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Intellectual Property

Academic Year: (2022 / 2023)   Review date: 08-05-2022

Department assigned to the subject: Private Law Department

Coordinating teacher: BONDIA ROMAN, CARLOS FERNANDO

Type: Electives ECTS Credits : 3.0

Year :   Semester :

OBJECTIVES

The purpose of this course is for the student to reach a reasonable knowledge of the rules and principles of copyright law, which, in many cases, are a development of the basic rules and principles on obligations and contract law, patrimonial rights and torts. Further, the student should acquire sufficient capacity to evaluate social realities underlying copyright law, and for her to be capable of interpreting and applying such rules according to proper legal techniques and also to the guidelines coming out of the jurisprudence of our courts and tribunals.

DESCRIPTION OF CONTENTS: PROGRAMME

The course focuses on four main areas or sections: authorship, and creations and performances susceptible of protection; moral and economic monopolies; contracts for the transfer and license of exploitation rights; and the protection of copyright. The duration of the course is seven weeks, with two sessions every week.

LESSON 1. GENERAL OVERVIEW AND LEGAL STATUS OF AUTHOR¿S RIGHT AND RELATED RIGHTS
1.1 Property right and Intellectual Property Rights (Author¿s right and Related Rights). The Spanish Constitution and author¿s right.
1.2 Author¿s right and Related Rights.
1.3 The Author¿s Right Act 1996 (ARC) and subsequent reforms.
1.4 International Agreements: Berne Convention, WIPO Treaties and TRIPS.
1.5 EU Law.
LESSON 2. BASIS OF PROTECCTION: SUBJECT MATTER
2.1 Works: Section 10.1 ARC.
2.2 Literary, artistic and scientific works.
2.3 Special cases: artistic works, audiovisual works, computer programs and databases.
2.4 Exclusions from protection. Section 13 ARC.
2.5 Subject matter of Related Rights.
LESSON 3. AUTHOR¿S RIGHT AND RIGHT HOLDERS
3.1 Authorship of work. Presumptions and proofs.
3.2 First ownership of Author¿s right.
3.3 Other right holders.
3.4 Works of joint authorship. (Collaboration, Collective and Compound).
LESSON 4. AUTHOR'S MORAL RIGHT
4.1 Concept and characters.
4.2 Paternity, unpublished and disclosure. Integrity. Removal, modification and access.
4.3 Assumptions of legitimacy upon death.
4.5 Moral rights of the artist.
LESSON 5. ECONOMIC RIGHTS
5.1 Concept and characters.
5.2 Contents: Reproduction, transformation, communication and distribution.
5.3 Other economic rights and related rights.
5.4 Duration and limits.
LESSON 6. TRANSFER OF RIGHTS (DEALING WITH RIGHTS)
6.1 General rules.
6.2 Assignments and exclusive licenses.
6.3 Most typical operating agreements.
LESSON 7. PROTECTION OF AUTHOR¿S RIGHT AND RELATED RIGHTS
7.1 Author¿s right Registry.
7.2 Collective management organizations.
7.3 Technological measures and DRM.

7.4 Civil law court: Injunctions, remedies and provisions as to damages in infringing actions.
7.5 The Intellectual Property Commission.
7.6 Criminal Protection: offences.

LEARNING ACTIVITIES AND METHODOLOGY

In the last week lectiva (session 15) will be a collective tutoring for all groups . Such mentoring is complementary , adds nothing new to the program developed , but simply clarifies doubts and solve difficulties of understanding by students . Likewise , it is totally vountaria . It is not assessable from any point of view.

% end-of-term-examination:	60
% of continuous assessment (assigments, laboratory, practicals…):	40

BASIC BIBLIOGRAPHY

 - Rogel Vide y Serrano Gómez Handbook on copyright, Reus/Aisge, 2008

 - Several authors (ccord. Espín) Copyright in the XXI century, Tirant lo Blanch, 2014

 - Several authors (coord. R. Bercovitz) Copyright Handbook, Tirant lo Blanch, 2017

 - Several authors (coords. Palau Ramírez y Palao Romero) Comments to the Copyright Act , Tirant lo Blanch, 2017

 - Varios autores (coord. R. Bercovitz) Manual de Propiedad Intelectual, Tirant lo Blanch, 2019