

Academic Year: ( 2023 / 2024 )

Review date: 12/05/2022 16:07:58

Department assigned to the subject: Private Law Department

Coordinating teacher: LASTIRI SANTIAGO, MONICA

Type: Electives ECTS Credits : 3.0

Year : 2 Semester : 1

## OBJECTIVES

Basic responsibility:

Be qualified to understand the basic knowledge or opportunity to be innovative in the development and/or application of ideas, commonly found in an investigation context.

Students must be able to apply the acquired knowledge and the solving of problems in new environments or not common within a wider range (or be multidisciplinary) related to their area of study. (CB7)

Students must be able to integrate their knowledge and face the complexity of formulating opinions based on certain information which, whether incomplete or limited, includes reflections on social and ethical responsibility related to the application of their knowledge and opinions. (CB8)

Students must be able to communicate their conclusions, knowledge and analysis supporting the same, to an audience, whether expertise or not, in a clear and unambiguous way. (CB9)

Students must have a learning ability which allows them to continue studying in a self-directed or autonomous way. (CB10)

General responsibility (CG N°):

Students shall be able to:

CG1. Recognize the importance of team work and show adaptation and integration capacity to different work groups, keeping fluent relations and communications, respecting other's ideas and solutions with an attitude of support and tolerance, sharing responsibilities and know how to give and receive instructions.

CG2. Accept the need of a constant self-learning and continuous training as a mechanism to easily adapt to judicial, technological and organization innovations.

CG3. Value the handiness in being able to select the professional itinerary that copes best to their personal circumstance, considering self employment as a feasible possibility of professional inclusion.

CG4. Ability to search, organize and plan professional projects which allow for growth whether personal or within the company they work for.

CG5. Value hard and well done work when planning, organizing and carrying-out all activities, showing initiative, creativity and sense responsibility, keeping interest during the whole process, and feel personally satisfied with the results.

CG6. Recognize the importance to establish a fluent communication within the professional legal

activity in order to reach personal goals as well as the company's.

CG7. Evaluate personal and collective progress, identifying positive and negative things, and argue and provide alternatives to improve process and results.

CG8. Show a high sense of personal responsibility and code of ethics when exercising professionally, and knowing the effect of an inadequate management of personal conflicts.

CG9. Apply all acquired knowledge and have the capacity to solve problems.

CG10. Integrate knowledge, make judgment, communicate conclusions and the know-how and reasoning to support the same, to specialized and non-specialized audiences in a clear manner and without ambiguities.

Learning results by student (observed or measured):

The student will be a lawyers specialized in different areas related to corporate law and within the selected specialty classes freely chosen.

In particular it is expected that the student acquires the capacity to analyze legal problems, to identify and evaluate the main risks for the client in each situation and be able to provide the best professional legal advice.

## DESCRIPTION OF CONTENTS: PROGRAMME

### I. Copyright and its legal protection

#### 1. Introduction. authorship

1.1. Structure of Intellectual Property Law. terminological precisions. Copyright and related. transitional law

1.2 Authorship. Headlines derivatives.

#### 2. protectable creations. Moral rights

2.1 Protection requirements

2.2. exclusions

2. 3. The moral rights

#### 3. Economic Rights and limits

3.1. The economic rights. exclusive rights. remunerative rights

3.2 Limits or exceptions

3.3. The collective management and its role and typology.

3. 4. The role of public authorities in the intellectual property system.

#### 4. The transmission of copyright

4.1. modalities

4.2. Exploitation of copyright. case study.

### II. Industrial property and its legal protection

#### 1. Principles of Industrial Property Law.

#### 2. new industrial Creations

twenty-one. The patent in Spain. legal and economic concept

2.1.1. Patentability requirements

2.1.2. Registration Prohibitions

2.1.3. Handling procedures and content of patent application

2.1.4. Ownership of the patent: general principle and exceptions. Nullity and Forfeiture of the patent.

2.1.5. Transmission of patent licenses patents: exclusive and nonexclusive

2.1.6. Defense and maintenance of the patent. civil and criminal actions.

2.1.7. European patent and European patent with unitary effect. case

#### 2.2. Other industrial creations

2.2.1. Utility models. Concept. Protection requirements. Procedure. Defense and maintenance. case

2.2.3. Industrial design. Concept. Registration procedure. Defense and maintenance. Community

industrial design. case

2.2.2. Trade secrets. Concept and legal protection.

3. Distinctive signs

3.1. The brand concept and classes

3.1.1. Solicitude. Prohibitions. Examples

3.1.2. Registration procedure.

3.1.3. The notorious and renowned brand

3.1.4. Rights and obligations

3.1.5. legal business.

3.1.6. Actions for infringement. Special attention to compensation.

3.1.7. The invalidity of the mark. Effects. case

3.1.8. The international brand and the brand of the European Union

3.2. Other distinctive signs

3.2.1. The trade name. Application and registration procedure. Infringement actions. Nullity and effects. case

3.2.2. Domain names. Concept and classes

3.2.3. Names versus distinctive signs

3.2.4. legal issues of the domain name

3.2.5. Actions for trademark infringement through a domain name. case

4. Right of commercial advertising

4.1. Spanish advertising law

4.2. Community advertising law

4.3. Specific cases of illegal advertising: Subliminal Advertising misleading advertising; comparative advertising, disparaging advertising, confusionist advertising, adhesive and parasitic

4.4. audiovisual advertising

Four. Five. Internet publicity

4.6. Actions and defenses

4.7. Advertising Self-regulation and self-control. case

## LEARNING ACTIVITIES AND METHODOLOGY

Training activities:

Given that students in their undergraduate training as well as in the common module curriculum have acquired a solid theoretical training, specialization credits may dispensed more heavily on the traditional lecture teaching mouthpiece each subject from case studies. for the resolution of which will be provided in advance specific materials. This will enable students are facing real practical problems, in different areas of specialization, since it will be necessary on the contents theoretical because the cases raised should be supplemented by a detailed study of each particular discipline by the students so that they can overcome various materials According to evaluation criteria that will be described below.

For each of the optional subjects of 3 ECTS, to integrate 15 ECTS, the workload is the following:

Theory hours: 20 h.

Practice hours: 10 h.

Hours student work and other activities: 45 h.

. Teaching methodology:

For each subject students will be provided a compendium of practical cases to be resolved as to leave a detailed schedule. each lesson

It shall be accompanied by specific readings (doctrinal documents, case law or decisions administrative); This is all without prejudice to the professor makes a brief introduction

theoretical at the beginning of each session to locate the fundamental problems and place them within the content unit in each case concerned.

## ASSESSMENT SYSTEM

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|---|----|
| <b>% end-of-term-examination/test:</b>                                      | 40 |
| <b>% of continuous assessment (assignments, laboratory, practicals...):</b> | 60 |

According to the practical nature of the training activities and methodologies teachers credit enhancement will be a special weight to continuous assessment. The It will be held from student participation in class (10% of score) and the realization of practical cases (50% of score).

The final exam will consist of a type test and will involve 40% of the note.

If the continuous assessment system is not followed, which requires attendance at 90% of the sessions, the final grade in both ordinary and extraordinary sessions will be obtained on 60% of the final exam.

All this in accordance with current regulations at all times.

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## BASIC BIBLIOGRAPHY

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- Autores varios (coord. R. Bercovitz) Manual de Propiedad Intelectual, Tirant lo Blanch, 2017
- Baylos Corroza Hermenegildo Tratado de Derecho Industrial, Civitas, 1993
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