

Course description: Advanced Intellectual Property Law (15 ECTS)

1. General information.....	2
1.1 Content and objectives.....	2
1.2 Learning Outcomes	2
1.3 The Course Structure	3
1.3.1 Course Outline	3
1.3.2 Written Submission Deadlines.....	4
1.4 Compulsory Elements	4
1.5 Group Work.....	4
2. Instruction	4
2.1 Introduction	4
2.2 Lectures and Method Lectures	4
2.3 Seminars	4
3. Examination.....	5
3.1 Course Requirements	5
3.2 Grading Criteria	6
4. Literature.....	7
5. Course Management.....	8

1. General information

1.1 Content and objectives

The Module 1 – Advanced Intellectual Property Law – lays down the general foundations for the remainder of the Master. All students are required to follow this 10-week course. Module 1 covers all fundamental areas of IP law as well as other neighbouring areas at an advanced level.

In the course, students will analyse and solve advanced and complex problems in the area of European intellectual property law. The primary topics are copyright, design law, patents and law on the protection of trade marks and trade symbols (including geographical quality indications, etc.). In addition, students shall obtain a broad understanding of the European and global context for intellectual property law, including considerations of a political perspective. The focus of the substantive part of the course focuses on the updated case law and other current developments in the different sub-areas of intellectual property law.

Students are trained in the ability to solve problems with combinations of overlapping and transnational IP rights. Addressing such problems has increasingly become a challenge in light of both Europeanisation and digitalisation. Special attention is therefore paid to methodological questions, which can be helpful when identifying and refining solutions creatively. The students of the programme receive in particular a training in legal scientific and European IP law methodology as well as legal scientific accuracy throughout the course.

The starting point is international legislation, in particular European legislation in the area of intellectual property law, and European Court of Justice case law. In addition, the course covers the future development in the area, historic and future. Equally important for the content of the course is the influence of research on the interpretation of the European intellectual property law regulatory framework, including competition law connected to intellectual property law, economic law, and private international law.

1.2 Learning Outcomes

After successful completion of the course, the student is expected to be able to:

- demonstrate knowledge and understanding of international and European intellectual property law with a good overview of the subject's detailed disciplines including choice of law and jurisdiction in a common market, as well as have insight into current research and development activities,
- demonstrate knowledge and be able to apply intellectual property law methodologies or other appropriate methods to intellectual property law issues, even with limited information,
- display the ability to integrate knowledge about intellectual property law and to analyse, assess and manage complex intellectual property law circumstances, questions and situations,
- display the ability to independently identify and formulate intellectual property law questions as well as plan and use appropriate methods to carry out detailed assignments within specified time frames; and
- demonstrate knowledge of the social context of European intellectual property law.

1.3 The Course Structure

1.3.1 Course Outline

The teaching in Module 1 is spread out over the ten-week period. Students are required to study course literature and prepare the assignments and exercises in between. Please remember that this is a full-time program, which requires 40 hours of study per week.

Module 1 starts with a crash course in substantive international and European intellectual property law in the form of lectures, ending in a (non-graded) crash course exam (18 September). The aim of the crash course is to fulfil the first learning outcome:

“Demonstrate knowledge and understanding of international and European intellectual property law with a good overview of the subject's detailed disciplines including choice of law and jurisdiction in a common market, as well as have insight into current research and development activities.”

The crash course covers the disciplines of copyright, patent trade mark, design and private international law issues, including the relation between EU and international IP law as well as other important problems and research areas. The crash course is completed with a written mock exam, the aim of which is to measure your own level of knowledge and identify areas where you perhaps need to study more in order to be able to successfully complete the programme. The mock exam is not a form of examination.

After the crash course Module 1 continues with a deepening of knowledge and training of methodology, analysis, and research ability. This part of Module 1 is aimed at fulfilling the remaining four learning outcomes, namely:

- demonstrate knowledge and be able to apply intellectual property law methodologies or other appropriate methods to intellectual property law issues,
- display the ability to integrate knowledge about intellectual property law and to analyse, assess and manage complex intellectual property law circumstances, questions and situations,
- display the ability to independently identify and formulate intellectual property law questions as well as plan and use appropriate methods to carry out detailed assignments within specified time frames; and
- demonstrate knowledge of the social context of European intellectual property law.

These learning outcomes are reached by a variety of pedagogical elements: Seminars, Workshops and Lectures. In this part of Module 1, students are required to actively participate in Seminars, both orally in the form of presentation and discussion, and in writing of assignments. The assignments are treated in connection to the Seminars. During the course students will be required to make use of group collaboration and group exercises.

The second part of Module 1 is examined through written assignments, oral participation and the completion of a home exam.

1.3.2 Written Submission Deadlines

The deadline for the submission of the Seminar Assignments is 9.00 am and always the Friday the week before the assignments will be discussed. (Except for the Copyright Seminar which has deadline on the Wednesday before).

The maximum word count for the assignments is 1200 words, excluding footnotes and bibliography.

The Home Exam will be published on Monday 28 October and the deadline for submission is Friday 1 November at 9 am. Further instructions will be published together with the exam.

1.4 Compulsory Elements

Participation in at least 80 per cent of all teaching is compulsory. Seminars are mandatory. In the event of special circumstances, the head of the course can grant exceptions. In this case, the student shall be responsible for completing an additional assignment.

Please note that the learning outcomes are examined through individual written and oral assignments and activities in conjunction with instruction.

1.5 Group Work

Much of the preparation and presentation is conducted in working groups. For group works, we will randomly assign each student a letter (a) to (f) at the beginning of Module 1. All (a)-students form a group, and all (b)-students another, etc. Your group letter will be visible in FastReg in the “Group” tab.

2. Instruction

2.1 Introduction

As mentioned, the teaching in Module 1 consists of different types of instruction elements: Lectures, Seminars and Workshops.

2.2 Lectures

The focus of **Lectures** is predominantly substantive law issues. In the crash course the lectures provide an advanced introduction to the topic. Since knowledge of intellectual property law is a requirement for participation in the programme, the teaching starts at a high level. Students are expected to study course literature (both mandatory and recommended), but also to search for and find additional legal sources of relevance than the ones provided by the course staff. The Lectures after the crash course aim at providing a broadening of knowledge into adjacent areas of law.

Students are required to prepare for the Lectures by reading relevant parts of the course literature. Other literature or reading instructions may be sent out by the lecturer as additional preparation.

2.3 Seminars

2.3.1 Objectives

The objectives of the **Seminars** are to train the ability to:

- gain advanced knowledge in a specific area of intellectual property by studying selected cases,
- identify the relevant facts and the core legal dispute(s) of the case,
- problematize the conflict at hand from legal/factual points of view,
- identify the relevance of the legal questions from a legal systematic point of view (i.e. what questions are solved by the case and how does it affect the state of the law in that particular field), and to
- discuss the legal issues and effects of the case in a broader legal and societal context.

There is one seminar for every discipline (copyright, patent, trade mark, design and international private law). The design seminar requires no written assignment.

2.3.2 The Seminars

At the seminars, each working group is required to perform a presentation of their seminar assignment. A round consists of a presentation and an ensuing discussion (approx. 25 min.). The whole class is expected to participate in the discussion.

Each person in each group needs to contribute to the presentation and/or discussion at every seminar.

Detailed instructions for each seminar are found on the course website (“Course Materials”). They may also contain e.g. literature references.

3. Examination

3.1 Course Requirements

The course's learning outcomes are examined through individual written and oral assignments, activities in conjunction with instruction and a written take-home examination.

All course requirements must be met in order to pass the course. These include oral participation at the seminars, written assignments, completion of home exam and active participation where instructed in teaching.

Course grades are determined based on a combination of the performance in each of the different elements of the course: take-home examination 80 per cent, oral presentations and written assignments 20 per cent. The assignments are assessed on four items (content/substance, conciseness, methodology and presentation).

Students who initially fail the examination are given the opportunity to be assessed a second time. Students who fail the course twice from the same examiner have the right to request a different examiner for their next examination. This, however, does not apply if there are particular reasons that a different examiner cannot be appointed.

Students who have received a passing grade are not allowed to be assessed again in order to achieve a higher grade.

3.2 Grading Criteria

A (Excellent)

- Have excellent knowledge and understanding of international and European intellectual property law with an excellent overview of the subject's detailed disciplines and current research and development.
- Have excellent ability to integrate knowledge and to analyse issues concerning European intellectual property law.
- Have excellent ability to independently formulate intellectual property law questions as well as identify and use appropriate methods to solve detailed assignments within specified time frames.
- Have good knowledge of the social context of European intellectual property law

B (Very good)

- Have very good knowledge and understanding of international and European intellectual property law with a very good overview of the subject's detailed disciplines and current research and development.
- Have very good ability to integrate knowledge and to analyse issues concerning European intellectual property law.
- Have very good ability to independently formulate intellectual property law questions as well as identify and use appropriate methods to solve detailed assignments within specified time frames.
- Have good knowledge of the social context of European intellectual property law.

C (Good)

- Have good knowledge and understanding of international and European intellectual property law with a good overview of the subject's detailed disciplines and current research and development.
- Have good ability to integrate knowledge and to analyse issues concerning European intellectual property law.
- Have good ability to independently formulate intellectual property law questions as well as identify and use appropriate methods to solve detailed assignments within specified time frames.
- Have good knowledge of the social context of European intellectual property law.

D (Satisfactory)

- Have satisfactory knowledge and understanding of international and European intellectual property law with an acceptable overview of the subject's detailed disciplines and current research and development.
- Have satisfactory ability to integrate knowledge and to analyse issues concerning European

intellectual property law.

- Have satisfactory ability to independently formulate intellectual property law questions as well as identify and use appropriate methods to solve detailed assignments within specified time frames.
- Have knowledge of the social context of European intellectual property law.

E (Sufficient)

- Have sufficient knowledge and understanding of international and European intellectual property law with an acceptable overview of the subject's detailed disciplines and current research and development.
- Have sufficient ability to integrate knowledge and to analyse issues concerning European intellectual property law.
- Have acceptable ability to independently formulate intellectual property law questions as well as identify and use appropriate methods to solve detailed assignments within specified time frames.
- Have knowledge of the social context of European intellectual property law.

Fx (Insufficient)

- Minor deficiencies exist such that the student does not fulfill all the requirements necessary for a grade of E.

F (Entirely insufficient)

- Considerable deficiencies exist such that the student does not fulfill all the requirements necessary for a grade of E.

4. Literature

Textbooks

One of the following (alternative) book is mandatory:

- Lionel Bently and Brad Sherman, *Intellectual Property Law*, (2014) 1440 pp., or
- William Cornish, David Llewelyn and Tanya Aplin, *Intellectual Property: Patents, Copyrights, Trademarks and Allied Rights* (2013) 1042 pp., or
- Richard Davis, Ben Longstaff, Ashley Roughton, Tom St Quintin and Guy Tritton, *Tritton on European Intellectual Property* (2014) 2027 pp.

Also mandatory:

- Ansgar Ohly and Justine Pila (red.), *The Europeanization of Intellectual Property Law*

(2013) 270 pp., especially PART IV and V ("Impact of Constitutional Rights and Values; Rhetoric and Reality..." and "European and National Courts").

Other material

Recommended literature:

- Annette Kur and Thomas Dreier, European Intellectual Property Law (2013) 592 pp.
- Richard Neuman and Kristen Konrad Tiscione, Legal Reasoning and Legal Writing 7 ed. (2013) 468 pp

Additional recommended literature might be added on the programme website and/or communicated in connection to instruction elements.

5. Course Management

Program Directors

Ass. Prof. Åsa Hellstadius
asa.hellstadius@juridicum.se.se
Room C 916
Ph: +46 8 16 36 68

Ass. Prof. Frantzeska Papadopoulou
frantzeska.papadopoulou@juridicum.su.se
Room C 918
Ph: +46 8 674 72 56

Program Secretary

Ida Boström
EIPL@juridicum.su.se
Room C 980
Ph: +46 8 16 32 79
Phone and visiting hours: Tuesday & Thursday, 13-15