



Intellectual Property Management

Instructor Name: Feroz Ali

Institute: IIT Madras

Department: Management

Course Intro: : This is a substantive course on Intellectual Property. The course shall give a brief overview of the IP landscape in India. It shall also dwell into the role of IP in the modern intangible economy. The course can be offered as a generic elective subject under the Choice Based Credit System in universities and affiliated colleges as suggested by UGC.

Pre Requisites: : None

Core/Elective: : Elective

UG/PG: : Both

Industry Support : None

Reference : Lionel Bently & Brad Sherman, Intellectual Property Law (2014)

About Instructor: Dr. Feroz Ali is the Chair Professor on Intellectual Property Rights (IPR) at the Indian Institute of Technology (IIT) Madras. He teaches intellectual property laws and business laws. He is the author of three books on patent law. He is a practicing advocate at the Madras High Court. He litigates and counsels in intellectual property law, corporate law and competition law but his primary focus has remained in patent law. He has appeared before the Supreme Court, the High Courts, Intellectual Property Appellate Board and the Patent Offices



COURSE PLAN

SL.NO	Week	Module Name
1	1	The Intangible Economy Rise of intangible economy – Investment in intangibles, competitive advantage, innovation, fostering entrepreneurial business culture; Case Studies – Microsoft, Google, Facebook, Amazon, Uber; Policy perspective – Intangible economy demands rethink of public policy, framework for IP protection – National IPR Policy.
2	2	Basics of Intellectual Property What is IP? – Intangible property, creations of mind; Why protect IP? – encourages innovation, spurs economic growth, social and cultural well-being; Why study IP? – plays an important role in fields of science, technology, business, arts, and law; Types of IP – Patents, Trade Marks, Copyrights, other unconventional IP rights; Theories of IP – economics, welfare, and culture.
3	3	Patents – From ball pens to biologics What is a Patent? – General principles, nature, territoriality, patent document, contents of a patent; How to get a Patent? – Patent application, publication, examination, oppositions, grant of a patent; Patentability – Inventions not patentable, novelty, inventive step, industrial applicability; Rights & Privileges – Rights of patent holder, infringement, term of patent, licenses and assignments; Defences – Experiment & research, invalidity of patents, parallel importation; Limitations – compulsory licenses, government use.



4	4	<p>Trade Marks—What does red soles and barbie girl mean? What is a Trade Mark?—what is a sign, distinguish goods and services, graphical representation, economics of trade marks, branding, product designs, tag lines; Subject matter—Marks that may be protected, distinctiveness, acquired secondary meaning, forms of trade marks, well known marks, class of protection; How to protect?—Registration, use of mark; Rights & Defences—Term of trade mark, passing off, likelihood of confusion, dilution, honest concurrent use; Losing protection—Abandonment, genericide.</p>
5	5	<p>Copyright—Is it right to copy? What is a Copyright?—Author—TM's right, neighbouring rights, originality, recorded in material form, idea-expression dichotomy, registration not necessary; Subject matter—Literary, dramatic, musical, and artistic works, films, sound recordings, and broadcasts, excluded subject matter; Rights—Duration, assignment, economic and moral rights, Related rights—Performer—TM's right.</p>
6	6	<p>Unconventional IP—The expanding scope Geographical Indications—quality, reputation from a specific geographic origin, subject matter; Plant Varieties—Plant breeder—TM's right, sui generis protection; Trade Secrets—confidential business information, requirements for protection, liability, remedies; Data protection; Integrated Circuits, IP on the internet.</p>



7	7	<p>Enforcement of IPâ€™Protecting your rights Enforcementâ€™Cease and desist notice, actions before patent office, Intellectual Property Appellate Board, civil and criminal actions, border measures; IP litigationâ€™Infringement, injunction, damages, other remedies; Alternate Dispute Resolutionâ€™Enforcement in the international context, arbitration and mediation, domain name disputes.</p>
8	8	<p>IP for Businessâ€™A profit making asset class IP in the business worldâ€™Importance, appropriability, IP management, integrating IP into business; Commercialization of IPâ€™methods of monetization, company models, licensing agreements; Valuation of IP; Financing and IP.</p>
9	9	<p>IP, Research, and Universities Research and Academiaâ€™Research results, copyrights and patents, to publish or patent; IP issues in research and collaborative projects; Technology transfer; Patentsâ€™prior art and patentability search, reading patent documents; IP for Computer Scienceâ€™copyrights for software, patents for computer related invention, software licensing; Case studiesâ€™University start-ups, Stanford University.</p>
10	10	<p>IP for the Creative and Entertainment Industries Creative and Entertainment Industriesâ€™Scope of activity, economic importance, copyrights laws, broadcasting rights, other forms of IP protecting creativity; Designersâ€™Trade marks, designs, and copyrights protection.</p>
11	11	<p>Governments Role in Fostering IP IP policyâ€™IPR awareness, human capital development, role of DIPP, IPR Chairs; University Grant Commissionâ€™Directive on IP education in universities.</p>



12	12	Teaching IPâ€™’Let everyone learn IP IP Educationâ€™’Changes in economy, best methods in IP teaching; IP for Non-Law Students; IP in Business Schools; Teaching IP practical skills; IP in schools; Using new technology to teach IP.
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