

Syllabus for IP Management*

Objectives

The introduction of Intellectual Property Management, an institutional elective aims to facilitate the protection and valorization of intellectual properties generated during the scientific pursuit in the Institute and offer scope for wealth generation, alleviation of human sufferings and betterment of human life.

Institute urges all faculty, staff and students to document their IP, so that they can be protected and applied to the gain of the country, the institute and the concerned inventors. This elective can facilitate faculties and staff of institute in a proactive manner in the generation, protection and transaction of Intellectual Properties which offer potential and scope for shared benefits to society, institute and inventors. It can enhance the potential of students opting for the subject to pursue carrier in IP and also contribute to nation by being IP aware scientist.

1. Basics of Intellectual property

IP: Overview – What is IP - Types of IP – Copyright, Geographical indicators – Patents - Trademarks, Significance and importance of IP in the business

Patents Overview - What is a patent? – Importance of Patents in the knowledge economy

Why Patent – Technical, legal and economic aspects of patents – Historical evolution of patents- Rationale for patent protection- Quid pro quo - Indian patent system -

– Patent life and maintenance

Reading a Patent – Why read a patent? - Anatomy of a patent – Relevance and importance of various parts of a patent – Claims in a patent- Types of patents Divisional, and Provisional applications - Importance of priority dates - Claims and claim types – significance – Product , process and product by process patents and their relative importance

2. IP : Legal Aspects

Criteria for patentability – Patentable subject matter section 3, anticipation in detailed, disclosure of any type – impact on novelty. Don't include US provisions. If possible give Indian cases as they are easy for students to relate. Section 39 – Foreign filing permission Form 27 – Working of patent, Oppositions and revocation Rights of patentee Procedure at Indian Patent office Explain stage wise. Include class on Patent Search and its types.

Explain patentability criteria in detailed which is important. Patent treaties- TRIPS Paris,

PCT convention – Implications for patentee use of Patent information – for research etc –
Infringement - What is infringement? – Direct and Indirect infringement – Contributory infringement – Wilful infringement - Doctrine of equivalents (DOE) – Why the doctrine? – Prosecution history estoppel (PHE) – Limits of PHE bar on application of DOE – Establishing infringement – The litigation options and pathways – PTO mechanisms and Federal courts – Hierarchy - Markmann hearing – Claim construction – Remedies to Patentee- Injunction – Requirements for the grant of injunction – Damage awards – Estimating damages – Entire market rule – Patent marking
Patent searching Why patent searching – Patentability – Validity – Infringement – Clearance (FTO)- State of the art – Landscape search –Search methodologies – Key word searches – Classification searches – Searching data bases – Finding and exploiting information - case studies - Patent analysis : Why, what, how? - The search report - illustrative cases
Patent drafting – Preparation before filing – Patenting decision – Purpose of patenting – planning the filings – Scope of patents – Prior art search – Drafting various sections of the patent specification – Drafting claims – How much to claim ? – Submission checklist
Patent Prosecution – Patent prosecution strategy- Provisional or full specification – Where to file? –PCT filing – PCT procedure and decision tree- Examination and national filings

3. IP Management

Patent Strategies – Offensive and defensive strategies – Filing , maintenance , litigation decisions – Building portfolios to protect inventions
Patenting in Academics – Why should academics patent? -What should academics patent? - Do patents affect research quality? History of academic patenting and exploitation – Land mark patents form academics and exploitation – Are universities abusing patent system? – Encouraging patenting culture in Indian Academia

4. IP Exploitation

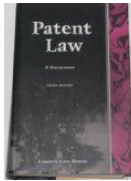

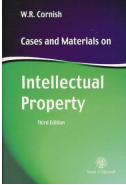
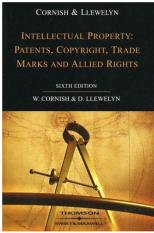
IP Licensing - When to license? – Rationale for licensing – Objectives of licensing – Licensing in - Licensing out – Scope of licensing – Exclusive/ non exclusive, territories, duration, non competitive clauses – sublicensing – improvements – cross licensing, warrants, indemnification, liability- Preparing for negotiations - Responsibilities of the licensor and licensee – Draft agreements – Contents typical drafts – Licensing as a business strategy - Licensing practices of leading companies
Technology Transfer.

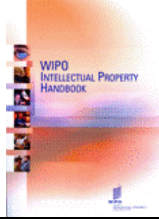
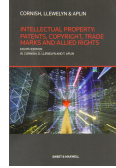
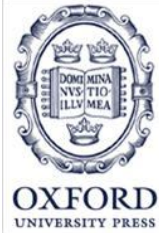
* The emphasis on various topics will be from the viewpoint of engineering disciplines.
 Illustrations from other disciplines to be chosen only when there are no examples from engineering disciplines

Focus only on Indian patent System as students will get confuse as they are learning this topic for first time.

Reference Books:

1. Developing Countries & IPR by Jayshree Wattal
2. An Introduction to WTO Agreements By B.L. Das.
3. Patent Law by P. Narayanan
4. WIPO Publication on Intellectual property (refer Chapters 1to 6)
5. Intellectual Property Rights – Unleashing the Knowledge Economy – P. Ganguly
6. Gearing for intellectual Property – P. Ganguly
7. Cornish W & Llewellyn D, intellectual Property: patents, Copyright, trademarks & Allied Rights, Sweet & Maxwell, 2007
8. Intellectual Property Rights by W.R.Cornish
9. IPR by David Bainbridge
10. Cases & Materials on IPR by W.R. Cornish

Patent Law by P. Narayanan		
Intellectual Property Rights – Unleashing the Knowledge Economy – P. Ganguly		
Cornish W & Llewellyn D, intellectual Property		
Cornish W & Llewellyn D, intellectual Property: patents, Copyright, trademarks & Allied Rights, Sweet & Maxwell, 2007		

<p>WIPO Publication on Intellectual property Chapters 1to 6</p>	<p>http://www.wipo.int/about-ip/en/iprm/</p>	
<p>Intellectual Property Rights by W.R.Cornish</p>		
<p>Intellectual Property Rights and WTO Developing Countries, Jayshree Wattal</p>		
<p>An Introduction to WTO Agreements By B.L. Das</p>		