



## HIMACHAL PRADESH NATIONAL LAW UNIVERSITY, SHIMLA

**Semester: I**

**LL.M. (One-Year Programme)**

**Course Code: LM-111**

**Credit : 02**

### **Geographical Indications, Traditional Knowledge and Biodiversity Laws**

#### **Brief Introduction:**

The course aims to cover the law relating to geographical indications in India which has close resemblance with trademark in its functionality. It explores the interrelationship of Geographical Indications (GI), Traditional Knowledge and Biodiversity Laws. It highlights intellectual property rights and the preservation of traditional practices and natural resources. Students will gain insights into understanding of GI and TK and Biodiversity. It will discuss the role of trademarks, GI, Copyrights, and Patents in protection of Traditional Knowledge and Biodiversity and vice-versa. Discussion will highlight the safeguarding biodiversity, protecting local cultures, and promoting sustainable development.

#### **Course Objectives:**

By the end of the course students would be able to :

1. Understand the concept and significance of GI and TK in promoting sustainable practices, economic development, and community welfare.
2. Assess the legal frameworks for GI protection at the national and international level.
3. Explore case studies of successful GI and TK protection models from various regions and industries.
4. Identify challenges in implementing GI and TK laws and discuss potential future developments in biodiversity protection and industrial application simultaneously.

#### **Learning Outcomes:**

By the end of this course, students will be able to:

1. Define and differentiate Geographical Indications (GI) and Traditional Knowledge (TK) and explain their significance in preserving cultural heritage and biodiversity.

2. Assess the legal frameworks for GI protection at both the national and international levels, understanding the implications for local economies and regional development.
3. Analyze case studies of successful GI and TK protection models from diverse regions and industries, identifying best practices and lessons learned.
4. Present and communicate effectively about the interplay of GI, TK, and biodiversity laws, applying acquired knowledge to real-world scenarios and engaging in discussions on related topics.

### **Module: I**

#### **Geographical Indications: Concept**

- 1.1 Concept of Geographical Indication;
- 1.2 Rationale of protecting Geographical Indications;
- 1.3 Historical Background of Law on Geographical Indication;
- 1.4 Appellations of origin, Community Right;
- 1.5 Homonymous GI, Genericides of Geographical Indications.

### **Module: II**

#### **Geographical Indications: Framework to Protect and Implementation**

- 2.1 Registration of Geographical Indication and its Effect;
- 2.2 Conditions of Registration and Grounds for Refusal;
- 2.3 Authorized User, Analysis of classification of Goods;
- 2.4 Inter-facing issues of Trademark and Geographical Indications;
- 2.5 Infringement and Passing off of Geographical Indications; Remedies.

### **Module: III**

#### **Protection of Traditional Knowledge and Intellectual Property**

- 3.1 Concept and Importance of Traditional Knowledge (TK), Folklore;
- 3.2 Positive Protection and Defensive Protection;
- 3.3 International Regime: Protection of TK, Traditional Cultural Expressions;
- 3.4 Protection of Traditional Knowledge under present Legal Framework in India;
- 3.5 National Initiatives for protecting Traditional Knowledge through Intellectual Property Rights: Traditional Knowledge Digital Library (TKDL).

## **Module: IV**

### **Protection of Biodiversity and Intellectual Property**

- 4.1 IPRs in Traditional Ecological Knowledge, Access to Genetic Resources;
- 4.2 IPR, TRIPS and CBD: Establishing Relationship and finding Gaps;
- 4.3 Intellectual Property in Agriculture; Trends in agricultural innovation and Technology;
- 4.4 Patenting of Genetically Modified Organisms/Crops; Misappropriation of Traditional Knowledge, Bio-piracy;
- 4.5 Biodiversity and the law: IPRs, Biotechnology & Traditional Knowledge.

#### **A. Prescribed Legislations for Syllabus**

1. The Geographical Indications of Goods (Registration and Protection) Act, 1999
2. The Protection of Plant Varieties and Farmers Rights Act, 2001
3. The Biological Diversity Act, 2002.
4. The Competition Act 2002
5. The Patents Amendment Act, 2005.

#### **B. Prescribed Instruments for Syllabus:**

1. The Paris Convention 1883
2. The Madrid Agreement concerning the International Registration of Trade Marks, 1891
3. The NICE Agreement concerning the International Classification of Good and Services for the purpose of the registration of Marks, 1957
4. The Vienna Agreement, 1973
5. The Trademark Law Treaty, 1994
6. The Trade Related Aspects of Intellectual Property Rights (TRIPS), 1995

7. Lisbon Agreement, 1958
8. The Geneva Act, 2015
9. THE IUCN PROJECT ON THE CONVENTION ON BIOLOGICAL DIVERSITY AND THE INTERNATIONAL TRADE REGIME

**C. Prescribed Books:**

1. Vedaraman, Law of Trademarks including International Registration under Madrid Protocol and Geographical Indications, Lexis Nexis, 2012.
2. Ananth Padmanabhan, Intellectual Property Rights Infringement and Remedies, Lexis Nexis, 2012
3. Christopher Wadlow, The Law of Passing Off: Unfair Competition by Misrepresentation, Sweet and Maxwell, 2011.
4. Latha R Nair & Rajendra Kumar, Geographical Indications: A Search For Identity, Lexis Nexis, 2005
5. Anthony J. Stenson and Tim S. Gray, The Politics of Genetic Resource Control, Macmillan Press Ltd., London, 1999
6. Tapan Kumar (Ed.), WTO, TRIPS and GIs, New Century Publications, 2014 2. Dev Gangjee, Relocating the Law of GI, Cambridge University Press, 2012
7. K C Kailasam and RamuVedaraman, Law of Trademarks including International Registration under Madrid Protocol and Geographical Indications, Lexis Nexis, 2013
8. Carlos M Correa, Traditional knowledge and Intellectual Property, Issues and Options Surrounding the Protection of Traditional Knowledge, Quaker United Nations Office, Geneva, 2001
9. David Downes, Using Intellectual Property as a Tool to Protect Traditional Knowledge: Recommendations for Next Steps, Center for International Environmental Law, Washington, DC, 1997
10. P. Drahos and M. Blakeney (ed.), Perspectives on Intellectual Property: IP in Biodiversity and Agriculture, Sweet and Maxwell, London, 2001
11. Vandana Shiva, Biopiracy: The Plunder of Nature and Knowledge, South Press, 1997
12. Vandana Shiva, Protect or Plunder: Understanding Intellectual Property Rights, Zed Books Ltd., London, 2001
13. S. K. Verma & Raman Mittal (ed.), Intellectual Property Rights a Global Vision, Indian Law Institute, New Delhi, 2004

14. S. Ram Reddy, M. Surekha & V. Krishna Reddy, Biodiversity Traditional Knowledge And Intellectual Property Rights, Scientific Publishers ;2019
15. Graham Dutfield, "Intellectual Property Rights, Trade and Biodiversity: Seeds and Plant Varieties" ; Routledge Publication House.

• **D. Suggested Readings:**

1. Susan K Sell, Private Power, Public Law: The Globalization of Intellectual Property Rights, Cambridge University Press, 2003 .
2. N.S. Gopalakrishnan & T.G. Ajitha, Principles of Intellectual Property, Eastern Book Company,2nd Edition , 2014
3. Jayashree Watal, Intellectual Property Rights in the WTO and Developing Countries, Oxford University Press, 2001
4. Lionel Bently& Brad Sherman, Intellectual Property Law, Oxford University Press, 3rd Edition, 2008
5. Peter Drahos, A Philosophy of Intellectual Property, Dartmouth Pub Co, 19966
6. Paul Torremans, Intellectual Property and Human Rights, Kluwer Law International, 2008
7. Steven D Anderman, Interface Between Intellectual Property Rights and Competition Policy, Cambridge University Press, 2007
8. Philippe Cullet, Intellectual Property Protection and Sustainable Development, Lexis Nexis, 2005
9. Martin J. Adelman et al., Patent Law in a Nutshell, West, 2013
10. Amy L. Landers, Understanding Patent Law, Lexis Nexis, 2012.
11. Ananth Padmanabhan, Intellectual Property Rights Infringement and Remedies, Lexis Nexis, 2012

\*\*\*\*\*

  
05/02/2023  
Dean Academic Affairs,  
H.P National Law University  
Shimla - 171014