

**NALSAR**  
**PROXIMATE EDUCATION**  
**NALSAR Pro**

**P.G. DIPLOMA**  
**IN**  
**PATENTS LAW**  
**CYBER LAWS**  
**MEDIA LAWS**  
**INTERNATIONAL**  
**HUMANITARIAN LAW**

Rules, Regulations, Guidelines, Syllabi



**NALSAR UNIVERSITY OF LAW**  
**NALSAR PROXIMATE EDUCATION**

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# Welcome from the Vice Chancellor

**Prof. (Dr.) Faizan Mustafa**, Vice-Chancellor, NALSAR University of Law

**W**elcome to the NALSAR University of Law Hyderabad.

NALSAR Proximate Education, the distance education division of NALSAR University of Law started in 2001 has established itself as a premier institute to cater professional legal programmes to its discerning learners. The courses offered by NALSAR Proximate education aims to equip Lawyers and other non-law professionals with the interface of technology and law and other branches like International human rights. The courses have received an overwhelming response over a decade and are considered as premium programmes amidst similar courses offered by other institutions.

The programmes have been structured to impart practical solutions to the professional managers in their regular work and decision making processes. The curriculum structure and teaching materials are constantly updated for its learners. The teaching done by the University professors is supplemented by the industry experts and legal practitioners in the respective fields. The courses are ably supported by an interactive online process with online guides and access to materials online.

The enrollment to the courses have witnessed a steady growth over the years and is a proof of the quality and delivery of the programmes from a premier institute like NALSAR which is ranked as one among the top law Universities in the country.

NALSAR Proximate Education is a method by which we like to be 'Proximate' to the stakeholders aspiring for legal knowledge, rather than being 'Distant'.

On behalf of the students, staff, faculty and advisory bodies of the University, I assure the enrolled candidates that it will be an intellectually stimulating and professionally useful course and would be delighted to see everyone of becoming an Alumni of NALSAR University on completion of the courses.

Wishing you the very best.

**Prof.(Dr.) Faizan Mustafa**

# Welcome to - NALSAR PRO

**Prof. (Dr.) V.C. Vivekanandan**, MHRD IP Chair Professor, NALSAR University of Law

The concept of 'Proximate Education' is not just a semantic exercise but a concept that has been developed on the past experience of education offered as 'correspondence' and 'distance education'. They were relevant and innovative of their times. With the rapid growth of technology and its application to interact and inform the 'Proximate Education' is a concept which is contemporary in its construct and operation.

'Proximate Education' combines the face to face contact mode of imparting education along with that of web based learning and interaction. The course content and delivery is designed to give a near classroom experience of regular courses. The Programme has Contact Seminar Classes from frontline experts of academics, industry, legal fraternity arranged at Hyderabad twice during the course period for two-three days each time.

The courses have received a very positive feedback from the learners and the University is constantly engaged in improving its content and delivery methods. The programme has a contemporary syllabi and well prepared reading materials to aid the learners. The Public and Private Institutions have recognized the strength of the courses and has responded well to employ those who completed the courses.

The modules for the courses have been prepared by subject experts and care has been taken to present them in a language that could sustain the interest of the non-law professionals and enhance their interest. NALSAR Pro has enlisted the support of subject experts from the University and from the legal fraternity to handle classes at the contact seminars.

The Course content and deliveries are as intense as that of regular programmes and prepare the candidates for professional assignments.

Hope to interact with all of you on suitable occasions after enrollment and wishing you the best.

**V.C. Vivekanandan**

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# General Information

## **About the course**

The Post-Graduate Diploma courses offered by NALSAR Proximate Education are of one year duration and open to graduates of all disciplines. The courses are structured and designed to cater to the various stakeholders of the society on the interface of law and other frontier areas of technology, science, trade and commerce. The courses are aimed at those in the legal profession as well as others in Government, Industry, Education and Non-Governmental organizations.

## **Admission Criteria**

A candidate for admission to the PG Diploma shall have passed a Bachelor's degree of any recognized University or an equivalent qualification as approved by the NALSAR Proximate Education.

Candidates intending to enroll for admission to the Diploma shall submit the prescribed application form available on the website [www.nalsarpro.org](http://www.nalsarpro.org) along with an attested copy of the Degree Certificate (by a gazetted officer or a notary), three stamp size photographs and demand draft consisting of prescribed fee on or before the last date.

## **The Time Frame of Course**

The duration of the course shall be for a period of one academic year. The maximum period prescribed for completion of all the requirements for the award of the Diploma is two academic years from the completion of the regular year of enrollment, subject to payment of fee, as prescribed by the University.

For example the candidates enrolled in 2015, normally needs to complete in 2016. If the candidate has not cleared any part of the exams they can do so within 2017 or latest by 2018. If they fail to clear, they can re-register as a fresh candidate paying the prevalent admission, course fee and other fees in the year 2018.

**Fee Structure for Patents Law / Cyber Laws / Media Laws**

Sl. No.	Details	Patents Law Indian (Rs.)	Cyber Laws Indian (Rs.)	Media Laws Indian (Rs.)
1	Application and Prospectus	500	500	500
2	Registration/Admission Fee	1500	1500	1500
3	Tuition Fee	20000	12500	10000
4	Examination Fee (@ Rs. 500/- per paper)	2000	2000	2000
5	Convocation fee	1000	1000	1000
	<b>Total</b>	<b>25,000</b>	<b>17,500</b>	<b>15,000</b>
6	Late Fee (Beyond Admission Deadline)	1000	1000	1000
7	Continuation Fees* (per paper)	1000	1000	1000

**Notes:** All payments shall be through Demand Draft drawn in favour of “The Registrar, NALSAR PRO A/c”, payable at Hyderabad.

\* For every academic year beyond the first year - per paper

### **Fee Structure for P.G. Diploma in International Humanitarian Laws )**

Sl. No.	Details	Indian (Rs.)	SAARC Countries (In US \$)	Other Countries (in US \$)
1	Application and Prospectus	Nil	Nil	Nil
2	Registration/Admission Fee	1500	30	50
3	Tuition Fee	8500	150	225
4	Examination Fee (@ Rs. 500/- per paper)	1000	25	25
5	Convocation fee	1000	30	50
	<b>Total</b>	<b>12,000</b>	<b>240</b>	<b>350</b>
6	Late Fee (Beyond Admission Deadline)	500	10	15
7	Continuation Fees* (per paper)	500	10	15
8	CD ROM ** (Optional)	1500	50	50

Notes: All payments shall be through Demand Draft drawn in favour of "The Registrar, NALSAR PRO A/c ", payable at Hyderabad.

\* For every academic year beyond the first year - per paper

\*\* CD ROM of reading material can be obtained by placing an order for the same.

**Every candidate admitted to the course shall pay the prescribed fees at the time of admission. If a candidate is required to continue the course beyond the first academic year because of his/her non-fulfillment of the prescribed requirements for the award of the Diploma, he/she can continue the course for the subsequent two academic years or till all the requirements are completed, whichever is earlier, by paying a continuation fee as prescribed for each year.**

**At the end of the third academic year if the candidate fails to fulfill all the requirements for the award of the Diploma, the admission stands automatically cancelled. They can continue by fresh admission paying the full prescribed fee stipulated during that academic year.**

## **TEACHING METHODS**

### **Reading Materials - Print form )**

The candidates will be provided with the printed modules of materials prepared by NALSAR Pro. The Modules are prepared by subject experts and will cover the detailed syllabi. In addition Suggested readings of books and titles will be provided

### **Web Support )**

The candidates will be provided with the login ID & password to access the website after confirmation of admission to the course Programme. The soft copy of the modules, the power point presentations used during the contact seminar classes and previous year question papers will be uploaded in the website. The access to the website will be deactivated after the completion of the academic year and will be revived on continuation of the course after payment of the continuation fee.

### **Contact Seminar Classes )**

Contact Seminar classes will be held for two-three days, twice during the course on weekends at Hyderabad. The attendance to contact seminar classes is though not compulsory; the candidates are advised to attend the same, as they are important from examination point of view.



## Examinations

Annual Examinations for all distance education courses / programmes will be held every year after completion of the course/ year at Hyderabad.

Supplementary Examinations are conducted in the month of November / December at Hyderabad for those candidates who could not appear for the annual examination or for those students who could not clear all the papers

## EXAM PATTERN

### 1. P.G. Diploma in Patents Law

There will be four papers in total of which two will be written papers of theory and two practical papers of specification writing.

Paper I	Theory	Introduction to IPR & Patents & American and European Patent regimes	100 Marks
Paper II	Practical	Exploitation of Patents – Drafting, Specification & Patent Writing	100 Marks
Paper III	Theory	Patenting In India and International Treaties and Conventions on IPR	100 Marks
Paper IV	Practical	Abuse / Infringement of Patents	100 Marks

### 2.P.G. Diploma in Cyber Laws

There will be four papers of written examination.

Paper I	Theory	The Emerging Jurisprudence of Cyber space	100 Marks
Paper II	Theory	Intellectual Property Rights in Cyberspace	100 Marks
Paper III	Theory	E-commerce & Taxation	100 Marks
Paper IV	Theory	Cyber Crimes	100 Marks

### 3.P.G. Diploma in Media Laws

There will be four papers of written examination.

Paper I	Theory	Media & Public Policy	100 Marks
Paper II	Theory	Media - Regulatory Framework	100 Marks
Paper III	Theory	Convergence & New Media	100 Marks
Paper IV	Theory	Advertisement & Law	100 Marks

### 4.P.G. Diploma in International Humanitarian Law

There will be four papers of written examination.

Paper I	Theory	Introduction to International Humanitarian Law	100 Marks
Paper II	Theory	Protection of the Defenceless Victims of War & Armed Conflicts	100 Marks
Paper III	Theory	Limitations on the means and methods of Warfare	100 Marks
Paper IV	Theory	Implementation of International Humanitarian Law	100 Marks

# Subject and Curriculum Content - PG Diploma in Patents Law

## INTRODUCTION

India is ranked as the fastest emerging economy and a major global player in the years to come. The country has the largest scientific and technical human resources among top five countries in the world. With the advent of WTO regime, it has integrated its IP legislations in compliance with TRIPS agreement and is poised to be a destination for research and innovation.

Such transformation requires capacity building in the field of IPR human resources. Acquisition of patents, prosecution and protection require training and skills of IP law for technical and legal professionals. NALSAR Pro offers a quality diploma programme in Patents Law to meet the Professional needs. The Patents Law course for technical and legal professionals has been designed to disseminate the Indian Patent Law on one hand and the comparative regime in developed countries on other hand, as Patenting is a Universal phenomenon not restricted to national space. The Course structure will expose the candidates to the basics of the Patent law, the various approaches in getting a patent, the litigation issues by way of case law discussion, the patent drafting skills, international dimensions of the Patent regime and transactional issues in monetizing Intellectual property.

The course structure has been continuously updated based on feedbacks and we have introduced practical classes of monetizing IP and have revamped the syllabus and contents based on latest amendments. The Contact Seminar classes of NALSAR Pro are an exciting interactive experience conducted at Hyderabad to understand the subject and interact with the subject experts.

## **MODULE I INTRODUCTION TO IPR & PATENTS**

### **I. Understanding Intellectual Property Rights**

- Introduction
- History of IP System

### **II. Development of Intellectual Property Law**

- Philosophical Foundations of IPR
- Managing and Monetising IPR

### **III. An Overview of the IPR Regime**

- Patents
- Trademarks
- Copyrights
- Geographical Indicators
- Industrial Designs protection
- Integrated Circuits
- Trade Secrets

### **IV. The IP Legal Regime in India**

- The Law of Copyright
- The Law of Trade Marks

- The Law of Geographical Indications
- Indian Designs Act
- The Semi Conductors and Integrated Circuits Layout Designs Act
- Protection of Plant Varieties & Farmers Rights Act

## **MODULE - II PATENTING IN INDIA**

### **I. Introduction**

- Evolution of Indian Patent System
- Patentability test

### **II. Legislations and Salient Features**

- Salient Features of the Indian Patent Act

### **III. Procedure for Patent Application**

- Patent Office Procedures
- Opposition of Patents

### **IV. Patent Search**

## **MODULE - III AMERICAN & EUROPEAN PATENT REGIMES**

### **I. The American Patent System**

- The requirement for Patenting
- Utility

- Novelty
- Non-Obviousness
- Patent Specification and Claims
- Infringement

## **II. European Patent Regime**

- European patent System
- Patentability Issues
- Novelty
- Inventive Step

## **MODULE - IV INTERNATIONAL TREATIES / CONVENTIONS ON IPR**

### **I. World Trade Organization / GATT System & the Uruguay Round**

- Evolution of WTO
- Organization of WTO
- Dispute Settlement Process under WTO

### **II. TRIPS Agreement**

- Background
- Salient Features of TRIPS
- Contemporary Issues under TRIPS

**III. Paris Convention**

- Background
- Salient features of Paris Convention
- Governing Rules of Paris convention

**IV. Patent Co-operation Treaty**

- Background
- Objectives of PCT
- Salient features of PCT

**V. Budapest Treaty**

- Background
- Salient features

**VI. Madrid Agreement**

- Background
- Salient features

**VII. World Intellectual Property Organization (WIPO)**

- Background
- Salient features of WIPO
- Organization of WIPO

### **PRACTICALS PAPER FOCUS**

- 1 Opinions of Patentability
- 2 Preparation of Patent Specifications
- 3 Patentability of Software & Biotechnology related inventions
- 4 Infringement issues in patent

### **REFERENCE MATERIALS**

- 1 Patent law / P Narayanan. - 2nd. Ed. - Calcutta: Eastern Law House, 1985.
- 2 A practical guide to patent law / Brain C Reid. - 2nd Ed. - London: Sweet & Maxwell, 1993.
- 3 World Trade Organisation: An Indian perspective / Jayunta Bagchi. - Calcutta: Eastern Law House, 2000.
- 4 Intellectual property and international trade: The TRIPS agreements / Ed. by Carlos M Correa and Abdulqawi A Yusuf. - London: Kluwer Law International, 1998.
- 5 Intellectual property and ethics. Vol.4 / Ed. by Lionel Bently and Spyros Maniatis. - London: Sweet & Maxwell, 1998.
- 6 The patents and trademarks cases digest 1981-1997 / Sandeep Bhalla. - Delhi: Patents & Trade Mark, 1997.
- 7 Intellectual property / William Cornish & David Llewelyn. - 6th Ed.(2007) - London: Sweet & Maxwell, South Asian Edition 2008.
- 8 Indian law of patents and designs / K K Gujral. - New Delhi, 1971.
- 9 European intellectual property law / Terence Prime.- England: Ashgate Publishing Co, Ltd., 2000.
10. The Intellectual Property Law / © Lionel Bently & Brad Sherman 2009 3rd Edition.- Oxford University Press, New York.



11. Epstein on Intellectual Property/ Michael A Epstein 5th ED. CCH Wolters Kluwer, 2008.
12. Subbaram on Patent Law & Practices / Subbaram N R 2nd ED. Wadwa, 2007.
13. Commentary on Intellectual Property Laws/ Rama Sarma Lexis Nexis, 2009.
14. The Law of Patents/ Feroz Ali Khader - Lexis Nexis, 2009.
15. IPR A Global vision/ S.K.Verma & Raman Mittal- Indian Law Institute.
16. The Modern Law of Patents / Ashley Roughton - Lexis Nexis, London, 2009.
17. Intellectual Property / Richard Stim
18. International Encyclopedia of Intellectual Property Treaties/ Alfredo LLardi & Michael Blankeney - Oxford University Press, New York, 2004.
19. Intellectual Property Rights, Case Digest/ CCH Wolters Kluwer, 2008.

#### **WEB SOURCES**

1. [www.wipo.int](http://www.wipo.int)
2. [www.wto.org](http://www.wto.org)
3. [www.liiofindia.org](http://www.liiofindia.org), a free online legal portal to access Indian legislations, treaties, case laws and other legal resources.
4. [www.ipindia.nic.in](http://www.ipindia.nic.in)
5. [www.uspto.gov](http://www.uspto.gov)
6. [www.epo.org](http://www.epo.org)
7. [www.spicyip.com](http://www.spicyip.com)

8. [thedemandingmistress.blogspot.com](http://thedemandingmistress.blogspot.com)
9. [ip-updates.blogspot.com](http://ip-updates.blogspot.com)
10. [www.freepatentsonline.com](http://www.freepatentsonline.com)
11. [www.ipworld.com](http://www.ipworld.com)
12. [www.law.com/jsp/cc/ipinsider.jsp](http://www.law.com/jsp/cc/ipinsider.jsp)
13. [www.intelproplaw.com](http://www.intelproplaw.com)
14. [www.aipla.org](http://www.aipla.org)
15. [www.bitlaw.com](http://www.bitlaw.com)

# Subject and Curriculum Content - PG Diploma in Cyber Laws

## INTRODUCTION

Human history in a sense is a story of technology from flint stones to that of genetic clones. The tribulations and triumph of such a journey, which will continue in the future, has one aspect constant at its core - 'the laws that govern them'.

Technology per se is never a disputed issue but for whom and at what cost has been the issue in the ambit of governance. The cyber revolution holds the promise of quickly reaching the masses as opposed to the earlier technologies, which had a trickle-down effect. Such a promise and potential can only be realized with an appropriate legal regime based on a given socio-economic matrix.

In the ambit of technology and Law, Law has always been at the curve of the highway chasing the developments of technology and ends often issuing violation tickets. Law needs to provide a road map to technology with appropriate signals and speed breakers for its safe driving.

The need of the times is that of a strong legal research orientation which needs to travel along with technological developments if not in advance. Such an effort can make Law as a management tool, of rights and obligations in the interface of technology and Governance.

This course structured to cater technologists, policy makers, enforcement officials and legal professionals aims to expose the transformation of the processes from real world to virtual world and its impact on the law. The need or avoidance of legislation on cyber processes has been the crucial battleground among legislators, civil society and technical professionals.

The course designed to expose the candidates to the existing legislations, the comparative jurisprudence, the emerging challenges and the balance of freedom of expression and accountability by regulation will serve as a strong foundation to deal the cyber operations in professional as well as personal front.

## **MODULE - I THE EMERGING JURISPRUDENCE OF CYBER SPACE**

### **I. Defining Cyber Space**

- Understanding Cyber Space
- Interface of Technology and Law
- Defining Cyber Laws

### **II. Jurisdiction in Cyber Space**

- Concept of Jurisdiction
- Internet Jurisdiction
- Indian Context of Jurisdiction
- International position of Internet Jurisdiction
- Cases in Cyber Jurisdiction

### **III. Understanding Electronic Contracts**

- The Indian Law of Contract
- Construction of Electronic Contracts
- Issues of Security
- Issues of Privacy
- Technical Issues in Cyber Contracts

### **IV. Types of Electronic Contracts**

- Employment Contracts
- Consultant Agreements
- Contractor Agreements
- Sales, Re-Seller and Distributor Agreements

- Non-Disclosure Agreements
- Software Development & Licencing Agreements
- Shrink Wrap Contract
- Source Code Escrow Agreements

**V. Cyber Contracts & Indian Legal Position**

- Legal Issues in Cyber Contracts
- Cyber Contract and IT Act 2000
- Indian Law on Shrink Wrap Contracts
- Drafting of Cyber Contracts

**MODULE - II IPR IN CYBER SPACE**

**I. An overview of IP system**

**II. Copyright and Information Technology**

- Understanding the technology of Software
- Copyright issue in cyber space
- Software - Copyrights vs Patents debate
- Authorship and Assignment Issues
- Commissioned Work and Work for Hire
- Idea/Expression dichotomy
- Copyright in Internet
- Jurisdiction Issues and Copyright
- Infringement and Remedies

- Multimedia and Copyright issues
- Software Piracy

## **II. Patents and Information Technology**

- Understanding Patents
- International context of Patents
- European Position on Computer related Patents
- Legal position of U.S. on Computer related Patents
- Indian Position on Computer related Patents

## **III. Trademarks in Cyber Space**

- Understanding Trademarks
- Trademark Law in India
- Infringement and Passing Off
- Trademarks in Internet
- Domain name registration
- Domain Name Disputes & WIPO

## **V. Databases**

- Databases in Information Technology
- Protection of Databases
- Legal Position of Database protection in U.S.
- European Legal position on Databases
- Indian Law on Databases

## **MODULE - III E-COMMERCE & TAXATION**

### **I. E-Commerce - Salient Features**

- On-line contracts
- Mail Box rule
- Privity of Contracts
- Jurisdiction issues in E-Commerce
- Electronic Data Interchange

### **II. Security and Evidence in E-Commerce**

- Dual Key Encryption
- Digital Signatures
- Security issues in E-Commerce
- Evidence related issues
- UNCITRAL model law of E-Commerce
- Indian Legal Position on E-Commerce
- IT Act 2000/Indian Evidence Act/ Draft law on E-Commerce

### **III. E-Banking and Legal Issues**

- Electronic Money
- Regulating e-transactions
- Role of RBI and Legal issues

- Transnational Transactions of E-Cash
- Credit Card and Internet
- Laws relating to Internet credit cards
- Secure Electronic Transactions

#### **IV. Taxation Issues in Cyber Space**

- Indian Tax System
- Transactions in E-Commerce
- Taxing Internet Commerce
- Indirect Taxes
- Tax evasion in Cyber space

#### **V. International Taxation in E-Commerce**

- Understanding International Taxation
- Fixed place vs. Website
- Permanent Establishments
- Double Taxation
- Role of ISPs
- OECD initiatives in International Taxation



## **MODULE - IV CYBER CRIMES**

### **I. Introduction to Cyber Crimes**

- Defining Crime
- Classification of Cyber Crimes
- Cyber Security
- Distinction between Cyber Crimes & conventional crime

### **II. Law relating to Cyber Crimes**

- Cyber Crime Jurisdiction
- Hacking
- Obscenity & Pornography
- Cyber Stalking
- Theft of Identify
- Cyber Fraud
- Mischief
- Cyber Defamation
- Impersonification
- Cyber Terrorism
- Breach of Confidentiality and Privacy
- Offences of Companies

- Punishment for damage to computer system
- Liability of Intermediaries
- Cyber Security of India

### **III. Procedural Law relating to Cyber Crimes**

- Cyber Investigation
- Compoundable Offences
- Powers of Police Officers
- Bail
- Cyber Crime & Law of Evidence

### **IV. Freedom of Speech & Human Rights Issues in Internet**

- Freedom of Expression in Internet
- Issues of Censorship
- Hate speech
- Sedition
- Libel
- Subversion
- Privacy Issues
- International Positions on Free Speech in Internet \

## **V. International Law relating to Cyber Crimes**

- United Nations
- Global Working Groups
- The International Criminal Court and Cyber Crimes
- Interpol
- UN Charter and associated mechanism
- Council of Europe Conventional on Cyber Crime
- The Indian Scenario

## **VI. Cases on Cyber Crimes**

### **REFERENCE MATERIALS**

- 1 Intellectual Property and the Internet - Rodney Ryder / LexisNexis-Butterworths, New Delhi 2002.
- 2 Law relating to Computers, Internet & E-Commerce/ Nandan Kamath- 2nd ED., Universal Law Publishing, 2006.
- 3 The Indian cyber law with cyber glossary / Suresh T. Vishwanathan. - New Delhi: Bharat Law House, 2000.
- 4 Cyber and E-commerce laws: Incorporating issues of data protection, IT copyrights, individual rights, computer hacking remedies and e-commerce laws / Parag Diwan and Shammi Kapoor. - New Delhi: Bharat Publishing House, 2000.
- 5 Cyber laws: For every netizen in India (With information technology bill 1999) / Na Vijayashankar. Bangalore: Ujvala Consultants Pvt. Ltd., 1999.

- 6 Information technology Law / Ian J Lloyd. - 2nd Ed. - London: Butterworths, 1997.
- 7 Computer law / Chris Reed. - 3rd Ed. - London: Blackstone Press Pvt. Ltd., 1996.
- 8 Internet for everyone / Alehis Leon and Mathews Leon. - Chennai: Leon Techword, 1997.
- 9 Learning to use the World Wide Web / Ernest Ackermann - New Delhi: BPB Publications, 1996.
- 10 The pocket guide to the internet / Gary Gach . New York: BPB Publications, 1996.
- 11 Researching the legal web: A guide to legal resources on the Internet Nick Holmes and Dalia Venables. - 2nd Ed. - London: Butterworths, 1999.
- 12 Liberating cyberspace: Civil liberties, Human rights and the Internet / Ed. by Liberty. - London: Pluto Press, 1999.
- 13 Law and the Internet regulating cyberspace / Ed. By Lilian Edwards and Charriotte Waelde. - Oxford: Hart Publishing, 1997.
- 14 The laws of the Internet / Clive Gringras. - London: Butterworths, 1997.
- 15 The law relating to computers and the Internet / Rahul Matthan. - New Delhi: Butterworths, 2000.
- 16 Business, the Internet and the law / Susan Singleton. - England: Tolley, 1999.
- 17 The criminal law review: Crime, criminal justice and the Internet /. - London: Sweet & Maxwell, 1998.
- 18 The Internet and authors rights / Ed. by Frederic Pollaud-Dulian. - London: Sweet & Maxwell, 1999.
- 19 Cyber Crime and Corporate Liability / Rohus Nagpal 1st ED., 2008 - CCH India, a Wolters Kluwer Business.
- 20 Cyber Laws in the Information Technology Age / Seth Karnika 1st ED., 2009 - Lexis Nexis Butter worths , Wadwa

# Subject and Curriculum Content - PG Diploma in Media Laws

## INTRODUCTION

'Media' the popular term inter-alia used as 'Press' denotes the print & electronic information carriers the News Papers & Magazines, Radio, Television and currently includes Internet as new Media. Hailed as the 'Fourth Estate', media is the watchdog of the public affairs, informing the society and vice versa acts as the forum to advocate the views of the society at large to those at the helm of public affairs.

Media today, has grown into a complex information vehicle adding information relating to business, entertainment, education and sports. Apart from the complexity of the content, the technology side of the Media has taken phenomenal strides with the advent of Internet to enter a phenomenon termed as 'Convergence'.

In Indian context the print media and its interface with Law has a long tradition, whereas broadcasting sectors of Radio and Television and emerging new Media of Internet is still an evolving one. The Media practitioners, Lawyers, Educationists relating to Mass Communications need to understand the Legal Framework that is operational and the emerging debate of restructuring such legal framework. This Course will help them to equip with the current legal regime on Media and the emerging one, which is going to play a crucial role.

With the advent of Internet the convergence of the Information, Communication and Entertainment has led to the label 'New Media' where the publication has been instantaneous at almost zero cost. Nevertheless the issues of freedom of expression vs. objectionable materials have sharpened in this development. The concept of the 'social media' has added a new dimension to that of the 'traditional media'. The attempt to regulate the same has resulted in opening up new dimensions of censorship and public expression. This course modified regularly to incorporate the new changes will sensitize and expose media professionals including the editorial and the advertising professionals, Public Information officers, Policy makers and Legal professionals on the dynamic and evolving media law space.

### **MODULE - I MEDIA & PUBLIC POLICY**

- Disseminating facets of Media
- History of Media and Media Legislation in India
- Media in Constitutional Framework
- Reasonable Restrictions
- Right to Information and Right to know

### **MODULE - II MEDIA REGULATORY FRAMEWORK**

- Legal Dimensions of Media
- Media & Tort Law
- Media and Other Estates
- Media and Journalists
- Self - Regulation & Other Issues

### **MODULE - III CONVERGENCE & NEW MEDIA**

- Broadcast Sector and Policy
- Public Broadcaster and the Law
- Regulation of Private Broadcasting
- Convergence and New Media of Internet

## **MODULE -IV MEDIA ADVERTISEMENT & LAW**

- Concept of Advertisement
- Advertising Ethics in India
- Regulation of Advertising
- The Drugs and Magic Remedies (objectionable) Advertisements Act of 1954 and other Laws
- Restrictions on Advertising
- Issues of Consumer Protection
- Competition Law and impact on Advertisements

### **SUGGESTED READINGS: BOOKS & RESEARCH ARTICLES:**

- 1 NALSAR Media Law Review 2010
- 2 NALSAR Media Law Review 2011
- 3 Law of Expression, Madabhushi Sridhar, Asia Law House
- 4 Digital Media Law, Ashley Packard, John Wiley & Sons, 2010
- 5 Comparative Media Law and Ethics by Tim Crook, Routledge, Amazon Books UK. 2009
- 6 Annete Kuhn, Cinema, Censorship and Sexuality,
- 7 Anne Barron, The Legal Properties of Film

- 8 Media Law and Ethics, M Neelamalar, PHI Publications, 2010
- 9 Intellectual Property and Media Law Companion by Allsdaire Bleakley, Edward Baden- Powell and Jeffrey Eneberl 2010
- 10 Media Law and Ethics 4th Edition Roy L Moore, Michael D Murray, Routledge Communication Series. 2011
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# Subject and Curriculum Content - PG Diploma in International Humanitarian Laws

## INTRODUCTION

International Humanitarian Law which governs situations of International and Internal armed conflicts has assumed considerable significance in different parts of the world during the recent past on account of proliferation of armed conflicts and armed violence. International Humanitarian Law attempts to mitigate the sufferings brought about by armed conflicts and wars by ensuring protection to defenseless victims of armed conflicts and also by regulating and restricting means and methods of use of force. The possibility of prosecuting violators of humanitarian law - war criminals - from recent armed conflicts and the possibility of creation of a permanent International Criminal Court have drawn increasing attention to Humanitarian Law issues during the last few years.

The Diploma in International Humanitarian Law is intended to provide an opportunity to people working in various fields who are either dealing with situations of international or internal armed conflicts in their professional capacities or who are interested in knowing more about regulation of armed conflicts. It includes members of Armed and Paramilitary and Police Forces, NGOs associated with human rights related work, human rights activists, legal professionals such as lawyers, law officers working for the Government, Judges, Teachers and Students of Law, Political Science, Defense & Military Studies and Human Rights. In view of the fact that such persons are preoccupied with their professional or academic commitments, NALSAR has launched its Proximate Education course on International Humanitarian Law to be taught online using the Web and Internet mode of e-learning. The course will provide study material through its dedicated site.

## **MODULE - 1 INTRODUCTION TO INTERNATIONAL HUMANITARIAN LAW**

### **I. Introduction**

- IHL and Public International Law
- Jus in bello and jus ad bellum

### **II. Definition and Concept of International Humanitarian Law:**

- Fundamental Principles of IHL
- Sources of IHL
- Ancient Indian and Oriental Philosophies on the Law of War
- Eastern and Western Philosophies on the Law of War
- History of International Legal Instruments on the Laws of War

### **III. Application of IHL**

- Definition of War (Traditionally viewed as an International Conflict)
- The Concepts of International and Internal Armed Conflicts
- Applicability of IHL in Various Conflict Situations & Common Article 3 of the Geneva Conventions: Its Applicability and the question of threshold

### **IV. IHL and Human Rights**

- Origin, Development and Scope of Human Rights Law

- A Comparative Study of the Two Bodies of Law - Similarities, Differences and Areas of Overlap
- Application of Human Rights Provisions in Conflict Situations - Conditions and Provisions for Derogation
- Applicability of Human Right's Norms to Internal Disturbances and Tensions
- Treatment of Detainees and others Deprived of Liberty - Applicable Norms
- Developments concerning a Declaration of Minimum Humanitarian Standards.

## **MODULE - 2 PROTECTION OF VICTIMS OF WAR AND ARMED CONFLICTS**

### **I. Introduction**

### **II. The General Obligation of Humane Treatment**

### **III. Protection to the Wounded, Sick and Shipwrecked**

- Medical personnel
- Medical objects
- Work of Relief Societies. Importance of the Emblems.

### **IV. Participants in the Conflict: Definitions of Combatants and Non-combatants**

### **V. Protection of Prisoners of War**

- Determination of Status

- Treatment, supervision and repatriation

**VI. Protection of Civilians**

- Protection against arbitrary treatment
- Protection of Women and Children. Question of Child Soldiers.
- Protection of Refugees and Internally Displaced Persons.
- Civilians in Occupied Territories

**VII. Activities of the International Committee of the Red Cross in favour of victims of armed conflicts.**

**MODULE - 3 LIMITATIONS ON MEANS AND METHODS OF WARFARE**

**I. Introduction**

- Protection of civilians against effects of hostilities

**II. General Limitations on Means and Methods of Warfare**

- Principles applicable to means and methods of warfare
- Definition of military objectives and civilian objects

**III. The Law Relating to Naval Warfare**

**IV. The Law Relating to Air Warfare**

**V. Specific Weapons Regimes**

- Some early developments
- Chemical, Biological and Bacteriological Weapons
- Nuclear Weapons
- Conventional Weapons (Conventional Weapons Convention and its Protocols)
- Anti-personnel Landmines
- Recent Developments (Small Arms, Unexploded remnants of armed conflicts, etc)

**VI. Protection of Environment in Times of Armed Conflicts**

**VII. Protection of Cultural Property in Times of Armed Conflicts**

**MODULE- 4 IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW**

**I. Introduction**

**II. National Implementation of IHL**

- Role of national legislations
- Other national measures for IHL implementation

**III. International Implementation of International Humanitarian Law**

- Role of the United Nations



- System of Protecting Powers
- Role of the ICRC
- International Fact-finding Commission

**IV. International Criminal Law Mechanisms for Implementation of IHL**

- Introduction to the general concept of war crime trials
- Early War Crimes Trials - Nuremberg and Tokyo Trials
- The ad hoc War Crimes Tribunals for the former Yugoslavia and Rwanda
- Developments Concerning Creation of a Permanent International Criminal Court

**V. Special Issues Concerning Implementation of IHL in Times of Internal Armed Conflicts**

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