



NALSAR *Pro* HAND BOOK

NALSAR *Pro* HAND BOOK

PG Diploma in Patents Law
 PG Diploma in Cyber Laws
 PG Diploma in Media Laws
 PG Diploma in International Humanitarian Law



NALSAR PROXIMATE EDUCATION
NALSAR UNIVERSITY OF LAW
 Justice City, Shameerpet, Medchal District, Hyderabad - 500 101.
 Ph : +91-40-2349 8404 / 402, Fax: +91-40-2349 8403
 E-mail : admissions@nalsarpro.org
 Website : www.nalsarpro.org | www.nalsar.ac.in



NALSAR UNIVERSITY OF LAW
 www.nalsarpro.org | www.nalsar.ac.in | www.liiofindia.org

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

Justice City, Shameerpet, Medchal District, Hyderabad - 500 101

E-mail : admissions@nalsarpro.org. Website : <http://www.nalsarpro.org>

Welcome from the Vice Chancellor

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

Welcome 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 practioners 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

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 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 course 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.

Director

Contents

1. General Information	Page No.
About the Course	05
Admission Criteria	05
Time Frame of the Course	05
Teaching Methods	07
Examinations	08
Fee Structure	11
2. Subjects and curriculum content	
P.G. Diploma in Patents Law	13
P.G. Diploma in Cyber Laws	21
P.G. Diploma in Media Laws	31
P.G. Diploma in International Humanitarian Law	38

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 or an equivalent Degree in any discipline from any recognized University; Candidates appearing for the final year examination of the qualifying examination are also eligible to apply. However they need to submit their Degree certificate before the said deadline for completion of their admission process.

Candidates intending to enroll for admission to the Diploma can apply online or download the Application form from the website www.nalsarpro.org and shall submit the prescribed application form duly filled in along with an attested copy of the Degree Certificate (by a gazetted officer or a notary), three stamp size photographs and demand draft/online payment receipt containing of prescribed fee on or before the last date.

Selection Process

Direct admission for eligible candidates.

Simultaneous enrolment in programmes of NALSAR Proximate Education / other Universities

As per the Distance Education Council's policy, candidates are not allowed to pursue two Degree Programmes simultaneously. However a candidate can pursue two programmes simultaneously through distance mode of combination of distance and regular mode from the same or different Universities / Institutions in various combinations, viz.,

General Information

- a. One Degree and one Diploma / PG Diploma / Certificate Course
- b. One P G Diploma and one Diploma / Certificate Course
- c. One Diploma and one Certificate Course
- d. Two P G Diplomas
- e. Two Diplomas
- f. Two Certificate Courses

Note : NALSAR Proximate Diploma programmes / other programmes are often conducted on the same date and also the examinations will be held on the same date. Candidates pursuing two diplomas simultaneously are cautioned that they may not be able to attend the classes or exams of two programmes and hence advised to pursue one diploma/or programme in and academic year.

Duration, Continuation and Termination)

The duration of the Course shall be for a period of one year.

The maximum period for completion of the Course is three academic years including the year of admission.

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 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, paying a Re-registration fee as prescribed for each year.

The candidate should apply for re-registration within three months of expiry of earlier registration.

The marks secured in the papers already earned by the candidate shall be carried forward during the span of the eligibility for the course programme.

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. In such cases they need to enroll afresh for the programme.

General Information

Misconduct Rules:

The Vice Chancellor on the report and recommendation of the Director of NALSAR Proximate Education can cancel the registration of a candidate and also debar them from examinations and further enrollment if he or she is found to be indulging in abusive, unruly behavior with the faculty or staff of NALSAR Proximate Education. Such behaviors will also include abusive mails, phone calls or defamatory posts or blogs.

The NALSAR University Academic Mis-Conduct Regulations, as approved by the Executive Council of the University will apply suitable for NALSAR Proximate Education

Teaching Methodology:

Reading Materials - 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. Such materials have to be supplemented by the candidates with their own reading in the Net or other available materials for P.G. Diploma in International Humanitarian Law the reading materials will be uploaded in the site and no print material will be supplied.

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 and videos of 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 Re-registration 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 not compulsory, but strongly advisable to attend the same, as they are important to understand and successfully complete the course. The videos of the classes will be uploaded on the dedicated website.

Examinations:

Each candidate is expected to write an examination in four papers at the end of the year for 100 marks each. The examinations will be conducted by the NALSAR Proximate Education. The schedule of examinations shall be issued by at least 30 (thirty) days ahead of the examinations.

The candidate intending to appear for the said examination has to fill in and submit the examination form before the set deadline to NALSAR Proximate Education department. The candidate has an option of writing all or some of the papers during the annual examination / supplementary examinations.

Annual Examinations will be held every year during the month of April/May at Hyderabad or at any other identified centre subject to approval from the UGC and also the feasibility to conduct the same at other cities.

The Supplementary Examinations are conducted in the month of November / December at Hyderabad for those candidate who could not appear in the annual examination / those who could not clear any/all the papers, after due payment of the supplementary examination fee.

Whenever the candidate is repeating the examination the candidate can appear either in the annual / supplementary examinations within the span of his eligibility for the course programme, after due payment of the examination/re-examination & Re-registration fee as prescribed by the university. Fee once paid for exams is non-refundable and cannot be carried forward.

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 (Covering Module 1 & 3)	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 (Covering Module 2 & 4)	100 Marks
Paper IV	Practical	Abuse / Infringement of Patent	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	Practical	Advertisement & Law	100 Marks

4. P.G. Diploma in International Humanitarian Laws

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

Fee Structure for Patents Law / Cyber Laws / Media Laws

Details	Patents Law Indian (Rs.)	Cyber Laws Indian (Rs.)	Media Laws Indian (Rs.)
Course Fee	Rs.25,000/-	Rs. 17,500/-	Rs. 15,000/-
Convocation Fee	Rs. 1500/-	Rs. 1500/-	Rs. 1500/-
Late Fee	Rs. 1000/-	Rs. 1000/-	Rs. 1000/-
Supplementary Examination Fee / Re-Examination Fee** (Per paper for every academic year beyond the first year)	Rs. 500/-	Rs. 500/-	Rs. 500/-
Re-registration Fee** (Per paper for every academic year beyond the first year)	Rs. 1000/-	Rs. 1000/-	Rs. 1000/-
Re-evaluation Fee** (Per paper for every academic year beyond the first year)	Rs. 1000/-	Rs. 1000/-	Rs. 1000/-

Fee Structure for International Humanitarian Law

Details	Indian (Rs.)	SAARC Countries (USD)	Other Countries (USD)
Course Fee	Rs. 12,000/-	240 USD	350USD
Convocation Fee	Rs. 1,500/-	30 USD	50 USD
Late Fee	Rs. 1000/-	Rs. 1000/-	Rs. 1000/-
Supplementary Examination Fee / Rs-Examination Fee** (per paper beyond the first year)	Rs. 500/-	10 USD	15 USD
Re-registration Fee*** (per paper for every academic year beyond the first year)	Rs. 1000/-	20 USD	30 USD
Re-evaluation Fee (per paper)	Rs. 1000/-	15 USD	15 USD

Note:

The fee once paid is not refundable under any circumstances.

** For each paper beyond the first year of admission during the span of eligibility

*** For each year beyond the first year of admission during the span of eligibility

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 legislation in compliance with TRIPS agreement and is poised to be a destination for reserach 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 Monetizing IPR

III. An Overview of the IPR Regime

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

IV. The IP Legal Regime in India

- The Law of Copyright
- The Law of Trade Mark

- 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
- Patent ability 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
- Patentable Issues
- Novelty
- Inventive Step

MODULE - IV INTERNATIONAL TREATIES / CONVENTIONS ON IPR

1. 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 NR 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
2. www.wto.org
3. www.liiofindia.org, a free online legal portal to access Indian legislations, treaties, case laws and other legal resources.
4. www.ipindia.nic.in
5. www.uspto.gov
6. www.epo.org
7. www.spicyip.com

8. thedemandingmistress.blogspot.com
9. ip-updates.blogspot.com
10. www.freepatentsonline.com
11. www.ipworld.com
12. www.law.com/jsp/cc/ipinsider.jsp
13. www.intelproplaw.com
14. www.aipla.org
15. 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 Identity
- 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 and 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
- International Criminal Tribunal for Cyber space
- Interpol
- UN Charter and associated mechanism
- 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, where as 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 and Other Estates
- Media and Journalists
- Self-Regulations & Other Issues

MODULE - III CONVERGENCE & NEW MEDIA

- Broadcast Sector and Policy
- Public Broadcaster and the Law
- Regulation of Private Braoadcasting
- 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
- 11 Justice and the Media, Reconciling Fair Trials and A Free Press by Matthew D. Bunker, Routledge Communication Series, 2011
- 12 Eric Barendt, Freedom of Speech
- 13 John Wertheimer, MUTUAL FILM REVIEWED: THE MOVIES, CENSORSHIP, AND FREE SPEECH IN PROGRESSIVE AMERICA, 37 Am. J. Legal Hist. 158
- 14 Priya Jaikumar, More Than Morality: The Indian Cinematograph Committee Interviews, The Moving Image 3.1 (2003)
- 15 Larry Alexander, The paradoxes of Liberalism and the failure of theories justifying a right of freedom of expression from Is there a right of Freedom of Expression
- 16 Michel Foucault, Fearless Speech
- 17 Granville Austin, Working a democratic constitution, Chapter 2, PP.40-50 2.
- 18 Upendra Baxi, , Constitutionalism as a site of state formative practices, 21 Cardozo L. Rev. 183 3.
- 19 Niveditha Menon, Citizenship and the Passive Revolution: Interpreting the First Amendment. EPW Special Articles, May 1, 2004
- 20 The Sting Operations and Law VOL – II, by Anjana Sharma, Mahaveer & Sons, New Delhi
- 21 The Provinces and Functions of Law' – Law as a Logic justice and Social Control – A study in Jurisprudence, Universal Law Publishing Co. Pvt Ltd., 2000 - by Julius Stone

- 22 Role of electronic media in modern world – by R.P. Sood, Sublime publication, Jaipur
- 23 Charu Gupta, Dirty Hindi words: Contests around obscenity in late Colonial India
- 24 Andrew Kopelman- Does obscenity cause Moral harm?
- 25 Media Law / Peter Carey. - 2nd Ed. - London: Sweet & Maxwell, 1996.
- 26 Facets of Media Law, Madhavi Goradia Divan
- 27 Essays on Press Freedom / V R Krishna Iyer and Vinod Sethi. - New Delhi: Capital Foundation Society, 1996.
- 28 Major principles of media law / Wayne Overbeek. -Toronto: Harcourt Brace, 1991.
- 29 Mass Media Laws and Regulations / C S Rayudu and S B Nageshwara Rao. - 5th Ed. - Delhi: Himalaya Publishing House, 1995.
- 30 Law of the Press / Durga Das Basu. - 2nd Ed. – New Delhi: Prentice Hall Inc., 1986.
- 31 Freedom of Press: Politico-legal aspects of press legislation in India / Sita Bhatia. - New Delhi: Rawat Publications, 1997.
- 32 Press and the Law / AN Grover. - New Delhi: Vikas Publishing House Pvt. Ltd., 1990.
- 33 Media Ethics and Laws / Jan R Hakemulder. – New Delhi: Anmol Publications Pvt.Ltd, 1998.
- 34 Official Secrecy and the Press / S N Jain. -Bombay: N M Tripathi Pvt. Ltd., 1982.
- 35 The Press: Guardian of the First Amendment / John Lofton. - Columbia: University of South Carolina, 1980.
- 36 Law Relating to Press and Sedition: Law, History, Literature / Pai Bahadur G K Roy Ed by Moitra Anukul Chandra and Ed by Mehra R K. -Allahabad: University Book Agency, 1998.

- 37 Mass Media Laws and Regulation in India - K S Venkateswaran. - Singapore: Asian Mass Communication Research and Information, 1993.
- 38 The Reporter and the Law: Techniques of covering the courts / Lyle W Denniston. - New York: Columbia University Press, 1992.
- 39 Consumer Protection: Consumer education of adults and consumer information /. - Strasbourg: Council of Europe, 1979.
- 40 Data Protection and the Media /. - Strasbourg: Council of Europe, 1991.
- 41 Human Rights and Gender: The responsibility of the media /. - Strasbourg: Council of Europe, 1995.
- 42 Implementation of Constitutional provisions regarding Mass Media in a Pluralist Democracy /. Strasbourg: Council of Europe, 1995.
- 43 Media and Elections: Handbook / Yasha Lange. - Strasbourg: Council of Europe, 1999.
- 44 Principles and Criteria concerning the Content of Television Programmes /. - Strasbourg: Council of Europe, 1983.
- 45 Statutory Regulations and Self-Regulation of the Press /. - Strasbourg: Council of Europe, 1982
- 46 Sorabjee, Soli J (1977), The Emergency Censorship and the Press in India 1975-77, Central News Agency (Pvt.) Ltd. p.13

WEB SOURCES

1. Website: www.thehoot.org
2. Website: www.indiacurrentaffairs.org
3. <http://editindia.blogspot.in>
4. www.indiamediaobserver.com
5. www.cybermedia.co.in
6. <http://www.outlookindia.com/article.aspx?267578>

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 defenceless 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 the course is offered in distance mode. The course will provide study material through its dedicated site.

MODULE - I 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 - II 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 - III 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- IV 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

Notes

Contact Details

NALSAR Proximate Education
NALSAR University of Law
Justice City", Shameerpet, Medchal District,
Hyderabad - 500 101.

Tel: +91-40-23498404
Fax: +91-40-23498403
E-mail : admissions@nalsarpro.org
Website: www.nalsarpro.org

Assistant Registrar
Ms. K. Madhuri
E-mail : nalsarpro@nalsar.ac.in
Tel : +91-40-2349 8402

NALSAR University of Law

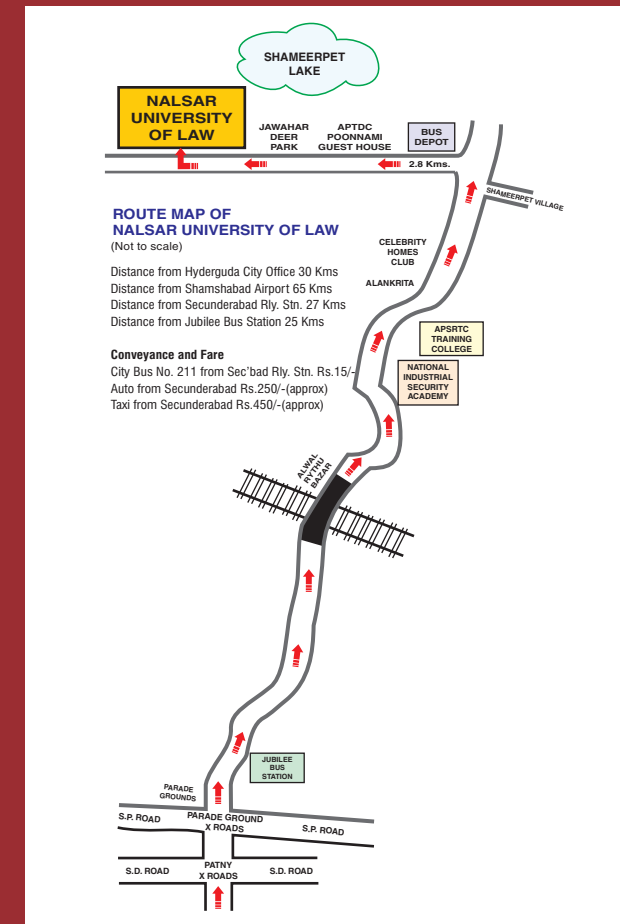
Campus:
Justice City, Shameerpet,
Medchal District,
Hyderabad - 500 101.
T.S., India.

Tel: +91 40 23498105
Fax: +91 8418 245161 / 174
Website: www.nalsar.ac.in

Vice Chancellor
Tel.: +91 40 23498102
E-mail: vc@nalsar.ac.in

Registrar
Tel: +91 40 23498104 / 115
E-mail: registrar@nalsar.ac.in

Reaching us.....



©NALSAR Pro - NALSAR University of Law, Hyderabad

For Private circulation only

Published by The Registrar
NALSAR University of Law, Hyderabad.