The protection of intellectual property in the law of the EU

Academic Year: (2021 / 2022) **Review date: 09-06-2021**

Department assigned to the subject: Private Law Department

Coordinating teacher: BONDIA ROMAN, CARLOS FERNANDO

Type: Electives ECTS Credits : 3.0

Year : 1 Semester : 2

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Contracts and obbligations law. Rights in rem.

OBJECTIVES

Understand the basics of industrial property (patents & trademarks).

Acquire advanced knowledge on copyright and neighboring rights, as specifically developed under EU law, focusing on the interplay between exclusive rights and their limitations in the current digital environment.

Acquire further knowledge on copyrightable visual arts, i.e. those consisting on pictorial, graphic, or sculptural works, including two- and three-dimensional works of fine, graphic, and applied art.

Acquire an overview on protection granted to databases and software, as well as on the functioning of collective management organizations (¿CMO¿), under EU law.
Critically evaluate texts and information on IP law, being able to offer informed and reasoned arguments of their own.

Identify conflicts arising from the interplay between IP and physical property, i.e. between IP right holders, on the one hand, and final users, on the other, and put in practices any resources available in EU law in order to solve those conflicts.

DESCRIPTION OF CONTENTS: PROGRAMME

1. Copyright EU law. 1.1 Copyright and neighboring rights. 1.2 1.3 EU harmonizing policy in the field of copyright. 1.3.1 Authorship, joint authorship and copyrightable works; 1.3.2 Exclusive rights and their limitations/exceptions; 1.3.3 Term of protection 1.4 Special types of works under EU law: software, databases and visual arts. 1.5 Assignment of rights, collective management organizations and registration.

2. EU law on industrial property. 2.1 Patents. 2.2. Trademarks. 2.3. Designs. 2.4. Domain Names.

LEARNING ACTIVITIES AND METHODOLOGY

LEARNING ACTIVITIES

Theorical class
Practical classes
Tutorials
Team work
Individual student work

TEACHING METHODOLOGY.

Teacher's lectures with support of computer and audiovisual media, in which the main concepts of the subject are developed. Bibliography is provided to complement the students' learning.

Critical reading of recommended texts:
Press articles, reports, manuals and / or academic articles, either for later discussion in class, or to

expand and consolidate the knowledge of the subject.

Resolution of practical cases, problems, etc. raised by the teacher individually or in a group

Exposure and discussion in class, under the moderation of the professor of subjects related to the content of the subject, as well as of practical cases

Elaboration of works and reports individually or in groups.

ASSESSMENT SYSTEM

Assessment Criteria
An individual or collective paper (essay) shall be submitted by students on a topic chosen among those proposed by the coordinator (60%).
Student participation in class discussions and responses to randomly submitted questionnaires shall be also taken into account (40%).
Make-up tests shall evaluate purely theoretical knowledge, and it will have the same porcentual mark that in the ordinary contest (60%). Student participation in class discussions and responses to randomly submitted questionnaires shall be also taken into account (40%). Were the score obtained at make-up tests the most advantageous for the student, this shall be the only one to be taken into account (100%).

The absence of more than 20% of the front classes causes dismissal from the course.

% end-of-term-examination:	50
% of continuous assessment (assigments, laboratory, practicals…):	50

BASIC BIBLIOGRAPHY

- Lindner, Brigitte - Shapiro, Ted Copyright in the Information Society, Elgar, 2019
- Seville, C. EU Intellectual Property Law and Policy, 2. ed., Elgar, 2016
- Sganga, Caterina Propertizing European Copyright, Elgar, 2018
- VV.AA. (coordinadores Concepción Saíz y Raquel Evangelio). Propiedad Intelectual y Mercado Único Digital , Tirant lo Blanch, 2019