

SYLLABUS

LL.M.

1st Semester
July-December 2024



Hidayatullah National Law University

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COMPULSORY

1. RESEARCH METHODS AND LEGAL WRITING

Faculty	Dr. Kaumudhi Challa	Year/ Semester	Year-I/Semester-I
Course Name	Research Methods and Legal Writing	No. of Credits	6
Course Code	-	No. of Sessions	60
No of Contact Hours (Week)	05	Each Session Duration	1 Hour

Course Outline:

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

Objectives

C01- To enable the students to understand and appreciate the significance of research in legal studies.

C02- To make the students aware of the importance of interdisciplinary research involving other disciplines such as sociology, political science, other sciences and law.

C03- To make the students aware of the different types of research methods including doctrinal and non-doctrinal research methods and their relevance not only in legal studies but also for the economy and society as whole.

C04- To enable the students to develop an understanding of the technique of legal research writing and research proposal.

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

Learning Outcomes:

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

L01- comprehend the importance of research in creation and dissemination of knowledge in law and other allied subjects;

L02- recognize the significance of interdisciplinary research in promoting social values

L03- understand and learn various methods and techniques of doing research in law and other social sciences as well as identify the major problems affecting the society and come out with relevant research studies to resolve those problems

L04- understand the rules of uniform citation, form and content of different types of research works and the significance of ethics in research and publication of research works

Scheme of Evaluation:

S. N.	Component	Marks	Total
01	Written Project (Written + viva)	15 + 5	100
02	End-term Examination	80	

COURSE PLAN:

MODULE	TOPICS	LECTURE SESSIONS
1.	Research & Legal Research: An Introduction	07
2.	Interdisciplinary Research	04
3.	Research Methods and Application in Law	10
4.	Major Steps in Legal Research	15
5.	Data Collection and Analysis of Data	15
6.	Legal Research Report Writing	05
7.	Developing a Good Research Proposal	04

Detailed Syllabus:

Module	Course Description	No. of Hours
Module 1 RESEARCH & LEGAL RESEARCH: AN INTRODUCTION	<ol style="list-style-type: none"> 1. Definition and Meaning of Research, Objectives, Motivation and Significance of Research 2. Types of Research – Theoretical vs. Empirical, Descriptive vs. Analytical, Fundamental vs. Applied, Quantitative vs. Qualitative, Historical and Action Research 3. Scientific Method and Research- Characteristics, Induction and Deduction Approaches, Research and Logic 4. Definition and Meaning of Legal Research, Objectives, Motivation, and Significance of Legal Research 5. Research Values and Publication Ethics 	7
Module 2 INTERDISCIPLINARY RESEARCH	<ol style="list-style-type: none"> 1. Interdisciplinary Research- Meaning and Significance 2. Interdisciplinary Research in Law- Some examples 3. Interdisciplinary Research and Challenges 	4
Module 3 RESEARCH METHODS & APPLICATION IN LAW	<ol style="list-style-type: none"> 1. Doctrinal or Traditional Research Methods - Meaning of Doctrinal Research, Features of Doctrinal Research, Merits and Demerits of Doctrinal Research in Law 2. Non-Doctrinal or Empirical Legal Research - Meaning of Non-Doctrinal Research, Features of Non-Doctrinal Research, Merits and Demerits of Non-Doctrinal Research in Law, Socio-legal research 3. Other Methods- Survey Method: Census and Sample Survey, Case Study Method, Historical and Ethnographic Methods, Mixed Methods 	10
Module 4 MAJOR STEPS IN RESEARCH	<ol style="list-style-type: none"> 1. Research Problem: Identifying and defining the Research Problem, Steps in Problem Formulation, Significance of Research Problem, Rationale of Study 2. Review of Literature and Identification of Research Gaps, Significance of Review of Literature, Steps involved in Review of Literature 3. Formulation of Objectives 4. Hypothesis: Meaning, Importance, Formulation of Hypothesis, Types of Hypothesis in Legal Research(only overview), Sources of Hypothesis, Characteristics of a Good Hypothesis 5. Research Design: Meaning and Significance of Research Design, Working out a Research Design, Types of Research Design 	15
Module 5 DATA COLLECTION	<ol style="list-style-type: none"> 1. Data Collection in Doctrinal Research: Meaning of Data, Types of Data, Primary and Secondary Sources 	15

<p style="text-align: center;">AND ANALYSIS & INTERPRETATION OF DATA</p>	<p>of Data; Data Analysis, Interpretation and Drawing of inferences</p> <ol style="list-style-type: none"> 2. Data Collection in Non-Doctrinal Research: Primary and Secondary Sources of Data, Meaning of Universe, Population and Sample, Importance of Sampling, Types of Sampling (as more than 50 types are there, only some important types will be dealt in class), Difference between sampling method and census method 3. Methods and Tools of Data Collection in Non-Doctrinal Research: Interview Method and Interview Schedules; Questionnaire Method and Questionnaire; Observation Method and Observation Schedule 4. Analysis and Interpretation of Data in Non-Doctrinal Research 5. Measures of Central Tendency and Measures of Dispersion 6. Importance of SPSS (Statistical Package for Social Sciences) in Research 	
<p>Module 6 LEGAL RESEARCH REPORT WRITING</p>	<ol style="list-style-type: none"> 1. Research Report Writing- Meaning and Significance 2. Steps in Research Report Writing, Contents and Criteria of Good Legal Research Report 3. The Problem of Plagiarism 4. Citation Methods: Footnotes, End Notes, References and Bibliography 5. Citation Styles: MLA, OSCOLA, Blue Book Citations, 6. Various Library Reference Tools- Mendeley, Zotero etc. 	05
<p>Module 7 DEVELOPING A GOOD RESEARCH PROPOSAL</p>	<ol style="list-style-type: none"> 1. The Layout of a Research Proposal 2. The Feasibility of the Project Proposal 3. Criteria for Good Research Proposal 4. Contemporary Areas in Legal Research 	04
	Total	60

References:

Books:

1. Agrawal, S. K. *Legal Education in India*, Bombay: Tripathi Publishers, 1973.
2. Gupta Mukul, Deepa Gupta. *Research Methodology*, Delhi: PHI Learning Private Ltd., 2013.
3. Kapoor, S.K., Puja Saigal. *Research Methodology, Methods and Techniques*, New Delhi: Regal Publications, 2013.
4. Kothari, C.R. *Research Methodology, Methods and Techniques*, 2nd Revised Edition, 2004, New Age International Publishers, (Reprint 2013).
5. Kumar, Ashok. *Legal Method, Legal Systems and Legal Research*, 1st Edition, New Delhi: K.K. Publications, 2014.

6. Kumar Ranjit, *Research Methodology*, 2nd Edition, Australia: Pearson Education, 14th Impression, 2013.
7. Kothari, C.R., Gaurav Garg. *Research Methodology, Methods and Techniques*, 3rd Edition, New Delhi: New Age International Publishers, (Reprint 2016).
8. Myneni, S.R. *Legal Research Methodology*, 5th Edition, Haryana: Allahabad Law Agency, 2012.
9. Purohit, Mona. *Legal Education and Research Methodology*, 3rd Edition, Allahabad: Central law Publications, 2016.
10. Rattan Singh. *Legal Research Methodology*, 2nd Edition, Lexis Nexis, 2016.
11. Thakur, Devendra. *Research Methodology in Social Sciences*, New Delhi: Deep & Deep Publications, 2008.
12. Tiwari, H.N. *Legal Research Methodology*, Haryana: Allahabad Law Agency, 2nd Edition, 2013.
13. Verma, S.K., M. Afzalwani. *Legal Research and Methodology*, 2nd Edition 2001, New Delhi: Indian Law Institute, 4th Reprint, 2010.
14. Watt, Robert. *Concise Legal Research*, New Delhi: Universal Law Publishing Co. Pvt. Ltd., 2002.
15. Wilkinson, T. S. And P. L. Bhandarkar. *Methodology and Techniques of Social Research*, New Delhi: Himalaya Publishing House, 2010.

Suggested Readings:

1. Amy E. Sloan. *Basic Legal Research Tools and Strategies*, 4th Edition, New York: Wolters Kluwer, Aspen Publishers, 2009.
2. Anwarul, Yaqin. *Legal Research and Writing Methods*, Lexis- Nexis, 2008.
3. Brayne, H., N. Duncan and R. Grimes. *Clinical Legal Education Active Learning in Your Law School*, Oxford University Press, 1998.
4. Donna M. Mertens, Pauline E. Ginsberg. *The Handbook of Social Research Ethics*, SAGE, 2009.
5. Durstan, Anderson J and B. H. Pooli. *An Introduction to Ethical, Safety and Intellectual Property Rights Issues*, Padma Nambisan, Elsevier, 2017.
6. Frans L. Leeuw, Hans Schmeets. *Empirical Legal Research*, Cheltenham, U.K.: Edwards Elgar Publishing, 2016.
7. Garg, K.K. *Research Methodology*, New Delhi: Omega Publications, 1st Edition, 2006.
8. Goode, W. J. and Hatt P. K. *Methods of Social Research*, New York, McGraw Hill, 1962.
9. Knowles John. *Effective Legal Research*, 4th Edition, Sweet & Maxwell, 2016.
10. Nadia, E. Nedzal. *Legal Reasoning, Research and Writing for International Graduate Students*, 2nd Edition, New York: Wolters Kluwer, Aspen Publishers, 2008.
11. Rohila Pradeep, *Research Methodology*, New Delhi: APH Publishing Corporation, 2010.
12. Saha, Tushar Kanti. *Textbook on Legal Methods, Legal Systems and Research*, New Delhi: Universal Law Publishing Co., 2010.

2. COMPARATIVE PUBLIC LAW/ SYSTEM OF GOVERNANCE

Faculty Name	Dr. Deepak Kumar Srivastava	Year	One
		Semester	I
Course Name	Comparative Public Law/ System of Governance	No. of Credits	4
Course Code	NA	Session Duration	1 Hour
No of Contact Hours	60 hours	Pre-requisite	Basic understanding of Constitution of India.
Introduction	<p>This course is designed to provide a critical understanding of the main issues, trends and methods in comparative public law. The main areas covered in the course are:</p> <p>Fundamentals of comparative law, Constitutionalism, separation of powers, judicial review, amendment and constitutional Interpretation. An understanding of the subject would help the students to better appreciate the constitutional systems of governance of a few countries, in particular, the United States of America, the UK, Australia, Canada and few other emerging constitutions along with the Indian Constitution. Students will also be getting a deeper understanding of the doctrines and values underlying the provisions and principles of various constitutional systems.</p>		
Course objectives	<p>CO1. To provide an overview of the scope, uses and methods of comparative public law.</p> <p>CO2. To address key areas of comparative public law like separation of powers, rule of law, and judicial review to better understand and appreciate one's own legal system</p> <p>CO3. To critically analyse new constitutional movements that are changing the boundaries of constitutionalism and constitutional systems.</p>		
Learning Outcomes:	<p>On completion of this course, the students would be:</p> <p>L01. Able to understand the similarities and differences between leading legal traditions in key areas like separation of powers, protection of rights and the role of judiciary</p> <p>L02. Familiar with the methodology of comparative public law</p> <p>L03. Able to use comparative methodology in public law analysis</p>		

COURSE PLAN

S.No.	Topics	Number of Lectures
1	Fundamentals of Comparative Public Law	1-8
2	Concept of Constitution and Constitutionalism	09-16
3	Constitutional Principles	17-23
4	Constitutional foundations of powers	24-30
5	The State and Governance	31-35
6	Forms of Governments	36-42
7	Judicial Review and Constitutional Interpretation	43-54
8	Amendment of the Constitution	55-60

DETAILED SYLLABUS

UNIT	CONTENT
Module-1 Fundamentals of Comparative Public Law	<ul style="list-style-type: none"> • Necessity of study of Comparative Law • Issues and challenges in comparison • Impact of Globalisation and Comparative Law • Meaning, definition and concept of Public Law • Examples of Public Law • The evolving boundary between public and private law
Module 2 Concept of Constitution and Constitutionalism	<ul style="list-style-type: none"> • Meaning and Idea of Constitution • Constitution as Fundamental Law • Debate over Living and Organic Constitution • Constitution and Constitutionalism • Essential features of Constitutionalism
Module 3 Constitutional Principles	<ul style="list-style-type: none"> • Rule of law, Modern Concept of Rule of Law • Social and economic rights as part of rule of law • Separation of powers • Checks and Balances • Separation of Powers or Separation of Functions
Module 4 Constitutional Foundation of Powers	<ul style="list-style-type: none"> • Legislative Power- Legislative supremacy • Executive Power • Judicial Power- Judicial Activism, Judicial Accountability
Module 5 The State and Governance	<ul style="list-style-type: none"> • The concept of Good Governance • The Methods to ensure Good Governance • State and civil liberties
Module 6 Forms of Governments	<ul style="list-style-type: none"> • Federal and Unitary Forms • Concept of Quasi federalism • Models of Federalism and Concept of Quasi-federalism • Parliamentary and Presidential Forms of Government
Module 7 Judicial Review and Constitutional	<ul style="list-style-type: none"> • Concept and Origin of Judicial Review • Courts and Constitutional Interpretation • Methods of Constitutional Review • Limitations on Judicial Review

Interpretation	
Module 8 Amendment of the Constitution	<ul style="list-style-type: none"> • Various Methods of Amendment • Limitations on Amending Power: Comparative Perspective • Theory of Basic Structure

READINGS:

CASE LAWS

1. Kesavananda Bharati v. State of Kerala 1973 (4) SCC 225
2. S. R. Bommai v. Union of India 1994 (3) SCC 1
3. State of West Bengal v. Union of India AIR 1963 SC 1241
4. Rai Sahib Ram Jawaya Kapur v. State of Punjab AIR 1955 SC 549
5. Kuldip Nayar v. Union of India 2006 (7) SCC 1
6. State of Haryana v. State of Punjab 2002 (2) SCC 507
7. I.R. Coelho v. State of Tamil Nadu 2007(2) SCC 1
8. L. Chandra Kumar v. Union of India (1997) 3 SCC 261
9. Madras Bar Association v. Union of India (2014) 10 SCC 1
10. Mohd. Arif v. The Reg. Supreme Court of India (2014) 9 SCC 737
11. Delhi Transport Corporation v Mazdoor Congress AIR 1991 SC 101
12. Justice KS Puttaswamy (Retired) and another v Union of India and others, AIR 2018 SC (SUPP) 1841
13. Kalpana Mehta and others v Union of India and others, AIR 2018 SC 2493.
14. R.S. Nayak v. A.R. Antulay, (1984) 2 SCC 183.
15. State of Mysore v. R.V. Bidap, (1974) 3 SCC 337.
16. Pepper v. Hart, [1993] 1 All ER 42.
17. Mafatalal Industries Limited. v Union of India AIR ONLINE 1996 SC 1268
18. Sahara India Real Estate Corp. Ltd. & Ors v Securities & Exchange Board of India & Anr, AIR 2012 SC 3829
19. Swapnil Tripathi and others v Supreme Court of India and another, Writ Petition (Civil) 1232/2017
20. Synthetics and Chemicals Limited etc. v State of U.P. 1991 SCR (3) 64

Note: The list of cases is not exhaustive.

PRESCRIBED BOOKS

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

REFERENCE BOOKS

1. A.V. Dicey. An Introduction to the Study of the Law of the Constitution. (Universal Law Publishing Co)
2. Christopher Forsyth, Mark Elliott, Swati Javari, Effective Judicial Review: A Cornerstone of Good Governance (Oxford University Press, 2010).
3. Deepak K. Srivastava (edited): 50 years of Basic Structure Doctrine: The Way Ahead, SLM Publishers, Patiala, Punjab. ISBN: 978-93-91083-87-8 –

4. Deepak K. Srivastava (edited): *The Journey of Seven Decades Constitutional Discourse at Crossroads*, HNLU Press, Hidayatullah National Law University, Edition 2022, ISSN: 978-81-957449- 0-9
5. Deepak K. Srivastava (edited): *Human Rights, Constitutionalism and Rule of Law: Contemporary Issues and Challenges (A Tribute to Late Justice V.R. Krishna Iyer)* Satyam Law international 2017, ISSN: 9789382823551
6. David Strauss, *The Living Constitution* (OUP, 2010).
7. Granville Austin: *Working a Democratic Constitution, the Indian Experience*. [New Delhi, Oxford University Press].
8. Granville Austin: *The Indian Constitution: Cornerstone of a Nation*. [New Delhi, Oxford University Press].
9. H.M. Seervai: *Constitutional Law of India: A Critical Commentary*. [Delhi. Universal Law Publishing Co. Ltd].
10. Lakshminath A, *Basic Structure and Constitutional Amendments: Limitations and Justiciability* (Deep and Deep 2002).
11. Pier Giuseppe Monateri, *Methods of Comparative Law* (Edward Elgar Publishing, 2012).
12. Sudhir Krishna Swamy, *Democracy and Constitutionalism in India – A study of the Basic Structure Doctrine* (OUP, 2009)
13. Vicki C. Jackson, Mark V. Tushnet, *Comparative Constitutional Law* (2nd ed. Foundation Press, 2006).

ARTICLES

1. Agarwal C, 'Rule of Law: Reflection upon we the People and Beyond' 252 (1) *Madras Law Journal* 8-16 (2010).
2. Ackerman B, 'The New Separation of Powers' 113 (3) *Harv. L. Rev.* 634-729 (2000).
3. Bhat I, 'Why and how Federalism matters in Elimination of Disparities and Promotion of Equal Opportunities for Positive Rights', 54(3) *Journal of the Indian Law Institute* 324-363 (July-Sept 2012).
4. Bosniak L, 'Persons and Citizens in Constitutional Thought' 8 (1) *International Journal of Constitutional Law* 9-29 (January 2010).
5. Bulman J, 'Federalism as a safeguard of the Separation of Powers', 112(3) *Columbia Law Review* 459-506 (2012 April).
6. Chapman N, 'Due Process as Separation of Powers' 121(7) *Yale Law Journal* 1672-1807 (2012 May).
7. Clark B & Amanda Leiter, 'Regulatory Hide and Seek: What Agencies Can (And Can't) do to Limit Judicial Review' 52(5) *Boston College Law Review* 1687-1732 (2011 November).
8. Deepak K. Srivastava, *Rule of Law and Its Manifestation in India*, HNLU *Journal of Law and Social Sciences (JLSS)* UGC Listed S No. 41107, ISSN 2347-839X, Volume II, Number I, Pg. Nos. 55-62, January-December 2015.
9. King D, 'Formalizing Local Constitutional Standards of Review and the Implications for Federalism' 97 (7) *Virginia Law Review* 1685-1726 (November 2011).
10. Levinson D & Richard H Pildes, 'Separation of Parties, Not Powers' 119(8) *Harvard Law Review* 2311-2386 (2006).
11. Schapiro, 'Judicial Federalism and the Challenges of State Constitutional Contestation', 115(4) *Penn State Law Review* 983-1006 (2011 Spring).

12. Sharma R, 'Judiciary as Change Agent: Some insights into the Changing role of Judiciary in India' 58(2) Indian Journal of Public Administration 264-286 (2012 April-June).
13. Siegel J, 'Institutional case for Judicial Review' 97(4) Iowa Law Review 1147-1200 (2012 May).
14. Singh DP, 'Sovereignty, Judicial Review and Separation of Power', 7(5) Supreme Court Cases 1-13 (2012 September).
15. Singh RK, 'Judicial Activism in India — Prospects and Challenges in the Twenty First Century' in Dr Lokendra Malik (ed), Judicial Activism in India—A Festschrift in Honour of
16. Strauss D, 'Do we Have a Living Constitution' 59 (4) Drake Law Review 973-984 (2011 Summer).
17. Tushnet M, 'The Possibilities of Comparative Constitutional Law', 108 Yale L J 1225 (1999).
18. Ullah A & Uzair Samee, 'Basic Structure of Constitution: Impact of Kesavananda Bharati...
19. Constitutional Status of Fundamental Rights', Vol. 26 (2) South Asian Studies 299-309 (July/December 2011).

3. LAW AND JUSTICE IN A GLOBALISING WORLD

Faculty Name	Prof. (Dr.) Vishnu Konoorayar	Year/ Semester	I/I
Course Name	Law and Justice in a Globalising World	No. of Credits	6
Course Code	NA	Session Duration	1 Hour
No of Contact Hours	60 Sessions	Pre-requisite	None
Introduction, Course Objective & Pedagogy	<p>This course builds on the understanding of the various classifications and interpretations of law and the concepts of justice gained by students at the undergraduate level. It looks at the process of globalisation and its impact on law and justice in the light of history, politics, economics, and sociology. This course will discuss the debates surrounding globalisation, law, justice, its changing meaning, and the impact that it has on many fields of law. It will provide an understanding of how laws and legal institutions have to change to align with global rules. The shrinking policy space at the national level will also be discussed. The discussions end with a demand for change in the current structures of globalisation and their connection with the law. The course aims to integrate the fundamental concepts of law and justice into the curriculum of LL.M. students, regardless of their area of specialisation. It tries to empower the critical skill of analysing various sources of law connected with their specialization and other developments around them and making logical judgements from the perspectives of society and the nation. To achieve this, this course has the following objectives:</p> <ul style="list-style-type: none"> • C01- To understand the process of globalisation and its impact on law and justice from a historical perspective. • C02- To critically analyse the concept of global justice and the mechanisms designed to achieve it. • C03- To better appreciate the demands for change raised by different groups for the international legal order and institutions in the light of globalisation <p>This subject requires teaching to be a combination of theories and their practical application. The contact hours will be utilised to cater to a blend of lectures, discussions, and debates. Students will be encouraged to read scholarly works from law and other disciplines.</p>		

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

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

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

COURSE PLAN

S.No.	Moules	Lecture Sessions
1	Globalization: Meaning, Reach and Form	01-10
2	Changing Concepts of Law in a Ever Globalizing World	11-20
3	An Examination of the Notion of Justice: From Ancient Times to the Present Day	21-30
4	History, Making and Content of Transnational Law and Transnational Legal Order	31-40
5	Globalisation, Transnational Legal Order and India: Questions of Fairness to the Nation, Communities, Institutions, and Individuals	41-50
6	Alternative Perspectives on Globalisation and Transnational legal order in <i>pursuit of justice</i>	51-55
7	Evolving Indian approaches to Globalisation	56-60

DETAILED SYLLABUS

UNIT	CONTENT
Module 1: Globalization: Meaning, Reach and Form	<ul style="list-style-type: none"> • Defining Globalisation • Globalization in History • Globalization in Contemporary Theories • Normative Challenges of Globalization • Globalisation as an Ideology • Different dimensions of Globalization
Module 2: Changing Concepts of Law in a Ever Globalizing World	<ul style="list-style-type: none"> • Traditional to contemporary jurisprudence, theories and classifications, and nature of Law • Different stages of growth of law in a globalising world • Concepts of Transnational Law and ‘Transnational Legal Order’
Module 3: An Examination of the Notion of Justice: From Ancient Times to the Present Day	<ul style="list-style-type: none"> • Mapping the concept of Justice: From traditional to contemporary notions of Justice • Age of Enlightenment- Modernism to Post-Modernism and Beyond • Western, African Asian and Indian philosophies of Justice: From Isolation to Unification
Module 4: History, Making and Content of Transnational Law and Transnational Legal Order	<ul style="list-style-type: none"> • History, Politics and Content of ‘Transnational Legal Order’ • Case studies in the following areas: <ul style="list-style-type: none"> ○ Economics and Trade ○ Environment and Natural Resources ○ Human Rights
Module 5: Globalisation, Transnational Legal Order and India: Questions of Fairness to the Nation, Communities, Institutions, and Individuals	<ul style="list-style-type: none"> • Impact of Globalisation and Transnational Legal Order on India as a Nation, its communities, Institutions and Individuals. • Case studies in the following areas: <ul style="list-style-type: none"> ○ Constitution of India and Constitutional Governance ○ Judicial Process and administration of Justice ○ Environmental Governance ○ Rights of Tribal People

<p>Module 6: Alternative Perspectives on Globalisation and Transnational legal order in <i>pursuit of justice</i></p>	<ul style="list-style-type: none"> • Alternative perspectives: <ul style="list-style-type: none"> ○ Third World Approach to International Law (TWAAIL) ○ Global Administrative Law ○ Feminist Perspectives on Globalization ○ Global Justice ○ Global Democracy ○ Cosmopolitanism ○ International Distributive Justice ○ Sustainable Development
<p>Module 7: Evolving Indian approaches to Globalisation</p>	<ul style="list-style-type: none"> • Intellectual and Institutional Acceptance of the Western Values • Reviewing the Indian approaches towards Globalisation and Deglobalisation

SUGGESTED READINGS:

E-BOOKS (Available in HNLU E-Library - Bloomsbury Collections & Open Access)

- Anderson, G.W. (2005). Constitutional Rights after Globalization. London: Hart Publishing.
- Anthony, G., Auby, J., Morison, J., & Zwart, T. (Eds.). (2011). Values in Global Administrative Law. London: Hart Publishing.
- Bercusson, B., & Estlund, C. (Eds.). (2007). Regulating Labour in the Wake of Globalisation: New Challenges, New Institutions. London: Hart Publishing.
- Breining-Kaufmann, C. (2007). Globalisation and Labour Rights: The Conflict between Core Labour Rights and International Economic Law. London: Hart Publishing.
- Brownsword, R. (Ed.). (2004). Global Governance and the Quest for Justice - Volume IV: Human Rights. London: Hart Publishing.
- Buchanan, R., & Zumbansen, P. (Eds.). (2014). Law in Transition: Human Rights, Development and Transitional Justice. London: Hart Publishing.
- Calliess, G., & Zumbansen, P. (2010). Rough Consensus and Running Code: A Theory of Transnational Private Law. London: Hart Publishing.
- de Búrca, G., Kilpatrick, C., & Scott, J. (Eds.). (2014). Critical Legal Perspectives on Global Governance: Liber Amicorum David M Trubek. London: Hart Publishing.
- de Búrca, G., Kilpatrick, C., & Scott, J. (Eds.). (2014). Critical Legal Perspectives on Global Governance: Liber Amicorum David M Trubek. London: Hart Publishing.
- Delmas-Marty, M.Norberg, N. (Trans.). (2009). Ordering Pluralism: A Conceptual Framework for Understanding the Transnational Legal World. London: Hart Publishing
- Dietz, T. (2014). Global Order Beyond Law: How Information and Communication Technologies Facilitate Relational Contracting in International Trade. London: Hart Publishing.
- Skoll, GR. (2010). Social Theory of Fear Terror, Torture, and Death in a Post-Capitalist World. Palgrave Macmillan (Available at <https://link.springer.com/content/pdf/10.1057/9780230112636.pdf>)
- Joerges, C., & Petersmann, E. (Eds.). (2006). Constitutionalism, Multilevel Trade Governance and Social Regulation. London: Hart Publishing.
- Joerges, C., Sand, I., & Teubner, G. (Eds.). (2004). Transnational Governance and Constitutionalism. London: Hart Publishing.
- Lewis, D. (Ed.). (2006). Global Governance and the Quest for Justice - Volume I: International and Regional Organisations. London: Hart Publishing.
- MacLeod, S. (Ed.). (2006). Global Governance and the Quest for Justice - Volume II: Corporate Governance. London: Hart Publishing.

- Mak, E. (2013). *Judicial Decision-Making in a Globalised World: A Comparative Analysis of the Changing Practices of Western Highest Courts*. London: Hart Publishing.
- Mitsilegas, V., Alldridge, P., & Cheliotis, L. (Eds.). (2015). *Globalisation, Criminal Law and Criminal Justice: Theoretical, Comparative and Transnational Perspectives*. London: Hart Publishing.
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INTELLECTUAL PROPERTY RIGHTS

1. JURISPRUDENCE OF INTELLECTUAL PROPERTY RIGHTS

Faculty	Prof. (Dr.) V.C. Vivekanandan & Ms. Garima Panwar	Year/Term	1 st semester
Course Name	Jurisprudence of Intellectual Property Rights	Session Duration	1Hour
No. of Classes/ Week	05	No. of Credits	06
No. of Contact Hours	60		
Introduction, Course Objective & Pedagogy	<p>Intellectual Property Rights in general refers to these intangible assets including invention, creation, and contribution to the contemporaneous field of knowledge which is owned and legally protected by an individual or company. The economic growth, financial incentive and motivation for advanced innovations imbedded in the balanced legal protection of Intellectual Property Rights entails proficient, directed and timely updated guidance in the field of Intellectual Property Rights. Intellectual property has increasingly assumed a vital role with the rapid pace of technological, scientific and medical innovation that we are witnessing today.</p> <p>Moreover, changes in the global economic environment have influenced the development of business models where intellectual property is a central element establishing value and potential growth. In India several new legislations for the protection of intellectual property rights (IPRs) have been passed to meet the international obligations under the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).</p> <p>Intellectual property has therefore grown into one of the world's biggest and fastest-growing fields of law thereby necessitating the demand for IP professionals well versed in this area to deal with (IPRs) across the national and international borders.</p> <p>Therefore, this syllabus has been prepared to provide the students with a wide perspective and in-depth knowledge in intellectual property to enable them to get solid grounding in the legislative framework, practice and procedure of the intellectual property</p>		

protected through patents, trademarks, copyrights, designs and geographical indications. The course contents have been so designed as to develop specialized skills in the corpus and complexities of the different aspects of the subject besides meeting the requirements of a future career in this area.

COURSE OBJECTIVES:

CO1 To teach and elicit the views of the learners on the Justification of IPR from its European origins to the contemporary times.

CO2 To track the evolution of international perspectives of IPR and its impact on National Legal Regimes.

CO3 To revisit the segments of IPR and understand the theory and practice perspective through case law development

CO4 To critically examine the public policy perspective of various IP segments and their impact on multi stakeholders.

PEDAGOGY:

The pedagogy of the course is designed as:

P1. The class hours will be utilized in catering a blend of instruction, discussion, and brainstorming sessions

P2. Critical analysis by lecture and interaction deploying analysis of concepts/justifications/ contra views and policy formulation

P3. The Interactive method to deploy case presentations in the class for assessing the impact of the discourse in the class.

P4. To attempt for mapping the outcome-based learning through critical end term evaluation.

P5. To use simulation exercise for participative outcome in the class room.

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

LO1-To explain the origins, theories of property and foundations of IP Jurisprudence

LO2-To discuss various International Perspectives pertaining to various theories

LO3-To explain various types of Intellectual Property i.e., Copyright, Patent, Trademark, and other emerging segments.

LO4-To critically analyse various transactional issues under the Intellectual Property Law.

LO5- Know and understand the importance of the recent amendments and emerging issues under the Intellectual Property Law.

EVALUATIONCOMPONENTS

Evaluation Components	Distribution of Marks
End term Examination	80
Continuous Internal Assessments/Project	20
Total	100

COURSEPLAN:

Module No	Title of the Module	Lecture Sessions
I	Jurisprudential foundation for IP	6
II	International Conventions and Agreements	6
III	Basics of IP legal regime in India	17
IV	IP Management	6
V	IP and Technology	9
VI	Transactional issues in IP	10
VII	Public Policy and IP	6

DETAILED SYLLABUS

Unit	Content
Module 1 Jurisprudential foundation for IP	<ol style="list-style-type: none"> 1. Origin and History of Intellectual Property 2. Theories of property and foundations of IP Jurisprudence 3. Common Law v. Civil Law Approach of IPR
Module 2 International Conventions and Agreements	<ol style="list-style-type: none"> 1. Pre-TRIPS: <ol style="list-style-type: none"> a. Paris Convention for the Protection of Industrial Property (1883) b. Berne Convention for the Protection of Literary and Artistic Works (1886) c. Madrid Agreement Concerning the International Registration of Marks (1891) d. Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (1958) e. Patent Cooperation Treaty (PCT) (1970) 2. Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), 1994 3. Post-TRIPS: <ol style="list-style-type: none"> a. Internet Treaties - WIPO Copyright Treaty (WCT) (1996) and WIPO Performances and Phonograms Treaty (WPPT) (1996) b. Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (2013)

	<ul style="list-style-type: none"> c. Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (ABS) to the Convention on Biological Diversity (2010) d. UPOV Convention (1991) <p>4. Role of WIPO and WTO in Advancement of IPR</p>
<p>Module 3: Basics of IP legal regime in India</p>	<ul style="list-style-type: none"> 1. Law of Copyright <ul style="list-style-type: none"> a. Legal Framework for protection of Copyright b. Expressive v. non-expressive use c. Copyright and Computer Programmes d. Open Access, Copy left and Creative Common Licenses 2. Law of Trademarks <ul style="list-style-type: none"> a. Legal Framework for protection of Trademarks b. Parallel Importation and Trademark issues c. Trademarks Dilution and cyber squatting 3. Law of Patents <ul style="list-style-type: none"> a. Legal Framework for protection of Patents b. Access v. Restrictions: Pharmaceutical Patents c. Software Patents 4. Protection of Geographical Indications (GI) <ul style="list-style-type: none"> a. Legal Framework for protection of GI b. Case studies 5. Protection of Plant Varieties and Farmers' Rights Authority <ul style="list-style-type: none"> a. Legal Framework for protection of PPVFR b. Case studies 6. Protection of Design Law <ul style="list-style-type: none"> a. Legal Framework for protection of Industrial Designs b. Interface of Copyright and Designs 7. The Semiconductor Integrated Circuits Layout Design Act <ul style="list-style-type: none"> a. Legal Framework for protection of Integrated Circuits b. Case Laws
<p>Module 4: IP and Technology</p>	<ul style="list-style-type: none"> 1. Fair use and exceptions in IP vis-à-vis Artificial Intelligence 2. Technology Transfer Agreements 3. Interface of IP and Data Protection

Module 5: IP Management	<ol style="list-style-type: none"> 1. IP Valuation Strategy and SWOT Analysis 2. Patent Landscaping 3. IP audit 4. Confidentiality Agreements & Non-Compete agreements
Module 6: Transactional issues in IP	<ol style="list-style-type: none"> 1. Legal foundation of Trade Secrets 2. Competition Law and IP 3. Character Merchandising in IPR 4. SEPs and FRANDs
Module 7: Public Policy and IP	<ol style="list-style-type: none"> 1. IPR and Human Rights 2. SMEs and Start UP interface of IP 3. Academic Institutions 4. Social media and IPR

RECOMMENDED READINGS:

STATUTES:

1. The Copyright Act, 1957
2. The Patent Act, 1970
3. The Trademarks Act, 1999
4. The Designs Act, 2000
5. The Geographical Indications of Goods Act, 1999
6. The Protection of Plant Varieties and Farmers' Rights Act, 2001
7. The Semiconductor Integrated Circuits Layout-Design Act (SICLD) of 2000

CASES:

TRADEMARKS:-

1. Bigtree Entertainment Pvt. Ltd. v. Brain Seed Sportainment Pvt. Ltd. & Anr.
2. Cadbury India Limited and Ors. v. Neeraj Food Products
3. Cadila Healthcare Ltd. v. Cadila Pharmaceutical Ltd.
4. Carlsberg Breweries v. Som Distilleries and Breweries Limited
5. Christian Louboutin in SAS v. Abubaker & Ors.
6. Christian Louboutin in SAS v. Mr. Pawan Kumar & Ors.
7. Corn Products Refining Co. v. Shangrila Food Products Ltd.
8. Crocs Inc USA v. Bata India Ltd & Ors.
9. Erwen Warnink B V v. J. Townsend & Sons
10. Glenmark Pharmaceuticals Ltd. v. Curetech Skincare and Galpha Laboratories Ltd.
11. Godfrey Phillips India Ltd. v. P.T.I. Pvt. Ltd.

12. ITC Ltd. v. Britannia Industries
13. James Chadwick & Bros. Ltd. v. The National Sewing Thread Co. Ltd
14. Kaviraj Pandit Durga Dutt Sharma v. Navratna Pharmaceutical Laboratories
15. M/s. Castrol Limited & Anr. v. Iqbal Singh Chawla & Anr.
16. M/s. Nandini Deluxe v. M/s. Karnataka Co-Operative Milk Producers Federation Ltd.
17. N.R. Dongre Whirlpool Corporation Inc.
18. Pidilite Industries Limited v. Poma-Ex Products & Ors.
19. Puma Se & Anr. v. Nikhil Thermoplast Ltd. & Ors.
20. Royal Orchid Hotels Ltd. v. Kamat Hotels (India) Ltd
21. S. Syed Mohideen v. P. Sulochana Bai
22. Sun Pharma Laboratories Ltd. v. Lupin Ltd. & Anr.
23. Yahoo Inc. v. Mr. Rinshad Rinu & Ors.

PATENTS:-

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

DESIGNS:-

1. Carlsberg Breweries A/S v. Som Distilleries and Breweries.
2. Cello Household Products v. M/S Modware India and Anr.
3. Holland Company LP and Anr. v. S.P. Industries
4. Kent RO Systems Ltd & Anr. v. Amit Kotak & Ors.
5. Krishna Plastic Industries v. Controller of Patents and Designs
6. M/S Crocs Inc. USA v. Liberty Shoes Ltd. & Ors.
7. Vega Auto Accessories (P) Ltd. v. SK Jain Bros Helmet (I) Pvt. Ltd.

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3. FermatEducationv.M/SSortingHatTechnologiesLtd.
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5. IndianPerformingRight SocietyLtdv/s.EasternIndiaMotionPictureAssociation
6. MySpaceInc.v.Super CassettesIndustries Limited
7. NeetuSinghv.RajivSaumitra&Ors.
8. R.GAnandvsM/S.DeluxFilms&Ors
9. SanjayKumarGupta&Anr.v.SonyPicturesNetworksIndiaPvt. Ltd.&Ors.
10. TheChancellor,MastersandScholarsoftheUniversityofOxfordvRameshwariPhotocopyServices
11. UniversalMusic(India)Pvt.Ltd.vsTrimurtiFilmsPvt.Ltd.

BOOKS:

1. V.K. Ahuja, Law relating to Intellectual Property Rights (Latest Edn.), LexisNexis
2. Alka Chawala, Law of Copyright
3. Mellville B Nimmer & David Nimmer, NIMMER ON COPYRIGHT
4. AnanthPadmanabhan,*IntellectualPropertyRightsInfringementandRemedies*,LexisNexis,2012
5. ElizabethVerkey,*LawofPlantVarietiesProtection*,Eastern BookCompany,2007
6. Feroz Ali Khader, *The Law of Patents-With a Special Focus on Pharmaceuticals inIndia*,LexisNexis, 2nd Edition, 2011
7. Gopalakrishnan and Agitha, *Principles of Intellectual Property*, Eastern Book Co.,2006
8. K C Kailasam and RamuVedaraman, *Law of Trademarks including InternationalRegistration under Madrid Protocol and Geographical Indications*, Lexis Nexis,2013
9. Lionel Bently& Brad Sherman, *Intellectual Property Law*, Oxford University Press,3rd Edition,2008
10. P. Narayanan, *Copyright and Industrial Designs*, Third Edition, Eastern Law House,NewDelhi, 2007
11. RamaSharma,*CommentaryonIntellectualPropertyLaws*,WadhwaandCo.,Nagpur,Vol . 1, 2007 19.
12. RamaSharma,*CommentaryonIntellectualPropertyLaws*,WadhwaandCo.,Nagpur,Vol . 2, 2007
13. WRCornish,*IntellectualProperty:PatentsCopyrightTrademarksandalliedrights*,Sweet &Maxwell,London,2010.
14. WadehraB.L.,*LawRelatingtoIntellectualProperty*,5thEdition(Reprint),UniversalLawPublishing,2016

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- Copyright - Economic and Moral Rights, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
- Originality Requirements in Copyright Law, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
- LexOrbis, India: Revisiting The Doctrines In Copyright: The Oxford Dispute available at <https://www.mondaq.com/india/copyright/70858/revisiting-the-doctrines-in-copyright-the-oxford-dispute>
- Ishan Sambhar, India: Assignment And Licensing Of Copyright available at <https://www.mondaq.com/india/copyright/854828/assignment-and-licensing-of-copyright>
- Subject-matter Requirement in Indian Copyright Law, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
- Lok Sabha Debates, <http://loksabhaph.nic.in/Debates/Result15.aspx?dbsl=7562>
- [https://ipindia.gov.in/writereaddata/Portal/Images/pdf/Manual for Patent Office Practice and Procedure .pdf](https://ipindia.gov.in/writereaddata/Portal/Images/pdf/Manual%20for%20Patent%20Office%20Practice%20and%20Procedure.pdf)

BLOGS/CHANNELS/PODCASTS:

1. E-PG Pathshala available at <https://www.youtube.com/channel/UCgNgdBmRmUFG2SPTyQ5WRUg>
2. World Intellectual Property Organisation available at <https://www.youtube.com/user/wipo/videos>

2 LAW OF TRADEMARK

Faculty Name	Dr. Debmita Mondal	Year/ Semester	I/I
Course Name	Law of Trademark	No. of Credits	4
Course Code	NA	Session Duration	1 Hour
No of Contact Hours	50 lectures + 10 Tutorials = 60	Pre-requisite	Basic understanding of IPR
Introduction, Course Objective & Pedagogy	<p>A trademark is a word, name, symbol, or device used to indicate the source, quality and ownership of a product o service. A trademark used in marketing is a recognizable sign or design that identifies the products or services of a particular source from those of others. The trademark owner can be an individual, business organization, or any legal entity. A trademark may be located on a package, a label, a voucher, or on the product itself. A trademark provides protection to the owner of the mark by ensuring the exclusive right to use it or to authorize another to use the same in return for payment. The period of protection varies, but a trademark can be renewed indefinitely beyond the time limit on payment of additional fees. In a larger sense, trademarks promote initiative and enterprise worldwide by rewarding the owners of trademarks with recognition and financial profit. Trademark protection also hinders the efforts of unfair competitors, such as counterfeiters, to use similar distinctive signs to market inferior or different products or services. The system enables people with skill and enterprise to produce and market goods and services in the fairest possible conditions, thereby facilitating international trade.</p> <p>With the advent of WTO, the law of trademarks is now modernized under the Trademarks Act of 1999 along with the Rules thereunder and is in harmony with two major international treaties on the subject, namely, The Paris Convention for Protection of Industrial Property and TRIPS (Trade-Related Aspects of Intellectual Property Rights) Agreement. Trademarks being an important aspect of intellectual property, students need to be well versed with the conceptual and legal framework, and procedural requirements relating to trademarks. Therefore, the</p>		

	<p>course curriculum is designed in such a way that students can grasp theoretical and practical aspects of trademark law.</p> <p>CO1- To introduce the students to the concept of ‘trademark’ and ‘trademark law’ in a comprehensive manner as envisaged under the Trademark Act,1999.</p> <p>CO2 -To familiarize the students with the national and international regimes for the protection of Trademarks.</p> <p>CO3- To reflect upon new jurisprudence evolved by the Indian judiciary in relation to Trademark Law.</p> <p>CO4- To enable the students to critically appreciate the emerging issues in trademark law.</p>
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LEARNING OUTCOMES: After the successful completion of the Course Curriculum, a student will be able to:

- LO1-** Identify and describe the basic requirement of trademark protection.
- LO2** – List out the rights enjoyed by trademark owners.
- LO3** - Apply the principles of trademark protection to legal problems correctly.
- LO4-** Analyze the principles related to the infringement of trademarks and passing off.
- LO5** - To know and understand the emerging issues and challenges involved under trademark law.

EVALUATION PARAMETERS

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

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	INTRODUCTION TO TRADEMARK	1-15
2	REGISTRATION OF TRADEMARKS	15-25
3	INFRINGEMENT OF TRADEMARKS AND DEFENSES	25-30
4	SCOPE AND ENFORCEMENT OF UNREGISTERED TRADEMARKS	30- 35
5	ASSIGNMENT AND LICENSING OF TRADEMARK	35- 40
6	REMEDIES FOR INFRINGEMENT AND PASSING OFF	40-45
7	CONTEMPORARY ISSUES IN TRADEMARK LAW	45-60

DETAILED SYLLABUS

UNIT	CONTENT
Module 1 INTRODUCTION TO TRADEMARK	<ol style="list-style-type: none"> 1. Meaning and functions of Trademark 2. History and Evolution of Trademark law in India. 3. Justification for legal protection of trademark 4. International Developments and Dimensions of Trademark Protection: <ol style="list-style-type: none"> a) <i>Paris Convention for the Protection of Industrial Property, 1883.</i> b) <i>Trade-Related Aspects of Intellectual Property Rights (TRIPS), 1994.</i> c) <i>Madrid System for International Registration of Marks.</i> d) Trademark Law Treaty, 1994. e) Nice Agreement, 1957 (Nice classification of classes of goods and services). f) Vienna Agreement, 1973 (Vienna Classification) 5. Types of trademarks: <ol style="list-style-type: none"> a) Conventional trademarks. b) Non-Conventional trademarks. <p><i>(P.S. Paris, TRIPS and Madrid will be covered in JoIP)</i></p>
Module 2 REGISTRATION OF TRADEMARKS	<ol style="list-style-type: none"> 1. Spectrum of distinctiveness and its relevance 2. Grounds for refusal of registration (absolute and relative) 3. Procedure of registration of trademark. 4. Registration for certification trademark, collective trademark, well-known marks. 5. Rights conferred by registration of trademarks 6. Other procedures like rectification, cancellation, etc.
Module 3 INFRINGEMENT OF TRADEMARKS	<ol style="list-style-type: none"> 1. Infringement of trademarks including statutory dilution 2. Concept and tests for determining deceptive similarity 3. Secondary Liability for Trademark Infringement
Module 4 SCOPE AND ENFORCEMENT OF UNREGISTERED TRADEMARKS	<ol style="list-style-type: none"> 1. General principles of Passing off action 2. Passing-off and the Classical Trinity Test 3. Cross-border reputation and Trademark dilution 4. Difference between infringement and passing off
Module 5 ASSIGNMENT AND LICENSING OF TRADEMARK	<ol style="list-style-type: none"> 1. Assignment, Licensing and Transmission of Trademark – Its meaning 2. Relevant provisions under the Trademark Act 3. Trademark licensing agreement and the important clauses
Module 6	<ol style="list-style-type: none"> 1. Statutory and other defenses for trademark infringement

DEFENSES AND REMEDIES FOR INFRINGEMENT AND PASSING OFF	<ol style="list-style-type: none"> 2. Remedies under Trademark Act <ul style="list-style-type: none"> • Civil • Administrative 3. The Jan Vishwas Amendments to the Trademarks Act.
Module 7 CONTEMPORARY ISSUES IN TRADEMARK LAW	<ol style="list-style-type: none"> 1. Disparagement and Comparative advertisement 2. Ambush Marketing – Types and Dimensions 3. The use of blockchain in trademark and brand protection 4. Plain packaging and its impact on trademark law 5. Trademark law protection of intangible cultural heritage 6. Trademark, AdWords and Meta-tags 7. Trademark and Sustainability: green marks and right to repair. <p><i>P.S. Following topics to be covered in JoIP:</i></p> <ul style="list-style-type: none"> • Legality of parallel imports in India • Domain Name disputes and Cyber-squatting • Character and celebrity merchandising

READINGS:

STATUTES, RULES AND REGULATIONS:

1. The Trademarks Act, 1999
2. The Trademarks Rules, 2017
3. The JAN VISHWAS (Amendment of Provisions) Act, 2023

CASE LAWS:

1. DABUR INDIA LIMITED V. DHARUV RATHEE AND ORS.IA NO: GA/1/2023 CS/41/2023.
2. GOOGLE LLC v. DRS LOGISTICS (P) LTD. & ORS FAO(OS)(COMM) 2/2022
3. Bolt Technology Ou v.Ujoy Technology Private Limited & Other CM APPL. 20183/20232023.
4. Intex Technologies (India) Ltd v. M/S Az Tech (India) & Another, 2017.
5. Toyota Jidosha Kabushiki Kaisha vs M/S Prius Auto Industries Limited, 2018 (73) PTC 1.
6. Starbucks (HK) Limited and another v British Sky Broadcasting Group plc and others [2015] UKSC 31.
7. Snapdeal Private Limited vs Snapdeallucky - Draws.Org.In& .Others, 2020
8. Independent News Service Private Ltd & Anr. V. Ravindra Kumar Choudhary & Ors. 2023.
9. Seagate Technology LLC v. Daichi International,
10. Mountain Valley Springs India Private Limited v. Baby Forest Ayurveda Private Limited &Ors. CS(COMM) 67/2024.
11. Mountain Valley Springs India Private Limited v. Baby Forest Ayurveda Private Limited &Ors. CS(COMM) 523/2023 & I.A. 5392/2024.

12. Amritdhara Pharmacy vs Satyadeo Gupta 1963 AIR449
13. Atlas Cycle Industries Ltd. v. Hind Cycles Limited ILR 1973 Delhi393
14. Cadbury India Limited and Ors. v. Neeraj Food Products 2007 (35) PTC 95Del
15. Cadila Healthcare Ltd. v. Cadila Pharmaceutical Ltd. 2007 (35) PTC 95Del
16. ColgatePalmoliveCompanyandAnr.v.AnchorHealthandBeautyCarePvt.Ltd.
17. CornProductsRefiningCo.v.ShangrilaFoodProducts Ltd.(1929)4RPC11(2)
18. ErwenWarnink BV v. J.Townend& Sons 1979 (2) AER927
19. ITC Ltd. v. Britannia Industries CS (COMM)1128/2016
20. James Chadwick & Bros. Ltd. v. The National Sewing Thread Co. Ltd 1953SCR 1028
21. KavirajPanditDurgaDuttSharmav.NavratnaPharmaceuticalLaboratories1997 PTC (17)(DB)779
22. Listen Ltd. V. Harley (1929) 4 RPC 11(2)
23. Mattel, Inc. &Anr. v. MS. Aman Bijal Mehta &Ors. CS(COMM)803/2017
24. MilmetOftho Industries and Others vs. Allergan Inc. (2004) 12 SCC 624
25. N. R. Dongre v. Whirlpool Corporation 1996 PTC (16) 583SC
26. Nirma Ltd. v. Nimma International and another 2010 (42) PTC 307 (Del)
27. Reckitt & Colman Products Ltd. v. Borden Inc. (1940) 42 BOMLR734
28. S. Syed Mohideen v. P. Sulochana Bai 2016 (66) PTC1
29. Shoppers Stop Ltd. v. Vinod Shopper's Stop CS No. 458 of 2015 DelhiHC
30. Sunil Mittal v. Darzi on Call CS (Comm) No.1381/2016.
31. Yahoo! Inc. vs Akash Arora (1999) [78 (1999) DLT285]

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Books:

1. V. K. Ahuja, *Law relating to Intellectual Property Rights*, 3rd ed., Lexis Nexis Butterworths Wadhwa (2017).
2. Eashash Ghosh, *Imperfect Recollections: The Indian Supreme Court on Trade Mark Law*, Thomson Reuters, (2020).
3. V.K. Unni, *Trade Mark and the Emerging Concepts of Cyber Property Rights*, Eastern Law House, (2005)
4. Lionel Bently and Brad Sherman, *Intellectual Property Law*, OUP Oxford; 5th ed., (2018).
5. Ashwani Kumar Bansal, *Law of Trademarks in India*, 3rd ed., Thomson Reuters (2014).
6. Venkateswaran on *Trade Marks & Passing Off*, (Set of 2 Volumes), 7th ed., LexisNexis (2018).
7. Cornish and Llewelyn, *Intellectual Property: Patents, Copyrights, Trademarks and Allied Rights*, 8th ed., Sweet and Maxwell (2013).
8. Correa M. Carlos, *Oxford Commentaries on the GATT/WTO agreements: Trade Related Aspect of Intellectual Property Rights*, 1st ed., Oxford Press (2007).
9. Dana Shilling, *Essentials of Trademarks and Unfair Competition*, 1st ed., Wiley (2008).
10. Deborah E. Bouchoux, *Intellectual Property*, 4th ed., Thomson Legal Studies (2015).
11. Jeremy Phillip, *Trademarks Law: A Practical Anatomy*, 1st ed., Oxford Press (2004).

12. K. C. Kailasam and Ramuvedaraman, *Law of Trade Marks- Including International Registration under Madrid Protocol and Geographical Indications*, Fourth Edition (Reprint), LexisNexis (2017).
13. Narayanan P.S., *Law of Trademarks and Passing Off*, 6th Ed. Eastern Law House (2018).
14. Rodney D Ryder, *Trademarks Advertising and Brand Protection*, 1st ed., MACMILLAN India Ltd. (2006).

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1. Schechter, Frank I. "The Rational Basis of Trademark Protection." *Harvard Law Review*, vol. 40, no. 6, 1927, pp. 813–33. JSTOR, <https://doi.org/10.2307/1330367>.
2. Agitha, T. G. "TRADEMARK DILUTION: INDIAN APPROACH." *Journal of the Indian Law Institute*, vol. 50, no. 3, 2008, pp. 339–66. JSTOR, <http://www.jstor.org/stable/43952160>.
3. Gangjee, Dev Saif. "LOTS IN A NAME: WOULD 'DILUTED' MARKS STILL SELL AS SWEETLY?" *Student Bar Review*, vol. 15, 2003, pp. 5–23. JSTOR, <http://www.jstor.org/stable/44306635>.
4. Aqa Raza I and Ghayur Alam, Theoretical Underpinnings of Trademark Law: Decisions of the Supreme Court of India , *Journal of Intellectual Property Rights*, Vol 27, September 2022, pp 351-366, DOI: 10.56042/jipr.v27i5.58798
5. Dev Gangjee, Non-Conventional Trade Marks in India, <http://docs.manupatra.in/newslines/articles/Upload/BB1047DA-5CCF-41BC-9C82-487F5DC570D3.pdf>
6. Lisa P. Kukose, Non-Traditional Trademarks: A Critique, https://www.jstor.org/stable/44782501#metadata_info_tab_contents
7. Review of Trademark and Its Enforcement Provisions under TRIPS, https://www.researchgate.net/publication/324015978_Review_of_Trademark_and_Its_Enforcement_Provisions_under_TRIPS
8. Trademarks: Distinctiveness is an Exception of Descriptiveness, <https://www.sconline.com/blog/post/2021/08/24/trademarks/>
9. https://ipindia.gov.in/writereaddata/Portal/IPOGuidelinesManuals/1_93_1_THE_MADRID_PROTOCOL.pdf
10. <https://www.intepat.com/blog/trademark/trademark-infringement-v-passing-off/>
11. Comparative Advertising and Product Disparagement vis-à-vis Trademark Law, <http://docs.manupatra.in/newslines/articles/Upload/597132AB-96EC-4DB0-8A82-8D732D603A14.pdf>
12. Licensing One's Persona: Analysing the Practice of Personality Merchandising, https://www.jstor.org/stable/43953480#metadata_info_tab_contents
13. The Use Of Blockchain In Trademark And Brand Protection, <https://www.jdsupra.com/legalnews/the-use-of-blockchain-in-trademark-and-1929008/#:~:text=Blockchain%20is%20a%20form%20of,everyone%20on%20the%20blockchain%20platform.>
14. https://www.americanbar.org/groups/intellectual_property_law/publications/landslide/2021-22/march-april/nominative-trademark-use-affirmative-negative-defense-infringement/

3.LAW OF COPYRIGHT

Faculty Name	Dr. Ankit Singh & Ms. Urvi Srivastava	Year/ Semester	I
Course Name	Law of Copyright	No. of Credits	4
Course Code	NA	Session Duration	1 Hour
No of Contact Hours	60 Lectures	Pre-requisite	None
Introduction, Course Objective & Pedagogy	<p>Copyright is a type of intellectual property that gives its owner the exclusive right to make copies of a creative work, usually for a limited time. The creative work may be in a literary, artistic, educational, or musical form. Copyright is intended to protect the original expression of an idea in the form of a creative work, but not the idea itself. When people create original works, they are protected by copyright law. This law lasts for a limited time, and it provides the work's creator with certain exclusive rights. The goal of copyright law is to protect created works from theft. In turn, this protection is meant to encourage creativity and the continued creation of new works that will ideally be made available to the public. A copyright is subject to limitations based on public interest considerations, such as the fair use doctrine across the globe.</p> <p>Some jurisdictions require "fixing" copyrighted works in a tangible form. It is often shared among multiple authors, each of whom holds a set of rights to use or license the work, and who are commonly referred to as rights holders. These rights frequently include reproduction, control over derivative works, distribution, public performance, and moral rights such as attribution.</p> <p>Copyrights can be granted by public law and are in that case considered "territorial rights". This means that copyrights granted by the law of a certain state, do not extend beyond the territory of that specific jurisdiction. Copyrights of this type vary by country; many countries, and sometimes a large group of countries, have made agreements with other countries on procedures applicable when works "cross" national borders or national rights are inconsistent.</p> <p>This course is an attempt towards imparting knowledge of various aspects of Copyright Law:</p> <p>C01- To provide learners with a deep and comprehensive understanding of the fundamental principles and concepts of copyright law;</p> <p>C02 - Developing analytical and research skills of the learners and to equip them with tools to delve deeper into copyright law;</p> <p>C03- To explore international copyright treaties, agreements, and harmonization efforts, as well as the challenges and opportunities posed by the digital age and the internet</p>		

	<p>C04- To expose learners to emerging issues and future directions in copyright law</p> <p>This subject requires teaching to be a combination of theoretical foundation with practical application. The contact hours will be utilized in catering a blend of instruction, discussion, and brainstorming sessions. The enrolled students will be encouraged to participate in classes via minor assignments in the form of quiz, MCQs or addressing an issue based on facts.</p>
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LEARNING OUTCOMES: Through the curriculum, the students will be able to comprehend the basic fundamentals and principles of copyright. In addition, after successful completion of the course, the students will be able to:

LO1- Articulate and apply the core jurisprudential principles of copyright law, including originality, fixation, authorship, ownership, and the rights and limitations associated with copyrighted works

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

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

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

EVALUATION COMPONENTS

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

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

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	INTRODUCTION	1-9
2	INTERNATIONAL INSTRUMENTS RELATING TO COPYRIGHT	10-18
3	SUBJECT MATTER OF COPYRIGHT	19-28
4	AUTHORSHIP AND RIGHTS OF COPYRIGHT OWNERS	29-40
5	COMMERCIAL DEALING IN COPYRIGHT	41-50
6	INFRINGEMENT AND REMEDIES	51-56
7	CONTEMPORARY ISSUES IN COPYRIGHT LAW	57-60

DETAILED SYLLABUS

UNIT	CONTENT
Module 1 Introduction	<ol style="list-style-type: none"> 1. Concept of copyright 2. Justification of copyright as an intellectual property. 3. Historical development of copyright law <ul style="list-style-type: none"> • Before advent of printing press • After advent of printing press 4. Birth of Stationer’s Co. 1556 5. Statute of Anne and its salient features 6. The British Copyright Act 1911 7. Indian History of Copyright Law:

	<ul style="list-style-type: none"> o Phase 1: Indian Copyright Act 1847 o Phase 2: Copyright Act, 1914. o Copyright Act 1957 o Copyright Amendment Act 2012.
Module 2: International Legal Instruments Relating to Copyright law	<ol style="list-style-type: none"> 1. The Berne Convention for the Protection of Literary and Artistic Works, 1886. 2. Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (1961). 3. Universal Copyright Convention, 1952 4. Trade Related Aspects of Intellectual Property Rights, 1995. (TRIPs) 5. WIPO Performances and Phonograms Treaty, 1996 (WPPT) 6. WIPO Copyright Treaty, 1996 (WCT) 7. The Beijing Treaty on Audiovisual Performances 8. Marrakesh Treaty to Facilitate Access to Published Works for Persons, Who Are Blind, Visually Impaired or Otherwise Print Disabled, 2013
Module 3: SUBJECT MATTER OF COPYRIGHT	<ol style="list-style-type: none"> 1. Concept of Originality 2. Idea/Expression Dichotomy 3. Merger Doctrine 4. Works Protected <ul style="list-style-type: none"> • Artistic, Musical, Literary and Dramatic • Sound Recording • Computer Programs • Cinematograph Films
Module 4 AUTHORSHIP AND RIGHTS OF COPYRIGHT OWNERS	<ol style="list-style-type: none"> 1. Authorship v. Ownership: Author as the First Owner 2. Joint Authorship 3. Economic Rights of Authors 4. Moral Rights of Authors 5. Neighboring Rights <ul style="list-style-type: none"> • Performer's Rights • Broadcasting Rights
Module 5 COMMERCIAL DEALING IN COPYRIGHT	<ol style="list-style-type: none"> 1. Duration of Copyright 2. Assignment of Copyright 3. Licensing of Copyright <ul style="list-style-type: none"> • Voluntary • Statutory • Compulsory 4. Drafting of Copyright agreements 5. International Copyright
Module 6 INFRINGEMENT AND REMEDIES	<ol style="list-style-type: none"> 1. Infringement of Copyright 2. Jurisdiction 3. Defenses: Fair Use in Copyright 4. Fair Use v. Fair Dealing 5. Remedies for Infringement <ul style="list-style-type: none"> • Civil • Criminal • Administrative
Module 7	<ol style="list-style-type: none"> 1. Copyright: A human right and Free Speech implications 2. First Sale Doctrine and Exhaustion of Copyright

CONTEMPORARY ISSUES IN COPYRIGHT LAW	3. Copyleft and software licensing 4. Copyright and AI 5. Blockchain and Copyright Management
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READINGS:

CASE LAWS:

- *Bleistein v. Donaldson Lithographing Co.(1903)-*
- *University London Press v. University Tutorial Press , (1916) 2 Ch601*
- *Feist Publication v. Rural telephone Service 499 US 340(1991)*
- *Mannion v. Coors Brewing Co.(2005)*
- *Govindan v. Gopal krishnan AIR 1955 Mad391*
- *V.Errabhadrarao v. B.N.Sharma1958*
- *CCH V. Law Society of Upper Canada 2004 SCC13*
- *EBC V. D B Modak (2008) 1 SCC1*
- *Baker v. Selden(1879)*
- *Nichols v. Universal Pictures Corp.(1930)*
- *Alexander v. Haley (1978) -Walter v. Lane (1900) Ac 539*
- *R. G. Anand v. M/s Delux Films AIR 1978 SC 1613*
- *Escort Equipments v. Action Equipments. 1999 PTC 36*
- *Anil Gupta V. Kunal Dasgupta Air 2002 Delhi 379*
- *Barbara Taylor Bradford v. Sahara Media and Ent. Ltd, 2004 (28) PTC 474*
- *Star India v. Leo Burnett 2003 PTC 81*
- *Mattel v. Jayant Agarwalla2008 (38) PTC416*
- *Agarwala Publishing House, Khurja v. Board of High School and Intermediate Education U.P. Allahabad*
- *Burlington Home Shopping Pvt. Ltd v. Rajnish Chibber*
- *Ananda Expanded Italics, Inre.*
- *Fortune Films International v. Dev Anand andanother*
- *Gramophone Company of India Ltd. v. Super Cassette IndustriesLtd.*
- *Ram Sampath v. Rajesh Roshan - Associated Publishers (Madras) Ltd. v. K. Bashyam*
- *J. B. Khanna and Co. v. AAsad*
- *FE Engineering and Consultancy Pvt. Ltd. v. LG CableLtd.*
- *Indian Performing Rights Society v. Eastern India Motionpicture*
- *Music Broadcast private Ltd. V.IPRS*
- *Manu Bhandari v. Kala Vikas Pictures*
- *Amarnath Sehgal v. Union of India*
- *Anand Patwardhan v. Director General Doordarshan*
- *Arun Chadha v. Oca Productions Ltd*
- *Najma Heptulla v. Orient Longman Ltd. andothers*
- *Community for Creative Non-Violence v. Reid(1989)*
- *Shrinagar Cinemas Ltd v. Bharat Bala Productions Pvt Ltd*
- *Video Master v. Nishi Productions*
- *Deshmukh &co (Publishers) Pvt Ltd v. Avinash Vishnu Khandekar*
- *Gramophone Company of India v. Shanti Films Corporation*
- *Super Cassettes Industries Limited v. Nirualas Corner house PvtLtd*
- *Super Cassettes Industries Limited v. MySpace, Delhi HC December2016*
- *The Chancellor Masters and Scholars of the University of Oxford v. Narendra Publishing House*
- *ESPN Star Sports v. Global Broadcast NewsLtd.*
- *India TV Independent News sevice Pvt Ltd v. Yashraj Films PvtLtd*
- *Syndicate of the Press of University of Cambridge v. B DBhandari*
- *Super cassettes Industries Ltd v. ChintamaniRao*

- *Warner Bros v. Santosh V.G.*
- *John Wiley v. Prabhat Chander Kumar*
- *Sundeman v. The Seajay Soc'y, Inc.*, 142 F.3d 194 (4th Cir. 1998)

BOOKS & JOURNAL ARTICLES:

- Mellville B Nimmer & David Nimmer, NIMMER ON COPYRIGHT
- Alka Chawala, Law of Copyright
- P. Narayanan, Copyright and Industrial Designs (A commentary on the the Copyright Act)
- Ben Depoorter, Depoorter on Copyright
- Stephen Fishman J.D., Copyright Handbook, The What Every Writer Needs to Know
- Craig Joyce, Tyler T. Ochoa, Michael Carroll, Marshall Leaffer., Copyright Law, Tenth Edition
- Meaghan H. Kent, Joshua J. Kaufman., An Associate's Guide to the Practice of Copyright Law 2017th Edition
- Lee Wilson., The Copyright Guide: How You Can Protect and Profit from Copyrights (Fourth Edition) (Allworth Intellectual Property Made Easy), 2018
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- V.K. Ahuja, Law relating to Intellectual Property Rights (Latest Edn.), LexisNexis
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- Arathi Ashok, Economic Rights of Authors under Copyright Law: Some Emerging Judicial Trends, Journal of Intellectual Property Rights Vol 15, January 2010, pp 46-54
- RANGISETTI NAGA SUMALIKA, Prof. (Dr) T. Ramakrishna, "REMEDIES AGAINST COPYRIGHT INFRINGEMENT", DPIIT, MCI Chair on Intellectual Property Rights & Centre for Intellectual Property Rights Research and Advocacy National Law School of India University, Bangalore
- S. Sivakumar and Lisa P. Lukose, Journal of the Indian Law Institute , April-June 2013, Vol. 55, No. 2 (April June 2013), pp. 149-174

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

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

ONLINE ARTICLES/BLOGS/REPORTS:

- Copyright - Economic and Moral Rights, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
- India: Moral Rights Under Copyright Law, available at <https://www.mondaq.com/india/copyright/537094/moral-rights-under-copyright-law#:~:text=WHAT%20ARE%20MORAL%20RIGHTS%3F.and%20the%20right%20to%20integrity.>
- The Moral Rights of an Author, by Nidhi Kumari, CNLU, available at <https://www.lawctopus.com/academike/moral-rights-author/>

- Ideas, Concepts, Scripts & Stories – Protecting Ideas in the Entertainment Industry Part V, available at [Ideas, Concepts, Scripts & Stories - Protecting Ideas in the Entertainment Industry Part V | BananalP](#)
- Copyright – Neighbouring/Related Rights, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
- Madhu Noonaa, India: Doctrine Of Originality In Copyright available at <https://www.mondaq.com/india/copyright/802134/doctrine-of-originality-in-copyright#:~:text=This%20doctrine%20stipulates%20that%20originality.be%20there%20for%20copyright%20protection.>
- R.G. ANAND VS. DELUX FILMS AND ORS., AIR 1978 SC 1613 available at [R.G. Anand – Appellants vs. Delux Films and Ors. - BananalP Counsels](#)
- Copyright – Statutory and Compulsory Licensing, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
- Copyright – Civil and Criminal Remedies, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
- KYUNKI SAAS BHI KABHI BAHU THI VS. TIDE- RIGHTS IN A CINEMATOGRAPHIC WORK, available at [KYUNKI SAAS BHI KABHI BAHU THI Vs. TIDE- Rights in a Cinematographic Work | BananalP](#)
- Originality Requirements in Copyright Law, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
- LexOrbis, India: Revisiting The Doctrines In Copyright: The Oxford Dispute available at <https://www.mondaq.com/india/copyright/70858/revisiting-the-doctrines-in-copyright-the-oxford-dispute>
- Ishan Sambhar, India: Assignment And Licensing Of Copyright available at <https://www.mondaq.com/india/copyright/854828/assignment-and-licensing-of-copyright>
- Subject-matter Requirement in Indian Copyright Law, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
- SUPER CASSETTES INDUSTRIES V. MYSPACE INC AND ANR., available at [Super Cassettes Industries v. Myspace Inc and Anr. | BananalP](#)
- Copyright – Fair Dealing, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
- Copyright Infringement, E-PG Pathshala, available at <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=ZzUApmBk4i7kYctp+aiP1w==>
- DU BOIS M "Justificatory Theories for Intellectual Property Viewed through the Constitutional Prism" PER / PELJ 2018(21) - DOI <http://dx.doi.org/10.17159/1727-3781/2018/v21i0a2004>
- Fair Dealing in Copyrights: Is the Indian Law Competent Enough to Meet the Current Challenges? Mondaq, <http://www.mondaq.com/india/x/299252/Copyright/Fair+Dealing+In+Copyrights+Is+The+In+dian+Law+Competent+Enough+To+Meet+The+Current+Challenges>
- Lok Sabha Debates, <http://loksabhaph.nic.in/Debates/Result15.aspx?dbsl=7562>

BLOGS/CHANNELS/PODCASTS:

1. E-PG Pathshala available at <https://www.youtube.com/channel/UCgNgdBmRmUFG2SPTyQ5WRUg>
2. World Intellectual Property Organisation available at <https://www.youtube.com/user/wipo/videos>
3. WIPOD – Arbitration and Mediation matters available at Spotify, Apple Podcasts, Google Podcasts

CORPORATE LAW

1. GENERAL PRINCIPLES OF CORPORATE LAW

Faculty Name	Dr. Anindhya Tiwari	Year/ Semester	1 st Semester
Course Name	General Principles of Corporate Law	No. of Credits	6
Course Code	NA	Session Duration	1 Hour
No of Contact Hours	60 hours	Pre-requisite	Contract Laws Corporate Laws
Introduction, Course Objective & Pedagogy	<p>The foundational tenets of corporate law have significantly evolved over the past decades, shaping a critical component of the legal curriculum and generating extensive academic discourse. Despite the nebulous legal definition of the term "company," scholars have delineated the substantial influence of corporate entities and the expansive authority vested in their administrators. Directors and managers are entrusted with safeguarding the interests of all stakeholders, primarily by adhering to robust corporate governance principles. Corporations, as distinct legal entities, significantly contribute to societal welfare by generating financial prosperity, which ought to be equitably distributed among all contributors to its creation. The overarching objective of corporate entities should be to serve societal interests, with participatory and democratic corporate governance ensuring the sustainable generation and fair distribution of corporate wealth.</p> <p>This course delves into the foundational principles, core issues, and prominent doctrines that bolster stakeholder confidence in corporations, facilitating a comprehensive understanding of the corporate culture within the country. Emphasizing the fundamental principles, concepts, and doctrines of corporate law, the curriculum encompasses the entire corporate lifecycle, from pre-incorporation to establishment, management, and eventual winding-up, in alignment with the Companies Act 2013 and its impact on the corporate sector.</p> <p>Course Objectives:</p> <ol style="list-style-type: none"> 1. CO1: Master the foundational doctrines and nuanced principles of corporate law, fostering a sophisticated understanding of the legal landscape governing corporate entities. 2. CO2: Delve into the jurisprudential theories of corporate personality, elucidating the intricate legal constructs that define and shape corporate entities. 3. CO3: Critically analyze the doctrine of lifting the corporate veil, exploring the judicial and statutory frameworks that delineate 		

	<p>the limits of corporate personhood.</p> <p>4. CO4: Gain comprehensive insights into the legal significance and strategic applications of the Memorandum and Articles of Association, pivotal to corporate governance and operations.</p> <p>5. CO5: Evaluate advanced corporate governance mechanisms, including the doctrines of Ultra-vires, Constructive Notice, and Indoor Management, to ensure robust and compliant corporate conduct.</p> <p>Learning Outcomes:</p> <p>1. LO1: Critically evaluate the foundational principles and doctrines of corporate law.</p> <p>2. LO2: Analyze the implications of corporate personality and the jurisprudence underpinning corporate entities.</p> <p>3. LO3: Assess the legal framework and judicial precedents governing the lifting of the corporate veil.</p> <p>4. LO4: Interpret the legal significance and practical applications of the Memorandum and Articles of Association.</p> <p>5. LO5: Synthesize the doctrines of Ultra-vires, Constructive Notice, and Indoor Management to resolve complex legal issues.</p> <p>Teaching Methodology:</p> <p>The course employs a combination of theoretical and practical approaches, progressing from the evolution to the current state of general principles of corporate law. Instruction will primarily involve online lectures, complemented by a step-by-step analysis of pertinent legal provisions, including the Companies Act, 2013, SEBI Act, 1992, SCR Act, 1956, and Depositories Act, 1996. Comprehensive reference materials will be provided for each module by the respective faculty member.</p> <p>The curriculum is designed to cultivate a profound understanding of corporate law's importance in fostering economic growth and ensuring effective corporate governance, thus preparing students to navigate and influence the dynamic corporate legal landscape.</p>
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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	Module 1 - Company Form and Structure	8
2	Module 2 - Company - Registration and Incorporation	10
3	Module 3 - Corporate Fund Raising	10
4	Module 4 - Corporate Management	10
5	Module 5 - Corporate Meetings & Democracy	8
6	Module 6 - Corporate Abuse and Remedies	8
7	Module 7 - Corporate Governance and Corporate social responsibility	6

DETAILED SYLLABUS

UNIT	CONTENT
Module 1 Company Form and Structure	Corporate Personality, personification – Concept Theories of Corporate Personality –Jurisprudential aspects Company – Definition, Nature, Characteristics, Classification of companies Doctrine of piercing the corporate veil – Statutory exceptions and Judicial interpretations Promotion of companies – Legal position of Promoters, Duties and Liabilities Pre-incorporation Contracts
Module 2 Company - Registration and Incorporation	Memorandum of Association – Importance and Contents Articles of Association – Significance and interrelationship Doctrine of Ultra Vires – Applicability, consequences Doctrine of Constructive Notice – Rule of presumption Doctrine of Indoor Management – Concept & exceptions Prospectus (meaning, issue and kinds)
Module 3 Corporate Fund Raising	Share/Equity Capital – Meaning and Nature of Shares, Kinds of Shares Rights issue, Bonus Issue - Rationale, mechanism Allotment –Principles & procedure Debenture/Debt Capital –Concept, Meaning and Kinds Debenture Trustee, Debenture Trust Deed Shareholder vis-à-vis Debenture holder
Module 4 Corporate Management	Directors – Meaning, Types, Qualifications, Disqualifications Legal Position of Directors Shadow, De-facto and De-jure Director Powers and Duties of Directors
Module 5 Corporate Meetings &	Meetings – Types Meetings – Notice Meetings - Requisites of valid meeting

Democracy	Shareholders Democracy Majority Powers and Minority Rights
Module 6 Corporate Abuse and Remedies	Principle of Non-Interference (Rule established in Foss v Harbottle) Protection against Oppression Protection against Mismanagement
Module 7 Corporate Governance and Corporate social responsibility	Meaning and evolution Principal of Corporate Governance CSR and its importance including statutory provisions Interrelationship between CG & CSR

READINGS:

STATUTES, RULES AND REGULATIONS:

1. The Companies Act, 2013
2. The Securities and Exchange Board of India Act, 1992
3. (Issue of Capital and Disclosure Requirements) Regulations, 2018
4. The Depositories Act, 1996
5. The Securities Contract Regulation Act, 1956

CASE LAWS:

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

BOOKS AND ARTICLES

1. A Ramaiya, Guide to Companies Act, LexisNexis, 19th ed. (2020).

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

ONLINE AVAILABLE BOOKS (In HNLU Digital Library)

1. Taxmann, Everything you need to know about Company Law, available at <https://www.taxmann.com.elibraryhnluremotexs.in/research/company-and-sebi/all-about/all-about-companies-act>
2. Avtar Singh, Company Law, Eastern Book Company, 17th Edition (2022) available at https://www.ebcwebstore.com.elibraryhnluremotexs.in/product_info.php?products_id=99102362

2.Law of Banking and Insurance

Faculty	Dr. Y. Papa Rao	Year/ Semester	LLM-SEM-1
Course Name	Law of Banking and Insurance	Period	July-Dec 2024
No of Classes	60-Classes	Session Duration	1 Hour

The course is designed to explain the students with conceptual and operational parameters of Law of Banking & Insurance. This course is an attempt towards imparting knowledge of various aspects of Banking regime and analyses the interdisciplinary study of Banking with other Laws. In the last three decades, there has been substantial liberalization of the banking sector and financial innovation. These changes have been facilitated by regulation of banks, which continue to lie at the heart of all financial systems, and have themselves driven changes in prudential and monetary regulation policy.

The operational framework of insurance idea is provided by the general principles of contract. The insurance policy, being a contract, is subject to all the judicial interpretative techniques of rules of interpretation as propounded by the judiciary. The introduction of Artificial Intelligence in the Banking and Insurance Sectors.

Course Objective: The objective of the Course is to enable the students to understand the Law of Banking and Insurance:

- To make the students understand the Origin and Development of Banking
- To know the Business aspect of Banking
- To acquire the knowledge of recovery procedure
- To know the provisions of various legislations such as RBI Act, BR Act, RDDBFI Act, SARFAESI Act, IBC, and N.I. Act.
- To make the students understand the various dimensions of N.I. Act including Dishonour of Cheque and Consequences for Dishonour.
- To know the Origin and Development of Insurance Industry.
- To instill the students to acquaint the knowledge of the provisions of various enactments of insurance laws such as IRDAI Act, Insurance Act, LIC Act, Marine Insurance Act, General Insurance Act, Motors Insurance Act etc.
- To make the students understand the various Basic principles of Insurance.
- To give students input regarding Life, Fire, Marine, Motor Vehicles Insurances and Miscellaneous Provisions of Insurance.

PEDAGOGY

This subject requires teaching to be a combination of theory with practice. So, the teaching should direct the attention from evolution to current position of this Industry. The methodology demands a step-by-step guide as to how Banking forms a part of macroeconomy of country, what is the meaning of certain terms like CRR, SLR, consortium lending, either or survivor clause in an account and how this all should be of interest for a post graduate student.

In this endeavor teaching will be by discussion of provisions relating to the said law which directly or substantively govern Banks along with interdisciplinary study of other laws with illustrations. As promulgation of new laws has happened in the last decade including new entrant Insolvency and Bankruptcy Law, Banking paradigm has seen a shift.

These changes demand researchers to interpret and analyze given laws with changing circumstances of Banking Industry and Insurance Industry, also explore the facets effecting the Banking in Financial Industry as well as the Insurance in Stock Market. The Banking and Insurance Intermediaries pay a significant role in economic growth of the nation in general and industrial growth in particular. The Impact of Artificial Intelligence on the Dynamics of Banking and Insurance Sectors.

Scheme of Evaluation

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

Sl. No.	UNIT	No. of Lectures
1.	UNIT – I: Business aspect of Banking and Recovery Process	13
2.	UNIT-II Negotiable Instruments	10
3.	UNIT-III-Contemporary Challenges and Emerging Trends In Banking System	5
4.	UNIT – IV: Insurance Laws	12
5.	UNIT –V Law of Insurance: Life Insurance, Fire Insurance, Marine Insurance, Third Party/Compulsory Insurance	10
6.	UNIT-VI- Miscellaneous Insurance Schemes: New Dimensions	5
7.	UNIT-VII The Impact of Artificial Intelligence in Banking and Insurance Sectors	5
8.	Total Classes	60

COURSE CONTENTS:

UNIT – I: Business aspect of Banking and Recovery Process: (13hrs)

- Origin of currency and Banking Industry
- Reserve Bank of India: Role of RBI in stability of Indian Macroeconomy
- Different Bank accounts and legal relation of Banker and customer
- Various laws governing Recovery actions: RDDBFI Act 1993, SARFAESI 2002, Insolvency and Bankruptcy Code 2016
- Bank Guarantees and letter of credit
- Challenges in banking industry

UNIT-II Negotiable Instruments: (10hrs)

- Legal aspects of Negotiable Instruments
- Special features of Promissory Note, Bill of Exchange, Cheque, Drawer, Drawee, Payee, Holder, Holder-in-due course, Inland Instrument, Foreign Instrument, Negotiable Instruments, Negotiation, Indorsement
- Crossing of Cheque-Criminal liability on dishonour of Cheque (Section 138-142) the law relating to payment of customers cheque-rights and duties of paying banker and a collecting banker.

UNIT-III- CONTEMPORARY CHALLENGES AND EMERGING TRENDS IN BANKING SYSTEM: (5hrs)

- Banking and Technology - E-banking, Mobile Banking, Digital Payment Gateways
- Moratorium
- Foreign Banks in India
- Digital Currency.

UNIT – IV: Insurance Laws (12 hrs.)

- Nature-, History of Insurance in India
- Insurance Regulatory & Development Authority Act, 1999: Its role and functions.
- Contract of Insurance: Classification of contract of Insurance- Nature and Principles.
- Insurance Contract, Meaning and Definition, Insurable Interest, Premium, Method of payment, Days of grace, Forfeiture, Return of premium, Meaning and scope of risk, Causa Proxima.

UNIT –V Law of Insurance: Life Insurance, Fire Insurance, Marine Insurance, Third Party/Compulsory Insurance (10hrs)

- Nature and scope of Life Insurance- Kinds of Life Insurance Policies.
- The policy and formation of a life insurance contract, Event insured against Life Insurance contract, Circumstance affecting the risk, amount recoverable under the Life Policy, Persons entitles to payment, Settlement of claim and payment of money, Life Insurance Act.
- Fire Insurance: Nature and scope of Fire Insurance, Basic Principles, Conditions & Warranties.
- Marine Insurance: Nature and Scope, Classification of Marine policies, Insurable interest. Conditions and express warranties, Voyage-deviation-, Perils of sea.
- Nature and scope- Absolute or no-fault liabilities, third party or compulsory insurance of motors vehicles, Claims Tribunal, Public Liability Insurance, Legal aspects of Motor Insurance, Claims Own Damages Claims, Third Party Liability Claims.

UNIT-VI-MISCELLANEOUS INSURANCE SCHEMES: NEW DIMENSIONS: (5hrs)

- Burglary Insurance
- Health Insurance
- Social Insurance
- Energy Insurance
- Public Liability Insurance

UNIT-VII The Impact of Artificial Intelligence in Banking and Insurance Sectors (5hrs)

- Impact on banking and financial sectors
- Impact on insurance industry
- Use of Robots in Banks and Insurance Sectors.

LEGISLATIONS:

- ✓ Banking Regulation Act 1949
- ✓ Reserve Bank of India Act 1934
- ✓ Recovery of Debts due to Banks and other Financial Institutions 1993
- ✓ Securitization asset Recon construction and Enforcement of Security Interest Act, 2002
- ✓ Insolvency and Bankruptcy Code 2016
- ✓ Foreign Exchange Management Act 1999
- ✓ Indian Contract Act, 1872 and other substantive laws
- ✓ Insurance Act, 1938
- ✓ Life Insurance Act, 1956
- ✓ Marine Insurance Act, 1963
- ✓ General Insurance Act, 1972
- ✓ Motor Vehicle Insurance Act, 1988 (As amended 2019)
- ✓ Central Motor Vehicles Act Rules, 1989(As amended 2022)
- ✓ Insurance Regulatory and Development Authority (IRDA) Act, 1999.

Books Recommended:

1. Tannan's Banking Law and Practice in India, 29th edition, by M.L. Tannan (2022).
Publisher: Lexis Nexis, Butterworths Wadhwa, Nagpur.
2. Banking Law and Practice by P.N. Varshney (Sultan Chand & Sons-2020).
3. Banking and Negotiable Instruments Law and Practice by P. Vasantha Kumar (EBC-2022)
4. Law of Banking and Negotiable Insurtuments by Dr. S.R Myneni Asia Law House-2022
5. Law Relating to Banking and Negotiable Instruments by N. Maheshwara Swamy, Asian Law House 1st Edition, 2023.
6. Artificial Intelligence in Banking & Finance: How AI impacting the Dynamics of Financial Services, by Raj Singh, Adhyyan Books, 1st Edition, 2019.
7. Principles of Insurance Law by M.N.Srinivasan & K. Khanna, Lexis Nexis (11th Edition-2021)
8. Modern Law of Insurance in India By K.S.N. Murthy & K.V.S. Sarma (Sixth Edition-Lexis Nexis-2019).
9. Law of Insurance by Dr. S.R. Myneni Asia Law House 3rd edition-2022.
10. Law of Insurance by Dr. Rakesh Kumar Singh, Souvik Dhar and Sudhanshu Singh, LexWorth 1st Edition, 2022.
11. Taxmann Insurance Laws Manual Edition-2024.
12. AI Insurance Principles, by Erick Wright, Independently Published (8 February 2023) United Kingdom.

3 SPECIAL CONTRACTS

Faculty Name	Dr. Rana Navneet Roy	Year/ Semester	LLM Sem-I
Course Name	Special Contracts	No. of Credits	6
Course Code	NA	Session Duration	1 Hour
No of Contact Hours	60 Lectures	Pre-requisite	Law of Contract – I Law of Contract – II
Introduction, Course Objective, Pedagogy and Learning Outcome	<p>The law of contract is of fundamental importance in regulating commercial and other transactions. Our society depends upon free exchange in the marketplace at every stage. Market interactions always depend upon voluntary agreements between individuals or other “legal persons”. As the economy picks up, many more contracts are being written with many complex terms and conditions. These, often extremely critical terms and conditions get glossed over and sometimes overlooked, resulting in losses, project hold-ups and legal fees to establish fault and compensation.</p> <p>Special Contracts focuses upon understanding the nuances of reading and reviewing contracts in the beginning and thereafter dwells upon developing a critical perspective required to draft an effective contract. The primary aim of this module is to build on some of the concepts and principles that were introduced in the first-year module of contract law in order that students gain a more in-depth and critical understanding of the nature and purpose of various broad categories of contracts. These and other important aspects of the law of contract will be addressed from a practical, commercial, and critical perspective.</p> <p>Course Objective</p> <p>CO 01- To understand the basic elements and the structure of typical contracts.</p> <p>CO 02- To identify, explain and demonstrate a deep understanding and knowledge of principles and issues of the law relating to special contractual obligations.</p> <p>CO 03- To understand the operative clauses, boilerplate clauses and other drafting clauses to mitigate the risk that ensures maximum enforceability.</p> <p>CO 04- To plan, design and individually execute a substantial research-based project that identifies and critically examines aspects of contracts and contractual relationships and demonstrates relevant research principles and techniques.</p> <p>Pedagogy:</p> <p>The course components are administered through classroom teaching, PowerPoint presentations, tutorial classes, and continuous evaluations. Every component of the course module tries to inculcate a habit of critical thinking and understanding the interface of contract law with other laws.</p>		

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

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

BRIEF COURSE OUTLINE:

Modules	Topics	Sessions
1.	GENERAL PRINCIPLES	5
2.	CONTRACT DRAFTING AND ITS EXECUTION	5
3.	SPECIAL CONTRACTS AS PER THE INDIAN CONTRACT ACT	12
4.	CONTRACT OF PARTNERSHIP	10
5.	CONTRACT OF SALE OF THE GOODS	10
6.	E-COMMERCE CONTRACTS	10
7.	COMMERCIAL CONTRACTS	08

DETAILED COURSE OUTLINE:

Units	Particulars	Sessions
Module 1	<u>General Principles of Contracts</u> 1. History of Formation of Contract 2. Understanding the genesis of various specific contracts under the Indian Contracts Act, 1872. 3. Need of Special Contracts	5
Module 2	<u>Contract Drafting and Its Execution</u> 1. Elements of Contract Drafting 2. Phase of Contract Execution: a. Preparing or Drafting a Contract b. Registration, Attestation and Notarization of Contract c. Performance of Contract: Overview of General Principles d. Challenges in Contract Execution	5
Module 3	<u>Special Contracts as per the Indian Contract Act</u> 1 Indemnity 2 Guarantee 3 Bailment 4 Pledge 5 Agency	12
Module 4	<u>Contract of Partnership</u> 1 Partnership: Nature, Scope, Definition 2 Kinds of Partnership 3 Rights and Duties of Partners 4 Dissolution of Firm and its effects	10
Module 5	<u>Contract of Sale of the Goods</u> 1 Contract of sale: Concept, Essentials, Implied Terms 2 Rule of Caveat Emptor 3 Conditions and Warranties 4 Unpaid Seller and his Rights	10
Module 6	<u>E-Commerce Contracts</u> 1 Fundamentals of E-Contracts a. Basic Elements b. Admissibility & Enforcement of E-Contracts c. Governing Law d. Conventional Contracts v. E-Contracts 2. Types of E-Contracts: a. Click Wrap Contract b. Source Code Escrow Agreement c. Software Development and Licensing Agreements d. Shrink Wrap Agreements e. Subscription Services Agreement f. Services Agreement	10
Module 7	<u>Commercial Contracts</u> 1 Principles of Commercial Contracts 2 Pre-Contract Negotiations 3 Standard Terms of Commercial Contracts 4 Types of Commercial Contracts:	8

	<ol style="list-style-type: none"> a. Manufacturing Agreement b. Venue Hire Agreement c. Terms and Conditions Agreement d. Representation/Agency Agreement e. Marketing Agreement f. Services Agreement 	
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RECOMMENDED TEXTBOOKS:

1. Avtar Singh, 'Law of Contract' Eastern Law House, Lucknow.
2. Pollock and Mulla, Partnership Act, Butterworths Publication
3. Mulla on Sale of Goods Act.
4. Dr Richard Lawson, 'Commercial Contracts: A Practical Guide to Standard Terms' 3rd Edition
5. Bryan A Garner, 'Course Book on Drafting and Editing Contracts' 1st Edition 2020, West Academic Press
6. Catherine Mitchell, Contract Law and Contract Practice – Bridging the Gap Between Legal Reasoning and Commercial Expectation, Hart Publishing, 2013
7. Ravi Singhania, 'Drafting of Contracts', 2nd Edition, 2020 Bloomsbury Publication
8. Sachin Rastogi, 'Insights into E-Contracts in India', 1st Edition 2003, Lexis Nexus

REFERENCES:

1. Rodney Ryder, 'Drafting Corporate and Commercial Agreements', 1st Edition 2014, Lexis Nexus
2. G.C. Cheshire, H.S. Fifoot and M.P. Formston Law Contract ELBS with Butter Worths
3. R Kumar, 'Commercial Contracts', 2nd Edition, 2020, Bharat Publication
4. Bhumesh Verma, 'Practical Guide to Drafting Commercial Contracts' 1st Edition 2018, Oakridge Publication.
5. Willam Fox, 'International Commercial Agreements and Electronic Commerce', Wolters Kluwer.

WEB LINKS:

1. Basics to Contract Drafting and Contract Review, available at: <https://www.legalserviceindia.com/legal/article-3044-basics-to-contract-drafting-and-contract-review.html>
2. Readiness and Willingness for Specific Performance of Contract, available at: <https://ssrana.in/ufaqs/readiness-willingness-specific-performance-contract/>
3. Basic Principles of Contract, available at: <https://www.ulapland.fi/loader.aspx?id=60a15dd5-ebc6-4d06-a730-c363a4cf4327>
4. The law governing international International Commercial Contracts and the Actual Role of the Unidroit Principles, available at: <https://watermark.silverchair.com/uny001.pdf?token>
5. The Corporate Contract, available at: https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2163&context=journal_articles
6. The Corporate Contract, available at: file:///C:/Users/Rana%20Sir/Downloads/TheCorporateContract_Final.pdf
7. E-Contract in India, available at: https://agamalaw.in/2015/06/03/e-contracts-in-india/?utm_source=Mondaq&utm_medium=syndication&utm_campaign=LinkedIn-integration
8. E-Contract in India, available at: <https://www.mondaq.com/india/contracts-and-commercial-law/1104590/e-contracts-in-india>

TECHNOLOGY AND LAW

1. PRIVACY LAW AND DATA PROTECTION

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

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

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

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

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

EVALUATION COMPONENTS

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

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

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	Introduction to the Privacy	10
2	Privacy Law and Data Protection-Indian Perspective	10
3	Privacy Law and Data Protection-Global Perspective	10
4	International Institutions and Data Protection	08
5	Data Protection: Initiatives and Road Ahead	08
6	Data Protection Challenges and other issues	08
7	Latest Judicial Interventions with reference to EU and India	06

DETAILED SYLLABUS

UNIT	CONTENT
Module 1 Introduction to the Privacy	<ol style="list-style-type: none"> 1. Introduction to the Privacy laws 2. History of Privacy 3. Privacy-Meaning and Definition 4. Evolution of Privacy Doctrine in India 5. Constituent Assembly and privacy 6. Concept of privacy in other jurisdictions 7. Criticisms of the privacy doctrine
Module 2 Privacy Law and Data Protection-Indian Perspective	<ol style="list-style-type: none"> 1. Data Protection 2. Informational Privacy vis-à-vis Data Protection 3. Information Technology Act, 2000 and Related Privacy and Data Protection Provisions 4. Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Information) Rules, 2011 5. Aadhaar Act, 2016, Aadhaar Data Security Regulations, 2016 and Aadhaar (Sharing of Information) Regulations, 2016
Module 3 Privacy Law and Data Protection-Global Perspective	<ol style="list-style-type: none"> 1. The Personal Data Protection Act, 2012 (Singapore) 2. The European Union Data Protection Regulations (GDPR) 3. The US Data Protection Regime 4. Global Scenario-with reference to other countries

Module-4 International Institutions and Data Protection	<ol style="list-style-type: none"> 1. United Nations: A Human Rights-Based Approach to Data 2. ILO and Protection of Worker's Data 3. UNCTAD: Data Protection Regulations and International Data Flows 4. Data Privacy, Ethics and Protection Guidance on Big Data for achievement of the Agenda 2030 5. OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data
Module 5 Legal Framework	<ul style="list-style-type: none"> • The Digital Personal Data Protection Act, 2023 • Background • Important Sections • Critique of DPDP Act
Module 6 Data protection: Initiatives and Road Ahead	<ol style="list-style-type: none"> 1. Data Sovereignty and Data Security 2. Processing of Personal Data 3. Rights of Individuals and Entities on Processing of personal data 4. Remedies for Unauthorized Processing
Module 7 Data Protection Challenges and other issues	<ol style="list-style-type: none"> 1. Data Protection Challenges in contemporary world 2. Solutions to Data Protection Challenges 3. Ethical Issues related to Data Privacy and Data Protection 4. Children's Rights to Privacy and Data Protection Around the World: Challenges in the Digital Realm
Module 8 Latest Judicial Interventions with reference to EU and India	<ol style="list-style-type: none"> 1. European Courts Judgements-Summary of 2023's Key Court of Justice of the European Union (CJEU) Data Protection Judgments 2. Indian Supreme Court and High Court Judgements

Suggested Readings (Case Laws):

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

18. Jane Roe v. Henry Wade, 410 US 113 (1973)

Books Available in Library:

1. Encyclopaedia of Data Protection & Privacy / Hazel Grant (In 4 Vols) 2009 Thomson Reuters
2. Data Privacy Law: An International Perspective / Lee A. Bygrave, 2014, Oxford University Press
3. Data Protection and Privacy: Data Protection and artificial Intelligence / Dara Hallinan, Ronald Leenes, 2021, HART
4. Data Protection and Privacy: data Protection and Democracy / Dara Hallinan, Ronald Leenes, 2021, HART
5. Data Protection Beyond Borders/ Federico Fabbrini, 2022, HART
6. The Right to Data Protection: individual and structural dimensions of data protection in EU law / Felix Bieker, 2022, Springer
7. Data Protection on the Move: current developments in ICT and privacy/ data Protection by Serge Gutwirth, 2016, Springer
8. Privacy Law: principles, injections and compensation / B.P. Jeevan Reddy, 2014, Eastern Book Company
9. Data Protection and Privacy: enforcing rights in a changing world / Dara Hallinan, Ronald Leenes, 2022, HART
10. Right to privacy arguing for the people / Vivek Sood, 2021, Thomson Reuters

Suggested Readings (Books and Articles):

1. Warren and Brandeis, "The Right to Privacy", Harvard Law Review (1890), Vol. 4, No. 5
2. Doorthy J Glancy, "The invention of the Right to Privacy", Arozona Law Review (1979), Vol. 21, No. 1
3. Alan F. Westin, *Privacy And Freedom*, 25 Wash. & Lee L. Rev. 166 (1968)
4. Daniel J. Solove, *UNDERSTANDING PRIVACY*, Harvard University Press, May 2008
5. <https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.455.4866&rep=rep1&type=pdf>
6. <https://courses.ischool.berkeley.edu/i205/s10/readings/week11/gavison-privacy.pdf>
7. Christina P. Moniodis, "Moving from Nixon to NASA: Privacy 's Second Strand- A Right to Informational Privacy", Yale Journal of Law and Technology (2012), Vol. 15 (1), at page 159. The article attributes Daniel Solove's work on privacy as- Daniel J. Solove, *Understanding Privacy* 70 (2008)
8. Richard A. Posner, "Privacy, Surveillance, and Law", The University of Chicago Law Review (2008), Vol.75
9. "Report of the Group of Experts on Privacy" (16 October, 2012), Government of India, available at http://planningcommission.nic.in/reports/genrep/rep_privacy.pdf
10. Taneja Rishika and Kumar Sidhant, *Privacy Law: Principles, Injunctions and Compensation*, Eastern Book Company (2021) **(Book available in EBC Reader)**
11. Goyal Gaurav, Kumar Ravindra, *Right to Privacy in India: Concept and Evolution* (2016)
12. Yvonne McDermott, "Conceptualizing the right to data protection in an era of Big Data", *Big Data and Society* (2017)
13. http://www.oas.org/dil/data_protection.htm
14. <https://ili.ac.in/pdf/pt.pdf>
15. <https://www.ntia.doc.gov/legacy/ntiahome/privacy/files/CPRIVACY.PDF>

2. FOUNDATIONS OF CYBER LAW

Faculty@	Dr. Deepak Kumar Srivastava, Dr. Pankaj Umbarkar & Dr. Debmita Mondal	Year/Semester	LLM Technology and Law Specialization
Course Name	Foundations of Cyber Law	Course Credit	6
Course Code	NA	Prerequisite	NA
Number of Classes	60 classes	Session duration	1 Hours
COURSE OUTLINE	<p>Human history is a blend of intellectual and technical evolution. Such a journey of the past, present and future has and will throw the challenges of negative impact which is managed by prevalent legal regimes. In such a constant, the advent of cyber space is revolutionary in its evolutionary quotient and that has equally thrown challenges for its governance. The cyberspace its technical nomenclature of 'Internet' has expanded human imagination, socialization, political participation, cultural cohesion, democratization of knowledge never before any phase of technology evolution, In the same breadth it has also thrown humongous challenges to the social, political and economic framework by hate speech, false news and digital frauds, The big challenge for all nations and international framework is to augment the tremendous positive outcome with that of reigning the negative ones.</p>		
COURSE - OBJECTIVES	<p>The main objectives of this course areas follows:</p> <p>CO 1: To expose and analyse the trajectory of cyberspace and its impact on all walks of life including the jurisprudence of law.</p> <p>CO 2: To study and analyse the confluence and conflicts of cyber space operations with the legal and regulatory framework of sovereign states and international relations.</p> <p>CO 3: To study and examine the emerging cyber space domain through the prism of structure of constitution and its fundamental values governing the citizens.</p>		

	<p>CO 4: To map the emerging issues of cybercrimes and the challenges of prevalent criminal justice system</p> <p>CO 5: To study the legislations and its impact of cyber space operations -ITAct/ Ecommerce, E-Governance and Global Internet Governance</p> <p>CO=6: To identify the emerging challenges of the rapid evolving technological juggernaut of cyber space and the relevant prescription by way of national and international legislative framework.</p>
PEDAGOGY	<ul style="list-style-type: none"> ▪ Lectures with power point presentations; ▪ Invited lectures of Cyber Law practitioners ▪ Guided reading and critical reflection of case laws; ▪ Class discussion ▪ A dedicated time slot for Q&A sessions.
LEARNING OUTCOMES	<p>Students after completing this course is expected to:</p> <p>LO-1: Understand the challenges of internet governance and regulations.</p> <p>LO-2: Spread awareness about newer principles for determining jurisdiction in cyberspace.</p> <p>LO-3: Identify how the internet and technology affects fundamental rights.</p> <p>LO-4: Develop understanding about the role of technology in cybercrime.</p> <p>LO-5: Recognize the interface between technology leaps and evolution of law.</p>

EVALUATION COMPONENTS

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

COURSE PLAN

S.No.	Topics	Lecture Sessions
1	Introduction to Cyberspace and Internet Regulation	10
2	Challenges of Information Society	10
3	Questions of Cyberspace Sovereignty and cyberspace as ' <i>global common</i> '	10

4	Challenges of Territoriality in Cyberspace	05
5	Constitutional rights in Cyberspace	09
6	Technology and Crime in Cyberspace	09
7	Technological Jumps and Menace for Cyber Regulation	06

DETAILED SYLLABUS

Module	Content
Module 1: Introduction to Cyber space and Internet Regulation	<ul style="list-style-type: none"> · Evolution of Internet, its usage and salient features · Theories of cyber law <ul style="list-style-type: none"> - Barlow on Freedom in Internet World - Lessig's theory of "Code" - Zittrain on Generativity - Benkler's Power Law
Module 2: Challenges of Information Society	<ul style="list-style-type: none"> · Legal challenges of Information Society · Role of regulators in Cyberspace: Who controls the digital world? · Models of Internet Regulation. · Self-regulation: Concept and comparative relevance in cyberspace. · Concept of Internet Governance. · ICANN and International mechanisms interfacing Internet governance
Module 3: Questions of Cyberspace Sovereignty and cyberspace as 'global common'.	<ul style="list-style-type: none"> · Questions of Cyberspace Sovereignty and cyberspace as '<i>global common</i>'. • Case study of Dark web, its necessity and malice • Chinese and Russian View on Cyber Sovereignty • Cyber Law and International Law Interface • Convention on Cybercrime, 2001 • Tallinn Manual on the International Law Applicable to Cyber Warfare • International Code of Conduct for Information Security
Module 4: Challenges of Territoriality in Cyberspace	<ul style="list-style-type: none"> • Jurisdictional Challenges in Cyberspace • Jurisdiction provisions under Information Technology Act. • Tests relating to determination of jurisdiction: <ul style="list-style-type: none"> - Effect test - Zippo Sliding Scale Test - Minimum contact test

<p>Module 5: Fundamental rights in Cyberspace</p>	<p>Digital health care technologies and policy interventions .Gender discrimination in Cyberspace .Online Free Speechv.Hatespeech</p> <p>Challenges to Privacy in DigitalWorld</p> <ul style="list-style-type: none"> • Concepts of Privacy: Invasion and Decryption • Aadhar Saga • Right to be Forgotten <p>Access to Information v. Technological Barriers in Cyberspace</p>
<p>Module 6: Technology and Crime in Cyberspace</p>	<ul style="list-style-type: none"> • Crime against Individual • Crime against State • Crime against Organization • Crime against Property • Fixing liability for crimes using/by Technology.
<p>Module 7: Technological Jumps and Menace for Cyber Regulation</p>	<ul style="list-style-type: none"> • Supercomputing, Internet of Things and Big Data • Augmenting Reality through: • Cloud computing • E-commerce and E-contracting • Digital Payment and currencies.

SUGGESTED READINGS

Books:

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

Articles:

1. Ira Steven Nathenson, Cyberlaw Will Die and We Will Kill It, (2020) Chapter in Research Handbook on Information Law and Governance (Sharon Sandeen, Christoph Rademacher, & Ansgar Ohly, eds.), Edward Elgar, Forthcoming https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3731093
2. Mary Anne Franks, Unwilling Avatars: Idealism and Discrimination in Cyberspace, 20 COLUM. J. GENDER & L. 224 (2011). https://repository.law.miami.edu/cgi/viewcontent.cgi?article=1304&context=fac_articles
3. Schia, Niels Nagelhus, and Lars Gjesvik. *China's Cyber Sovereignty*. Norwegian Institute of International Affairs (NUPI), 2017.

- JSTOR*,<http://www.jstor.org/stable/resrep07952>.
4. Hobart, Paul Milton. "Cyber Death in Cyber Time and Cyber Space." *American Intelligence Journal*, vol. 28, no. 2, 2010, pp. 5–17. *JSTOR*,<http://www.jstor.org/stable/44327153>.
 5. Bloom, Les, and John E. Savage. *On Cyber Peace*. Atlantic Council, 2011. *JSTOR*,<http://www.jstor.org/stable/resrep03352>.
 6. Simon, Toby, and GLOBAL COMMISSION ON INTERNET GOVERNANCE. "CRITICAL INFRASTRUCTURE AND THE INTERNET OF THINGS." *Cyber Security in a Volatile World*, Centre for International Governance Innovation, 2017, pp. 93–104. *JSTOR*, <http://www.jstor.org/stable/resrep05239.12>
 7. Jessica Malekos Smith, *Can Democracy Endure Where The Cyber Things Are*, 5 *HOMELAND & NAT'l Sec. L. REV.* 1 (2016). <https://nationalinterest.org/feature/can-democracy-endure-where-the-cyber-things-are-18563?page=0%2C1>
 8. Rajendran Narayanan, Sakina Dhorajiwala, *The Namesake: Human Costs of Digital Identities*, EPW, <https://www.epw.in/engage/article/nameof-human-costs-digital-identities>
 9. Why Do We Care So Much About Privacy? <https://www.newyorker.com/magazine/2018/06/18/why-do-we-care-so-much-about-privacy>
 10. Jyoti Panday, *India's Supreme Court Upholds Right to Privacy as a Fundamental Right—and It's About Time*, <https://www.eff.org/deeplinks/2017/08/indias-supreme-court-upholds-right-privacy-fundamental-right-and-its-about-time>
 11. NIPFP, *Backdoor to Encryption: Analysing an intermediary's duty to provide "technical assistance"*. <https://datagovernance.org/report/backdoors-to-encryption-analysing-an-intermediarys-duty-to-provide-technical-assistance>
 12. Sunitha Abhay Jain, *An Indian Perspective Regulation of Cryptocurrency*, EPW, Vol. 56, Issue No. 34, 21 Aug, 2021.
 13. *Internet Shutdowns: Strategy to Maintain Law and Order or Muzzle Dissent?*, EPW, Vol. 53, Issue No. 42, 20 Oct, 2018.
 14. Sahana Udupa, *India Needs a Fresh Strategy to Tackle Online Extreme Speech*, EPW, Vol. 54, Issue No. 4, 26 Jan, 2019.
 15. Alexander H. Tran, *The Internet of Things and Potential Remedies in Privacy Tort Law*, 50 *COLUM. J.L. & Soc. Probs.* 263 (2017). <http://jlsplaw.columbia.edu/wp-content/uploads/sites/8/2017/03/50-Tran.pdf>
 16. Lyndsay Cook, *The Right to Be Forgotten: A Step in the Right Direction for Cyberspace Law and Policy*, 6 *Case W. Res. J.L. TECH. & INTERNET* 121 (2014-2015). <https://scholarlycommons.law.case.edu/jolti/vol6/iss1/8/>

Cases:

1. *Zee Telefilms Ltd v State of Karnataka* ILR 1997 Kar 1071.
2. *Yahoo! Inc v Akash Arora* 1999 II AD Delhi 229.
3. *Rediff Communication Ltd v Cyberbooth*. 1999(4) Bom CR 278
4. *Reno v American Civil Liberties Union*, 521 US 844 (1997). Available at <https://supreme.justia.com/cases/federal/us/521/844/case.html> ; appeal from *American Civil Liberties Union v Reno*, Nos. CIV. A. 96-963 and CIV. A.

- 96-1458, 1996 WL311865at 4–13 (E.D.Pa.11 June1996).
5. TataSons LtdvGreenpeace International, I.A.No.9089/2010inCS(OS)1407/2010,decided on 28 January2011.
 6. ShreyaSinghalvUOI,AIR2015SC1523.
 7. TarunTyagivCBICRL.M.C.--2729/2014
 8. DrSudhir KumarGoyalvUniversityof DelhiW.P.(C) 6121/2013
 9. NASSCOMv AjaySood2005(30) PTC437 Del
 10. DeepakRatanlalWalechavTheStateofMaharashtraCRIMINALBAIL APPLICATIONNO.1078 OF2018.
 11. VishalKaushikvTheState(GovtofNCTofDelhi) February,2016
 12. ReginavLewysStephen Martin[2013] EWCACrim1420
 13. S.RajuAiyer vJawaharLalNehru UniversityW.P. (C)No.62/2011
 14. Shagun v The State of Jharkhand through the Chief Secretary, Ranchi, W.P.(C) No.3193of2016.
 15. AkhtarAliv Stateof Uttarakhand,2016.
 16. BinuTamtav HighCourt ofDelhi W.P.(C) No.162 of2013
 17. Mohammedayub@SakirShabirbhaiShaikhvStateofGujaratR/CR.MA/5218/2014
 18. AvinashBajajv StateofDelhi116(2005)DLT427.
 19. DrL.PrakashvStateof Tamil NaduW.P.M.P.No.10120of2002).
 20. AbbasvStateofKeralaWP(C).No.11498of2011(J)
 21. Banyan Tree Holdings (P) Ltd v. A Murali Krishna Reddy, CS (OS) No. 894/2008, Del(DB), decided on 23/11/2009;
 22. World Wrestling Entertainment v. Reshma Collections, FAO (OS) 506/2013 in CM Nos. 17627/2013, 18606/2013, Del(DB) decided on 15/10/2014;
 23. Big Tree Entertainment v. Saturday Sunday Media Internet, CS (COMM) Nos. 53/2015 and 54/2015 (Del) decided on 21/12/2015;
 24. Impressario Entertainment v. S & D Hospitality, IA nos. 1950/2017 in CS (COMM) 111/2017 (Del) decided on 3rd Jan. 2018;
 25. Super Cassettes Industries Ltd v. Myspace Inc., IA No.15781/2008 & IA No. 3085/2009 in CS (OS) No. 2682/2008(Del) decided on 29/07/2011;
 26. P.R. Transport Agency v. Union of India, AIR 2006 All 23;
 27. Shailabh Jain vs The State of Madhya Pradesh, (Madhya Pradesh HC) M.Cr.C.No.7894/2013
 28. Driplex Engineering Ltd v. Mukesh Aggarwal, Adjudicating Officer (Del)
 29. Vinod Kaushik v. Madhvika Joshi, WP(C) 160/2012
 30. Amit Dilip Patwardhan v. Rud India Chains Pvt. Ltd., Adjudicating Officer

3. EMERGING TECHNOLOGIES AND LAW

Faculty Name	Mr. Surya Vadapalli	Year/ Semester	LLM/I
Course Name	Emerging Technologies and Law	No. of Credits	6
Course Code	NA	Session Duration	60 Minutes
No of Contact Hours	60 hrs	Pre-requisite	None
Introduction, Course Objective & Pedagogy	<p>The Course on Emerging Technologies and Law is designed to capture the contours of emerging technologies and the response of the legal system for regulating it on its impact on society at large. The rapid changes and leapfrogging of technologies in the recent decades can be described as a paradigm shift and legal regimes find them as a big challenge notwithstanding their benefits to the stakeholders. This specialization in the Master's Programme tries to map the contours of the interface of law with the technologies, its pros and cons in terms of its impact, the regulatory nuances and implementation and insights for future developments. This course sets a sui generis road map based on the attempts in other institutes to teach and research on this topic.</p> <p>The course objectives can be enumerated as follows:</p> <ol style="list-style-type: none"> 1) To map the emerging technologies of Big Data related developments focusing on the interface of law and regulations 2) To teach and sensitize the student about the international developments in the field of technology and response of major players like US/ EU/China and Japan for augmenting the Dos and Don'ts 3) To critically analyze the socio-economic and political ramifications of these technologies and lessons for public policy formulation. 4) To analyze the role played by modern technologies in facilitation of a global war. 5) To explore the international response by way of multilateral agreements/understanding. <p>The course will be taught by a lecture and discussion method.</p>		

LEARNING OUTCOMES:

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

EVALUATION COMPONENTS

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

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

COURSE PLAN

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

DETAILED SYLLABUS

UNIT	CONTENT
MODULE - I ARTIFICIAL INTELLIGENCE AND LAW	<ol style="list-style-type: none">1. Introduction to Artificial Intelligence2. Evolution of AI devices3. AI and its Application in different sectors4. Debates and Controversies<ol style="list-style-type: none">i. Biases in Machine Learningii. Data Rights<ol style="list-style-type: none">a. Neutralityb. Use of data without breach of privacyiii. Limits of AI5. Legal trends in the AI industry6. Artificial Intelligence Law and its development in India, USA, UK and other jurisdictions
MODULE - II DARK LINING IN SILVER CLOUD	<p>Issues and concerns of the Cloud</p> <ol style="list-style-type: none">i. Cloud Basicsii. India and Cloud Computingiii. Legal and Regulatory Issues on the Cloudiv. Big Data and Its Implications

MODULE - III FINANCIAL TECHNOLOGIES: DEVELOPMENT AND CHALLENGES	Digital Currencies and Issues: Global overview <ol style="list-style-type: none"> i. Digital Currency ii. Virtual Currency iii. Cryptocurrencies <ol style="list-style-type: none"> a. Rethinking the regulation of Cryptoassets b. Applicability of securities law to crypto assets c. Regulatory building blocks and other concerns d. Regulatory concerns and responding to change
MODULE – IV TECHNOLOGY AND other allied areas	<ol style="list-style-type: none"> 1. New Military Technologies <ol style="list-style-type: none"> i. Legal characterization and status ii. Unmanned Aerial Systems (UAS) iii. Unmanned Maritime Systems (UMSs) iv. Unmanned targeting and legal implications 2. Biotechnological innovations and warfare 3. International Humanitarian Law during Cyber and Network warfare 4. Technology and IP Law 5. Technology and ADR.

READINGS:

BOOKS

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