



**Vision**

“ To be a global leader in promoting good corporate governance ”

**Mission**

“ To develop high calibre professionals facilitating good corporate governance ”

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Director (Academics)*



**THE INSTITUTE OF  
Company Secretaries of India**

**IN PURSUIT OF PROFESSIONAL EXCELLENCE**  
Statutory body under an Act of Parliament

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# Post Membership Diploma in Intellectual Property Rights



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## Introduction

Post Membership Diploma in Intellectual Property Rights is a Post Membership Qualification Course which aims at providing knowledge and building capacities of the company secretaries in the area of intellectual property laws and practices. Intellectual property has increasingly assumed a substantial role in today's economy with the rapid pace of technological and scientific innovation. Further, changes in the global economic environment have influenced the development of business models where intellectual property is a fulcrum element establishing value and potential growth. In India legislations for the protection of intellectual property rights (IPRs) have been passed. Therefore scope for company secretaries to be well-versed with the framework of Intellectual property laws and procedures become important.

## Objectives and Scope

The objectives of the Post Membership Diploma in Intellectual Property Rights are to enable the members:

- To understand the concepts of Intellectual property.
- To understand international scenario in intellectual property rights related to Trade-Related Aspects of Intellectual Property Rights (TRIPS), The World Intellectual Property Organization (WIPO), the Berne Convention, Universal Copyright Convention, The Paris Convention etc.
- To familiarize with the provisions related to Patents, Trademarks, Copyrights, Designs, Geographical indications etc.
- To appreciate the need of IPR in digital age and emerging trends in IPR
- To be able to apply knowledge of IPR in commercial world

## Eligibility Criteria

The members of the Institute shall be eligible for the admission to the course.

## Course Structure

In order to provide in-depth theoretical and practical knowledge to the candidates, PMQ Course in Intellectual Property Rights shall comprise of the following two parts namely:

- Part I: One Paper for which written exam will be conducted
- Part II: Workshop cum interview

**Part I:** The candidates for Part I examination shall be examined in one paper for which an open book written examination of three hours will be conducted. The examination will be based on application of knowledge and theoretical concepts wherein candidates will be allowed to use reference books and other reading material. The paper shall comprise of following course contents.

## 1. Introduction

- Introduction to Intellectual Property Rights
- Meaning, Relevance, Business Impact, Protection of Intellectual Property
- Copyrights, Trademarks, Patents, Designs, Utility Models, Trade Secrets and Geographical indication
- Bio-diversity and IPR
- Competing Rationales for Protection of Intellectual Property Rights
- Balancing Rights of the IPR Holder and the Society
- Enforcement of IPRs
- Exhaustion of IPRs
- IPR and Human Rights
- Interface between IPR and Competition Law
- Advantages and options for developing countries
- Role of Intergovernmental Committee on Intellectual Property and Genetic Resources,
- Traditional Knowledge and Folklore
- Sui generic protection for plant and genetic resources

## 2. International Regime

- Introduction to the leading International Instruments concerning Intellectual Property Rights
- the Berne Convention
- Universal Copyright Convention
- The Paris Convention
- Patent Co-operation Treaty
- TRIPS
- The World Intellectual Property Organization (WIPO) and the UNESCO

## 3. Intellectual Property in the Digital Age

- Impact of internet
- Issues for Developing Countries
- WIPO Digital Agenda
- Protection of Trademark: Use of trademarks as Meta tags, Domain name dispute resolution
- Liability of ISPs, Rights of Performers and Digital Broadcasters,
- Licensing and Rights Management

- Changing Dimensions of IPR
- International Scenario
- TRIPs and IPR Regime
- Role of IPR in Economic Developments in India
- WTO and Dispute Settlement Mechanism

## 4. Law of Patents

- Evolution of Patent Law in India
- Patent Act, 1970 and its Amendments: Salient Features
- Patent in International Regime: Conventions and Treatise
- Relevant Provisions under TRIPs Agreement, 1994, US UK and EU
- Software Patents, Bio- Patents, Drug Patents
- Arts. 7 & 8 of TRIPs and its Significance.
- Concept of Patent, Product / Process Patents & Terminology
- Duration of Patents- Law and Policy Consideration Elements of Patentability,- Novelty and Non-Obviousness (Inventive Steps and Industrial Application, Non-Patentable Subject Matter
- Procedure for Filing of Patent Application and types of Applications
- Procedure for Opposition
- Revocation of Patents
- Ownership and Maintenance of Patents
- Assignment and licensing of Patents
- Working of Patents- Compulsory Licensing
- Patent Agent- Qualification and Registration Procedure
- Patent Offices in India
- Importance of Patent Information in Business Development
- Patent search through Internet, Patent Databases
- Preparation of Patent Documents
- Process for Examination of Patent Application
- Patent Infringement
- Recent Developments in Patent System
- Scope, Objectives and Justification

- History and International Treaties
- Patentability Criteria
- Patentable and Non-patentable inventions
- Registration, Ownership, Rights of Patentee, Transfer of technology
- Working of Patents and Compulsory licensing
- Infringement
- Impact of TRIPs and TRIPs Flexibilities
- Pharma patents vis a vis Public Health Issues
- Patent vis-à-vis Copyright: Software and Computer Programmes
- Utility Patent
- Undisclosed Information

#### 5. Law of Trademarks

- The rationale of protection of trademark as (a) an aspect of commercial and (b) of consumer rights
- Definition and concept of Trademarks
- Different kinds of marks (brand names, logos, signatures, symbols, well known marks, certification marks and service marks)
- Non Registrable Trademarks
- Procedure for Registration of Trademarks
- Opposition Procedure
- Assignment/Transmission / Licensing of Trademarks
- Infringement of Trademarks
- Passing off Action
- Offences and Penalties
- International Conventions- Madrid Protocol
- Domain Names
- WIPO Internet Domain Name Process
- Registrations of Trade Marks
- Requirements for Registration
- Refusal of Registrations of Trade Marks
- Kinds of Marks
- Goodwill, Doctrine of Passing-off-actions and its development in India
- Domain Names Dispute and Cybersquatting

#### 6. Copyrights

- Introduction to Copyright – Fundamentals of Copyright, International Treaties and

- Nature of Copyright
- Works in which Copyrights subsist
- Author & Ownership of Copyright
- Rights Conferred by Copyright
- Assignment, Transmission, Licensing of Copyrights
- Infringement of Copyrights
- Remedies & Actions for Infringement of Copyrights
- Copyright Societies, Office, Board, Registration of Copyrights & Appeals
- International Conventions
- Copyright pertaining to Software/Internet and other Digital media
- Remedies, especially, possibility of Anton Pillar Injunctive Relief in India
- Conventions
- Subject Matter and Subsistence of Copyright
- Economic Rights and Moral Rights
- Doctrine of Fair Dealing
- Neighbouring Rights
- Infringement of Copyright and Remedies
- Copyright in Software and Database
- Law Based Case Studies

#### 7. Industrial Designs

- Introductions to Industrial Design
- International Regime
- What is a Registrable Design
- What is not a Design
- Novelty & Originality
- Procedure for Registration of Designs
- Copyright under Design
- Assignment, Transmission, Licenses
- Procedure for Cancellation of Design
- Infringement and Remedies
- Industrial Design and Layout Designs of Integrated Circuit
- Meaning, Scope and Registration
- Designs v/s Copyright and Trademark
- Law Based case Studies

#### 8. Geographical Indications

- National and International Perspective

- Meaning, Nature and Justification
- Geographical Indication v. other forms of IPRs
- Registration, Infringement and remedies
- TRIPS and Concerns for developing countries
- Who are entitled for registration
- Conditions & Procedure for Registration, Offences and Penalties

#### 9. Protection of Trade Secrets

- Introduction
- Legislation Governing Trade Secrets
- Protection under TRIPS Agreement
- What Causes a Business to Lose Trade Secret Protection

#### 10. Key Business Concerns in Commercializing Intellectual Property Rights

- Competition and Confidentiality Issues, Antitrust Laws
- Assignment of Intellectual Property Rights
- Technology Transfer Agreements
- Intellectual Property Issues in the Sale of Business
- Care & Maintenance of Confidential Information
- Legal Auditing of Intellectual Property
- Due Diligence of Intellectual Property Rights in a Corporate Transaction

#### 11. Management and Valuation of Intellectual Property

- Management of Intellectual Property
- Strategies for Effective IPR Management
- Intellectual Property – Risk Management
- Valuation of Intellectual Property
- Methods for the Valuation of Intangibles

#### 12. Other Emerging Intellectual Property Rights and case studies

**PART II:** A candidate after qualifying Part I of the course shall participate in a workshop cum interview organised by the Institute.

#### Examination

For Part-I, written examination will be conducted at such intervals, in such manner and at such time and place as the Council may decide subject to

availability of such minimum number of candidates enrolled for the examination as may be decided from time to time. The dates and places of the examination shall be published in the Institute's Journal "Chartered Secretary".

#### Registration

- Registration for the course will be valid for a period of five years during which period the candidate will be required to complete both the parts.
- Registration shall be open throughout the year.
- A candidate should however, register at least six calendar months prior to the month in which the examination commences.

#### Preparation for the Course

Post Membership Diploma in Intellectual Property Rights is a specialized course and the candidates pursuing this course will be required to have through knowledge under each topic of the course curriculum. For this purpose, the candidates will be provided an illustrative list of readings.

#### Fee Structure

- (i) Rs. 25,000 for the entire course payable as under:
  - Rs. 12,500/- payable at the time of registration for the course
  - Rs. 12,500/- payable at the time of workshop cum interview
- (ii) Examination Fee of Rs. 1500
- (iii) Change of Examination Centre Fee - Rs. 100
- (iv) Verification of marks fee - Rs. 250 per paper

#### Certification

The candidates successfully Completing the Course shall be awarded a Diploma Certificate to that effect in the appropriate form by the Institute and shall be entitled to use the descriptive letters and bracket "DIPR (ICSI)" to indicate that he has been awarded "Post Membership Diploma in Intellectual Property Rights" by the Institute of Company Secretaries of India"

**APPLICATION FORM**  
**APPLICATION FOR ADMISSION TO**  
**POST MEMBERSHIP DIPLOMA**  
**IN INTELLECTUAL PROPERTY RIGHTS**

To  
The Secretary  
The Institute of Company Secretaries of India  
ICSI House  
22, Institutional Area, Lodi Road  
New Delhi – 110003

Paste your  
recent  
photograph

Sir,

I hereby apply for admission to the Post Membership Diploma in Intellectual Property Rights. The required particulars are furnished below :

1. Name in full  
(in block letters) : \_\_\_\_\_  
(Surname) (name)
2. Father's/Husband's Name: \_\_\_\_\_
3. Membership No.  
(i) ACS/FCS  
(ii) CP (if Company Secretary in Practice) \_\_\_\_\_
4. Date of Birth : \_\_\_\_\_
5. Nationality : \_\_\_\_\_
6. Educational/Professional  
Qualifications \_\_\_\_\_
7. Address : (i) Professional Designation: \_\_\_\_\_  
(ii) Residential \_\_\_\_\_  
(iii) For Correspondence \_\_\_\_\_

8. (a) Tel No. : Off. \_\_\_\_\_ Res \_\_\_\_\_  
(b) Fax No. \_\_\_\_\_  
(c) Telex No. \_\_\_\_\_  
(d) Mobile \_\_\_\_\_ E-mail ID \_\_\_\_\_
9. Gross Monthly Income Rs. \_\_\_\_\_
10. A crossed Bank Draft drawn in favour of the 'Institute of Company Secretaries of India', payable at New Delhi bearing (printed) No. \_\_\_\_\_ dated \_\_\_\_\_ for Rs. \_\_\_\_\_ drawn on \_\_\_\_\_ Enclosed towards the registration fees.
11. Self-attested copies of the following certificates are enclosed :  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
12. I hereby declare that the particulars furnished above are true to the best of my knowledge and belief, and if at any time it is proved that the said particulars were untrue, I agree to my registration for the Post Membership Diploma in Intellectual Property Rights Course being cancelled without any obligation on the part of the Institute to refund any fee paid by me to the Institute and without prejudice to the rights of the Institute to take any further action deemed fit and appropriate.

I undertake that I shall, as a registered candidate conduct myself in a manner befitting the ideals and standards of profession of company secretaries generally and as specified by the Council from time to time and shall abide such regulations, bye-laws, rules, standing orders, directions, conditions or guidelines as may be laid down by the Council and made applicable to me from time to time. I further undertake not to pass on, sell or gift away any materials provided to me by the Institute.

Place : \_\_\_\_\_

Date : \_\_\_\_\_

Signature

- I. Applicants are requested to send self-attested copies of certificates of their date of birth, professional examination's, ACS/FCS and four passport size photographs (not to be attested)