to Social Media	<p>Laws:</p> <ul style="list-style-type: none"> ➤ The Information Technology Act, 2000 ➤ The Indian Penal Code, 1860 ➤ The Criminal Procedure Code, 1973 <p>Authorities:</p> <ul style="list-style-type: none"> ➤ Statutory/ State Authorities ➤ Non-Statutory Authorities
Module VI Liabilities of Intermediaries	<ul style="list-style-type: none"> ➤ Concept, Intermediaries Liability in US, UK, India, blocking of child pornography by the ISP's, preservation & retention of Information by Intermediaries (Preservation & Retention v. Privacy Issues), exemption from liability of Intermediary in certain case ➤ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rule 2021
Module VII Social Media and Self Regulation	<ul style="list-style-type: none"> ➤ What is self-regulation? ➤ Self-regulation in practice

	<ul style="list-style-type: none"> ➤ Self-regulation and its Challenges ➤ Effective self-regulation (Best Practices)
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READINGS:

List of Cases

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- ABP Pvt Ltd. v. Union of India, (2014) 3 SCC 327
- Ajay Goswami v. Union of India, AIR 2007 SC 493
- Ashok Shankarrao Chavan v. Madhavrao Kinhalkar, (2014) 7 SCC 99
- Bennett Coleman & Co. v. Union of India, AIR 1973 SC 106
- Brij Bhushan v. State of Delhi AIR 1950 SC 129
- Common Cause v. Union of India, (2015) 42 SCD 686
- Court On Its Own Motion v. State, (2008) 146 DLT 429
- Facebook Inc. v. Union of India T.P. Civ. No.(s) 1943-1946/2019
- Foundation for Media Professional v. Union Territory of Jammu and Kashmir (D. No. 10817 OF 2020).
- Google Inc v Equustek Solutions Inc 2017 SCC 34
- Google India Private Limited v. M/s Visakha Industries Ltd., (2019) 6 SCC 604
- K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1
- Rajat Prasad v. CBI, (2014) 6 SCC 495
- Secy., Ministry of Broadcasting v. Cricket Association of Bengal, (1995) 2 SCC 16
- Shreya Singhal v. Union of India, (2015) 5 SCC 1
- Swami Ramdev v. Juggernaut Books (2018) 246 DLT 279
- Swatanter Kumar v. The Indian Express Ltd, 207 (2014) DLT 221
- The Registrar (Judicial), Madurai bench of Madras High Court v. The Secretary to Government, Union Ministry of Communications, Government of India, New Delhi and Ors. 2018 (1) CTC 506
- X v. Union of India, 2021 SCC OnLine Del 178
- Syed Asifuddin v. State of Andhra Pradesh, 2006 (1) Ald (Cri) 96

Prescribed Text:

- The Constitution of India 1950
- The Information Technology Act, 2002
- The Indian Penal Code, 1860
- The Code of Criminal Procedure, 1973

Reports/ Regulation:

- Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rule 2021

- 52nd Report of the Parliamentary Standing Committee on Information Technology
- 31st Report of the Parliamentary Standing Committee on Subordinate Legislation, 2012-13
- Advisory on Implementation of Section 66-A of the Information Technology Act, 2000, Department of Electronics and Information Technology, 9 January, 2013
- Convergence Bill; Regulatory commissions of new media; Indian Telegraph Act of 1885

Books:

- Larissa Hjorth, Understanding Social Media, 2nd Edition, SAGE
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- Jeremy Harris Lipschultz, Social Media Communication, Concepts, Practices, Data, Law and Ethics, Routledge
- Daniel Trottier and Christian Fuchs (eds.), Social media, politics and the state (Routledge, New York, 2014)
- Daxton Stewart, Social Media and the Law: A Guidebook for Communication Students and Professionals 2nd Edition, Routledge
- Laura Scaife, Handbook of Social Media and the Law, Routledge
- Dewdney A. & Peter R. 2014. The Digital Media Handbook. 2nd Edition. Routledge. Oxon.
- Seargent, P. and Tagg, C. 2014. The Language of Social Media: Identity and Community on the Internet. New York: Palgrave Macmillan.

Recommended Readings:

- Gautam Bhatia, Offend, Shock, Or Disturb: Free Speech Under the Indian Constitution (Oxford University Press, 2016).
- Vijay Pal Dalmia, India: A Brief into The Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021, <https://www.mondaq.com/india/social-media/1266276/a-brief-into-the-information-technology-guidelines-for-intermediaries-and-digital-media-ethics-code-rules-2021>
- <https://prsindia.org/billtrack/the-information-technology-intermediary-guidelines-and-digital-media-ethics-code-rules-2021>
- <https://www.meity.gov.in/writereaddata/files/Approved%20Social%20Media%20Framework%20and%20Guidelines%20 2 .pdf>
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2. Susanne Baer, "Dignity, Liberty, Equality: A Fundamental rights triangle of Constitutionalism" 59 University Toronto Law Journal 417 (2009).
3. Alexander Tsesis, "Free Speech Constitutionalism", Illinois Law Review 1015 (2015).
4. Daniel J. Henry "The right to know vs. The right to tell" 47 U.N.B.L.J. 207 (1998).
5. F. Yigit, and B. Tarman "The Impact of Social Media on Globalization, Democratization and Participative Citizenship", 12 (1) –Journal of Social Science Education 75-80 (2013).
6. Richard A. Posner, "The Right of Privacy," 10 Georgia Law Review 393 (1977).