



## C. U. SHAH UNIVERSITY Wadhwan City

**FACULTY OF:-** LAW (B.A. OR B.COM. LL.B.)

**SEMESTER:-** 9

**CODE:-** 4LW09LOT1

**NAME:-** Law of Torts

Teaching & evaluation scheme:-

Subject Code	Name of the Subject	Teaching Scheme (Hours)				Credits	Evaluation Scheme							
		Th	Tu	Pr	Total		Theory				Practical (Marks)			Total
							Sessional Exam		University Exam		Internal		University	
							Marks	Hrs	Marks	Hrs	Pr/Viva	TW	Pr	
4LW09LO T1	Law of Torts	5	0	0	5	5	30	1.5	70	3	---	---	---	100

### SYLLABUS:

Unit 1- Definition, Nature and Scope.

1.1 Definition of Tort, Distinction between Tort and Crime.

1.2 Concept of unliquidated damages.

1.3 Relevance of Mental Elements in determining tortious liability

1.3.1 Intention, Motive, Malice, Knowledge, Negligence.

1.4 General principles of tortious liability

1.4.1 A wrongful act

1.4.2 Legal damage- a) Damnum Sine Injuria b) Injuria Sine Damno

1.4.3 Legal remedy- Ubi jus ibi remedium

1.5 Who may sue?- Aggrieved individual, Class action and social action groups.

1.6 Who may not be sued?

Unit –2

- Justifications or Defenses in tort

- 2.1 Volenti non fit injuria

2.2 Necessity

2.3 Act of God

2.4 Inevitable accident

2.5 Private defense

2.6 Statutory Authority

2.7 Judicial and Quasi-Judicial Acts Unit

–3 - - Discharge of tortious liability-

3.1 By death of parties- actio personalis moritur cum persona exceptions

3.2 Waiver and acquiescence

3.3 Release

3.4 Accord and satisfaction

3.5 Limitation Unit

–4 - – Vicarious Liability

4.1 Basis and scope

4.1.1 Express authorization

4.1.2 Ratification

#### 4.1.3 Abetment

4.2 Master and servant- relationship arising out of and in the course of employment-who is master?- The control test- who is servant? Distinction between independent contractor and servant. Strict and Absolute Liability

4.3 The rule in Rylands Vs Fletcher along with exceptions.

4.4 Application of the rule in India.

#### Unit –5

- - Negligence

5.1 Definition and concept of Negligence

5.2 Standard of care

5.3 Doctrine of contributory negligence

5.4 Res ipsa loquitur and its importance in compensatory laws.

#### Unit –6

- The Consumer Protection the Act, 1986 Definitions under the Act.

6.1 Consumer, complaint, complainant, manufacturer, consumer dispute, unfair trade practices, restrictive trade practices

6.2 Rights of the consumer, who is not consumer? Consumer of goods

6.3 Meaning of defects in goods, standards of purity, quality, quantity and potency of goods. Consumer of Service

6.4 Service and deficiency in service

6.5 Medical, Housing, Electricity, Telecommunication and postal services, Public Transportation, Educational services.

#### Unit –7

- Consumer Dispute Redressal Agencies

7.1 The District Forum, State Commission, National Commission composition, jurisdiction, procedure and powers. Remedies under Consumer Protection Act. Motor Vehicles Act, 1988 Liability without fault in certain cases-

7.2 Liability to pay compensation in certain cases on the principle of no fault [Sec.140]

7.3 Provision as to other right to claim compensation for death or permanent disablement. . Motor Vehicles Act,1988 a. Chapter-X Liability without Fault (Ss.140-144) b. Chapter-XI Insurance of Motor Vehicles (Ss.145-164) c. Chapter-XII Claims Tribunal (Ss. 165-173)

Unit –8 –

- Insurance of Motor vehicles against third party risks-

8.1 Necessity for insurance against third party risk [Sec.146]

8.2 Requirements of policies and limits of liability [Sec.147]

8.3 Duty of insurers to satisfy judgments and awards against persons insured in respects of third party risks [Sec. 149]

8.4 Special provisions as to compensation in case of hit and run motor accident [Sec.161]

8.5 Refund in certain cases of compensation [Sec.162]

8.6 Special provisions as to payment of compensation on structured formula basis [Sec. 163-A along with Second Schedule] Claims Tribunals- Sec.165 to Sec. 17

Books (REFERENCES)

1. Wienfield and Zolowicz, Torts, 17th Edi., Sweet & Maxwell 2006 2. Salmond, J W, Salmond's Law of Torts (8th edition, Sweet & Maxwell, London, 1934) 3. Fleming, J G, The Law of Torts (9th edition, LBC Information Services, Sydney, 1998) 4. Ratan Lal and Dhiraj Lal on Law of Torts, 5. A Lakshminath M Sridhar,

Ramaswamy Iyer's, The Law of Torts, Lexis Nexis, Tenth Edi 2007 6. Tony Weir, An Introduction to Tort Law, 2nd Edi Oxford University Press 2006. 7. John Murphy, Street on Torts ,Eleventh Edi Oxford University Press 2006. 8. Tabrez Ahmad —Cyberlaw, E-Commerce & M-Commerce. APH Pub.Corp. NewDelhi 2003. 9. Lee B. Burgunder, Legal Aspects of Managing Technology 2nd Edition West 2001. 10. Ramaswamy Iyer Law of Tort 11. Bangia's Law of Torts 12. Madden & Owen, On Product Liability, West Grou 13. D.D. Basu- The Law of Torts (1982), Kamal, Kalkatta 14. Dr.Avtar Sing- The Law of Consumer Protection : Prpinciples and practice (2004), Eastern Book Company, Lucknow 15. The Motor Vehicles Act, 1988,- Bare Act, Universal, Delhi 16. Saraf D.N.- The Law of Consumer Protection in India, Tripathi, Bombay



## C. U. SHAH UNIVERSITY Wadhwan City

**FACULTY OF:-** LAW (B.A.LL.B. OR B.COM.LL.B.)

**SEMESTER:-** -9

**CODE:-** - 4LW09PTL1

**NAME:-** – **PATENT AND TRADE MARK LAW**

Teaching & evaluation scheme:-

Subject Code	Name of the Subject	Teaching Scheme (Hours)				Credits	Evaluation Scheme							
		Th	Tu	Pr	Total		Theory				Practical (Marks)			Total
							Sessional Exam		University Exam		Internal		University	
							Marks	Hrs	Marks	Hrs	Pr/Viva	TW	Pr	
4LW09PTL 1	PATENT AND TRADE MARKLAW	5	0	0	5	5	30	1.5	70	3	---	---	---	100

### **Syllabus.**

#### **Patent:**

Unit I: (A) Evolution and Growth

(i) History of the patent law in U.K. ☐ Beginning of concept ☐ Coming of Industrialization

(ii) The International Patent System (iii) Foreign Impact upon National system (iv) History of Patent law in India Unit I (B)- Grant and Content (i) Variety of Patent (ii) National Grant of Patents ☐ Patent specification ☐ General procedure for obtaining a patent

(iii) International Grant of Patent Unit II (A)- Validity of claims

(i) National Scenario ☐ Novelty ☐ Inventive step ☐ Industrial application ☐ Patentable subject matter ☐ Clear and complete disclosure ☐ Requirement for claims

(ii) International Scenario ☐ Patent Cooperation Treaty ☐ TRIPs (B) Scope of Exclusivity

(i) Infringement ☐ Introduction ☐ Infringement during manufacture ☐ Infringement after manufacture ☐ Right of patentee

Unit III: (A) Property Rights and Exploitation

1. Under national Forum

☐ Initial entitlement and property dealing ☐ Licensee of patent and allied rights ☐ Compulsory license ☐ EMR / Mail box System

(B) Infringement of Patent

1. Modes of Infringement 2. National / International Infringement Unit IV: (A) Remedies and Enforcement

☐ Injunction and other equitable remedies ☐ Interlocutory injunction ☐ Discretion to grant injunction

(B) Emerging Problems Damage and other monetary benefits ☐ Cross border patent violation ☐ Emerging technologies

## **REFERENCES:**

1. Elizabeth Verkey, Law of Patents, Eastern Book Company, 2005
2. T. Ramappa, Intellectual Property Rights under WTO: Tasks before India, Wheeler Publishing, 2000
3. W R Cornish, Intellectual Property: Patents, copyright, Trademarks and allied rights, London: Sweet & Maxwell, 1996 ☐ Mitta, D.P., Indian Patents Law & Procedure, 1st edition (2002)

## **Trade Mark**

### Unit-1

1. History and Evolution (a) Paris Convention (history and continuing influence over national trademark laws) (b) Madrid Agreement (c) Madrid Protocol (d) TRIPs Agreement (e) Trademark Law Treaty
2. Purpose of Trademarks (a) What is Trademarks: Definition, Function, Kind and use (b) Economic and Social Justification for Trademarks. (c) Overview of general types of laws applicable to trademarks/ service marks globally.
3. Passing Off (a) Laws relating to Passing off. (b) Passing off action.

### Unit-II

1. Registration of Trademarks. (a) Principle for Registration of Trademarks. (b) Rights Conferred by Registration of Trademarks. (c) Procedure for Registration. (d) Deceptive Similarity.
2. Licensing of trademarks (a) Assignment and Transmission of Trademarks (b) Limitations on Licensing.
3. Invalidity (a) What marks are not registerable. (b) Cancellation of Registration.

### Unit-III

1. Infringement (c) Infringement of Trademarks (d) Action for Infringements.

Course Purpose and Scope: This course is designed to give an overview / survey of trademarks and trademark law and practice in countries around the world. There will also be some attention given to various international treaties, conventions and agreements. The focus will vary from historical, philosophical, legal and even practical topic.

(e) Offences & Penalties. (f) Unfair Competition Law.

2. Remedies And Enforcement (a) Types of Relief- Civil, Criminal & Administrative. (b) Procedure for Litigation.



## Unit-IV

1. New Challenges (a) Trademarks in cyberspace- Domain names, Cyber squatting, Meta tagging. (b) Review alternative dispute resolution procedure such as the Uniform Domain Resolution Policy (UDRP) and other similar procedures (c) Trademarks vs. Patent, Copyrights, Trade secrets & Geographical indication. (d) Concept of Well-known Trademarks.

2. Comparative Analysis of European and Indian Trademarks Law

### **REFERENCES:**

- 1 Narayanan P., Trademarks & Passing off, Eastern Law House, 6th edition, 2006.
2. Shiv Sahai Singh, The Law of Intellectual Property Rights, Deep & Deep Publication Pvt. Ltd. 2004.
3. W. R. Cornish, Intellectual Property: Patents. Copyrights, Trademarks and allied rights, London: Sweet & Maxwell, 1996.
4. J. S. Sarkar, Trademarks- Law and Practice, 1997.
5. P.S. Sangal & K. Ponnuswamy, Intellectual Property Law, 1994.
6. Hilary E. Pearson and Clifford G. Miller, Commercial Exploitation of Intellectual Property, Indian Reprint, 1994.
7. Trademarks in the Marketplace: selection and adoption of trademarks, proper use and protection, by United State Trademarks Association, 1964, University of Michigan.
8. Dorr. C. Robert, Protecting Trade Secrets, Patents, Copyrights and Trademarks, 1990, University of Michigan.



**C. U. SHAH UNIVERSITY**  
**Wadhwan City**

**FACULTY OF:-** LAW (B.A.LL.B.OR B.COM.LL.B)

**SEMESTER: -9**

**CODE: 4LW09DPC1**

**NAME: –** Drafting Pleading and Conveyance

Teaching & evaluation scheme:-

Subject Code	Name of the Subject	Teaching Scheme (Hours)				Credits	Evaluation Scheme							
		Th	Tu	Pr	Total		Theory				Practical (Marks)			Total
							Sessional Exam		University Exam		Internal		University	
							Marks	Hrs	Marks	Hrs	Pr/TW	Viva	Pr	
4LW09DP C1	Drafting Pleading and Conveyance	5	0	0	5	5	--	--	--	--	90	10	---	100

Outline of the course :

(a) **Drafting :-** General principles of drafting and relevant substantive rules shall be taught.

(b) **Pleadings :-**

(i) **Civil :** Complaint, Written Statement, Interlocutory Application, Original Petition, affidavit, Execution Petition, memorandum of Appeal and Revision, Petition under article 226 and 32 of the Constitution of India.

(ii) **Criminal :** Complaint, Criminal Miscellaneous petition, Bail Application,  
memorandum of Appeal and Revision.

- (iii) **Conveyance** : Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will, trust Deed.
  
- (iv) Drafting of writ petition and PIL petition.

The course will be taught class instructions and simulation exercises, preferably with assistance of practising lawyers / retired judges.

Apart from teaching the relevant provisions of law, the course may include not less than 15 practical exercises in drafting carrying a total of 45 marks (3 marks for each) and 15 exercises in conveyance carrying another 45 marks (3 marks for each exercise) remaining 10 marks will be given for viva voice.



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**FACULTY OF:-** LAW (B.A.LL.B. OR B.COM.LL.B.)

**SEMESTER:-** 9

**CODE:** 4LW09PEP1

**NAME: – Professional Ethics and Professional Accounting System**

Teaching & evaluation scheme:-

Subject Code	Name of the Subject	Teaching Scheme (Hours)				Credits	Evaluation Scheme							
		Th	Tu	Pr	Total		Theory				Practical (Marks)			Total
							Sessional Exam		University Exam		Internal		University	
							Marks	Hrs	Marks	Hrs	Pr/TW	VIVA	Pr	
4LW09PEP 1	Professional Ethics and Professional Accounting System	5	0	0	5	5	--	--	--	--	80	20	---	100

Outline of the course : Professional Ethics, Accountancy for Lawyers and Bar-Bench Relations.

- (i) Mr. Krishnamurthy Iyer's book on "Advocacy".
- (ii) The contempt Law and Practice.
- (iii) The Bar Council code of Ethics.
- (iv) 50 selected opinions of the Disciplinary committees of Bar councils and 10 major judgments of the Supreme Court on the subject.
- (v) other reading material as may be prescribed by the University.

Examination rules of the University shall include assessment through case-study, viva.

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