



GUJARAT TECHNOLOGICAL UNIVERSITY

Program Name: Post Graduate Diploma In IPR

Level: Post Graduate Diploma

Course / Subject Code : PR02095011

Course / Subject Name : Patent Enforcement in India

W.e.f. Academic Year:	2024-25
Semester:	2
Category of the Course:	Core Courses

Prerequisite: A foundational knowledge of intellectual property law, particularly patent law essential.

Rationale: This course seeks to equip students with a comprehensive understanding of patent enforcement and infringement, focusing on the rights and obligations of patentees, the nuances of patent litigation in India, and the implications of landmark case studies.

Course Scheme:

Teaching Scheme			Total Credits	Assessment Pattern and Marks				Total Marks
L	T	PR		Theory		Practical		
			ESE (E)	PA(M)	PA(I)	ESE (V)		
4	1	0	5	100	30	20	0	150

Course Content:

Sr. No.	Course Content	No. of Hours	% of Weightage
1	ENFORCEMENT OF PATENTS: Terms of Patent, Rights of Patentee: (Rights of Patentee (U/s 48), Rights of co-owners (U/s 50), Right to Exploit the Patent, Right to Grant License, Right to Surrender, Right to Suit for Infringement).Obligation of Patentee., Working of Patents: Section 146(2) of The Indian Patent Act, Rule 131 of The Patent Rules, Case Study: NATCO Pharma Ltd v/s Bayer Corporation, Analysis of the case and implications on patent law. Compulsory Licensing: Section 84, Case Study of India's First Compulsory License of Patent, Doha Declaration, Revocation of Patent: Ground for revocation of Patent, Case Study for Revocation of Patent, and Revocation of Patent in Public Interest, Case Study, and Revocation of Patent for Non-Working, Revocation of Patent or Amendment of Complete Specification on direction from Government in Case Relating to Atomic Energy.). Case Study/Practice	20	25



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2	<p>INFRINGEMENT OF PATENTS</p> <p>(Infringement & remedies, Exclusive Right of a Patent Owner, Enforcement of Rights, What is prosecution history estoppel?)</p> <p>Literal Infringement, Doctrine of Equivalents, Exception in Infringement, India's First "Doctrine of Equivalents" Case , Remedies against Patent Infringement: Remedies available to a patent owner- Remedies for infringement in India Jurisdiction, Burden of proof, Action of infringement, Where a suit is to be instituted, When a suit can be instituted, Period of limitation, Who is entitled to sue, Scope of a claim of the patent. Defences to Patent Infringement: Court of Equity, Staple Goods Defense, Inequitable Conduct, Patent Infringement Defense Exclusions in Standard Liability Policies, Patent Infringement Defense Insurance, Consequences of Patent Infringement Lawsuit, Arbitration and Mediation of Intellectual Property Disputes</p> <p>Patent litigation in India: overview</p> <p>Sources of law, Court system, Substantive law, Parties to litigation, Enforcement options, Competition and antitrust, Procedure in civil courts, Preliminary relief, Final remedies, Appeal procedure</p>	20	25
3	<p>INTERNATIONAL PATENT SYSTEMS:</p> <p>US Patent System (USPTO), Substantive Law (35 USC), Patentable Subject Matter (35USC101), Novelty (35USC102).</p> <p>Non-Obviousness (35USC103), Best Mode and Enablement (35 U.S.C. 112(a)), Person having ordinary skill in the art (PHOSITA), Types of U.S. Patent Applications, The Patent Process at USPTO, Patent Examining Corps Organization and Size, USPTO Organizational Offices, USPTO Portal Applications, Official Gazette for Patents.)</p> <p>European Patent System (EPO): Departments and Directorates-General, How to apply for a European Patent?, Filing and formalities examination, Search, Publication of the application, Substantive examination, The grant of a patent, Validation, Opposition, Limitation/Revocation, Appeal, Online services by EPO, Espacenet, Information on EPO data,</p> <p>Chinese Patent System (SIPO): Introduction of SIPO, SIPO Departments, General Affairs Office, Legal Affairs Department,</p>	20	25



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	<p>Protection and Coordination Department, International Cooperation Department (Office of Hong Kong, Macao & Taiwan Affairs), Types of patent protection offered at SIPO, Enforcement of patents in China, Administrative patent enforcement, Civil litigation, Criminal proceedings, Patent interpretation at SIPO, Patent validity challenge at SIPO.</p> <p>African Regional Intellectual Property Organization (ARIPO): Reasons for establishing ARIPO, Objectives of ARIPO, Systematic presentation of Processing of patent applications at ARIPO.</p> <p>Basic Procedures for Obtaining a Patent in Japan: Application, Formality Examination, Publication of Unexamined Application, Request for Examination, Deemed Withdrawal (No Request for Examination), Substantive Examination, Notification of reason for refusal, Written argument/ Amendment, Decision to grant a patent, Decision of Refusal, Appeal against Decision of Refusal, Appeal examination (against Decision of Refusal), Registration (patent fee payment), Publication of Patent Gazette, Appeal for Invalidation, Appeal Examination (Invalidation), Intellectual property high court, Note Flowchart for obtaining Publication of Patent Gazette.)</p>		
4	<p>IPR Valuation & Commercialization</p> <p>IP valuation, IP commercialization by owner, Assignments Licensing & Franchising, Joint ventures, Types of Disclosures and agreements, IP Litigation, Dispute resolution. Case Studies</p>	20	25

Reference Books:

1. Indian Patent Law (English, Paperback, Kalyan C. Kankanala) Publisher: OXFORD UNIVERSITY PRESS
2. Intellectual Property Law in India by R. P. Khosla, Taylor & Francis
3. European Intellectual Property Law: by Justine Pila, Paul Torremans, Oxford University Press
4. Intellectual Property Law of China by Michael J. Moser, Juris Publishing, Inc
5. The African Regional Intellectual Property Organization (ARIPO), L. B. Mallya, African Books Collective
6. Introductions to U.S. Law: Intellectual Property, Daniel Hunter and Dennis Patterson, Oxford Press



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Course Outcome:

After Completion of the Course, Student will able to:

No	Course Outcomes	RBT Level
1	Understand the rights and obligations of patentees	RM, UN
2	Analyze the legal framework surrounding patent infringement, including enforcement mechanisms, remedies, and defenses, while examining the nuances of patent litigation in India	AN, AP, EL
3	Evaluate the various international patent systems	AN, AP, EL
4	Evaluate the effectiveness of different patent application processes and enforcement strategies employed by the US, European, Chinese, and African regional patent systems.	AN, AP, EL

*RM: Remember, UN: Understand, AP: Apply, AN: Analyze, EL: Evaluate, CR: Create
