



INDIAN PATENT LAW AND PRACTICE (2010) . By Kalyan C. Kankanala, Arun K. Narasani, Vinita Radhakrishnan, Oxford University Press New Delhi. Pp. i-xxi, 353, Price: Rs. 775 ; and UNDERSTANDING DESIGNS ACT (2010). By Srikanth Venkatraman, Universal Law Publishing Company New Delhi, Pp. 424. Price: Rs. 425/-.

THE TERM ‘intellectual property’ has been used for almost one hundred and fifty years to refer to the general area of law that encompasses copyright, patents, designs and trade marks, as well as a host of related rights.¹ Books under review cover two of the above mentioned areas of law namely patents and designs. A patent is a limited monopoly that is granted in return for the disclosure of the technical information.² Whereas a design means only the shape, configuration, pattern, ornament or composition of lines or colours applied to an article. While there may be a number of important differences between the two subjects, one factor that they share in common is that they establish property protection over intangible things.³ Both the books under review have the merit of being the books of their own kind in as much as the book on patent is one of the many books written on the subject which stands apart because of its unique illustrations and flow charts, on the other hand, the book on design is one of the few books dedicated completely on an area of intellectual property which is considered to be of relatively less importance.

Indian Patent Law and Practice has been divided in 12 chapters apart from 11 appendices and glossary which make it a complete package on the subject. Chapter 1 introduces the patent system in India which has been detailed in the remaining chapters. Chapter 2 brings to fore the discussion on patentability requirements containing aspects like subject matter, industrial application, novelty, inventive step and specification. Chapter 3 is patent procedure which covers all the stages of patent application, from filing to grant, it also includes discussion on post grant opposition and appeals to appellate board. Chapter 4 discusses in brief the aspects of amendment of a patent, patent of addition and patent maintenance. Chapters 5 and 6 are devoted to drafting part of patent. The difficult aspects of specification and claim drafting have been detailed with the help of examples in the above chapters. Chapter 7 explains patent assignment and licenses. Infringement of a patent and defenses to patent infringement has been explained in chapter 8. Chapter 9 contains revocation

1 Bently Lionel and Sherman Brad, *Intellectual Property Law* (Oxford University Press 2003).

2 *Id.* at 309.

3 *Id.* at 1.

and surrender and chapter 10 provides a detailed account of all the remedies which can be claimed in an infringement action. Chapter 11 is a full chapter on PCT applications. It contains discussion on advantages of the PCT system, PCT procedure and also provides important statistics related to PCT. Chapter 12 on mining patent information discusses those aspects of the subject which do not find place in many books. It explains patent searching in India, USA and PCT applications. It also suggests search strategies. Thus one gets the feeling that it is not just a book on patent law and practice, rather it is a book on patent law, practice, litigation, techniques and strategy.

Appendices provided in the book make it a ready reference for many purposes. There are 11 appendices which contain all the relevant documents having bearing on the subject of patent law and practice. It contains chapter IV- A of the Patent (Amendment) Act, 1999, forms available at the Indian Patent Office, Schedule of Fees (2009), List of Convention Countries, PCT Forms, List of State Parties to the PCT, the Paris Convention and Members of the WTO, Invention disclosure form, sample specification draft, sample assignment of invention, sample license agreement and the year wise renewal fees payable (2009). Glossary at the end of the book is useful. Apart from the above, the illustrations, examples, case law discussion and sample specification are useful contributions of the authors. After having said that, it is felt that certain problem areas need to be identified for the benefit of the authors to work on for further improvement of the book. The discussion on patent law part needs to be a bit more detailed as the book summarily addresses many aspects such as subject matter, technical advance, prior art *etc.* Tables and flow charts do make it easy to understand but absence of citation of cases in the body of the book compels the reader to go back to the list of cases every time one needs to know the year of judgment. The glossary in the present form is small and can be extended to make it actually useful. A subject index would have made it easy to handle. Authors can think of providing few more sample specifications in the future editions.

Despite the minor shortcomings identified above the book *Indian Patent Law and Practice* is a good contribution in the area of patent law. It is equally useful for professionals and students. Finally, considering the quality of subject matter, paper quality and binding *etc.* one comes to the conclusion that the present book has been appropriately valued and priced but at the same time it is felt that soft bound copies may be published at a lower price for the benefit of students and researchers.

The book titled *Understanding Design Act* contains 21 chapters and 20 appendices apart from that there are 6 topics after chapter 21 which neither form part of the scheme of chapters nor of appendices. The chapters in the book largely follow the chapters of the Bare Act and thus it can be said that the book is a commentary on Designs Act wherein case law has been used to explain the provisions. Chapter 1



reproduces the statement of objects and reasons of the Bare Act which has been explained in chapter 2. Chapter 3 defines the terms relevant to the subject. Chapter 4 is on authorities under the Act. Chapters 5 to 8 briefly discuss the aspect of registration of designs. Chapter 9 brings to fore the discussion on copyright in registered design. Chapters 11 and 12 are about restoration of lapsed designs and cancellation of registration. Chapter 13 explains the provisions related to legal proceedings. Rectification of register, inspection of registered designs, powers and duties of controller, avoidance of restrictive conditions, reciprocal arrangement with other countries, appeals to the high court *etc.* have been explained in the remaining chapters. All of the above is explained in first eighty five pages of the book. A substantial part of the book is devoted on understanding copyright & related rights, understanding industrial property, utility models and the role of WIPO. Author of the present book claims these parts to be useful for newcomers or non-specialists. It seems that the elementary discussion on copyright *etc.* dilute the merit of the book as an exclusive contribution on Design Act. Moreover it also appears that after having used the concepts of copyright and industrial property in first twenty one chapters the explanation of these concepts do not fit into the scheme of the book appropriately. The basics could have been explained in the beginning if at all the author considers it important.

The appendices in the book contain all the documents related to the subject. It contains the Design Act, Rules, Semiconductor IC Layout Design Act 2000, TRIPS Agreement, Stockholm Act, London Act & Monaco Act related to The Hague Agreement Concerning the International Deposit of Industrial Designs, Locarno Agreement, Paris Convention, Uruguay round of negotiations, Nairobi Treaty, list of WTO member countries, Treaty on IP in respect of Integrated Circuit *etc.* It is a comprehensive list of documents which probably require slight change in the order and some of these which are not closely related with the content of the book may be removed in the future editions of the book. The subject index makes the book easy to handle.

Barring the above shortcomings and the fact that the book is slightly overvalued the book must attract the students because of its easy to understand language and case law. It is hoped that the author will expand the discussion on designs and can reconsider the utility of the parts on copyright, industrial property *etc.* in the future editions. But despite above the book must be a welcome entry in any law library.

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