



STUDY PROGRAMME

(1) European Legal Studies Programme

(2) Transatlantic Affairs

ACADEMIC YEAR

2018-19

SEMESTER

Second

COURSE TITLE

Protecting Innovation and Creation by Intellectual Property: The EU Framework

COURSE PROFESSOR

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COURSE ASSISTANTS

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NATURE OF COURSE (COMPULSORY, OPTIONAL)

Optional

LANGUAGE OF INSTRUCTION

English

ECTS CREDITS

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1. COURSE OBJECTIVES

Intellectual property, in particular copyright, designs and patents, covers innovative and creative human achievements. Its protection develops according to technological change. The purpose of the seminar is not to cover the entire field. Rather, its objective is to introduce into the principles of protection, to examine its basic economic and political problems, and to present the perspectives of its development in the EU, including the new challenges resulting from the Brexit. The first part will cover the structural features of existing EU intellectual property law. For students who are not yet familiar with intellectual property law, this first part is also intended as an introduction into the system of protection. In the second part, the practical operation and the limits of protection will be illustrated in regard of selected areas of protection that are either politically sensitive or characterized by rapid technological change or both. In the third part, the focus will be on the future development of EU intellectual property protection and on its interaction with international trade relations.

Master of Arts in Transatlantic Affairs students gain knowledge and understanding of the European intellectual property legal framework as well as the system of international intellectual property protection. The latter is composed mainly of general and of trade related international conventions on intellectual property that directly determine EU law just as they are influenced by the EU's intellectual property policies. The course also improves students' legal reasoning skills.

2. LEARNING OUTCOMES

The course objectives tie in with the following learning outcomes of the programme **European Legal Studies**:



- 1.1. Possess advanced knowledge of the European Union (EU), its institutions, competences, substantive principles and legal doctrines
- 1.2. Possess general knowledge on the main elements of the EU's law and policy at large
- 1.3. Possess in-depth, scientific knowledge on specific areas of EU law
- 2.1. Be able to think analytically, correctly analysing complex legal problems in a multi-level legal order, the various sources of law, legal instruments and actors, and to formulate a scientifically sound position on the basis of logical reasoning
- 2.2. Be able to think dynamically, to understand the constantly changing and evolving nature of the European integration process and to provide constructive commentary on its possible future development
- 2.3. Be able to think critically, formulating an independent opinion and interpretation of complex legal problems, contextualising findings and weighing a multitude of different factors, including findings from other disciplines
- 2.4. Be able to process a large amount of information within a short amount of time and to deliver accurate and reflective outcomes
- 2.5. Be able to work with primary sources of law, such as judgments and legislation, and to reflect independently on their significance and interpretation
- 2.6. Be able to work in a multi-cultural context, understanding and mediating different legal systems, legal traditions and normative frameworks in a constructive way
- 2.7. Be able to develop, research, discuss and critically answer questions regarding a scientific research question of EU law in a scientifically responsible way
- 2.8. Have a pro-active attitude towards self-development, through self-study, lifelong learning and professional growth, particularly through preparatory reading for group discussion in the courses
- 2.9. Draft a clear legal scientific text in the area of EU law
- 2.10. Present and defend orally an issue relating to EU law on the basis of legal argumentation or a personal position
- 2.11. Be able to study and work in the area of EU law in English and French, including through interaction with native speakers

The course objectives tie in with the following learning outcomes of the programme **Transatlantic Affairs**:

- 1.1 The graduate masters the most important theoretical approaches and concepts of, depending on his or her disciplinary focus, Economics, International Relations and Diplomacy Studies, Legal Studies and/or Political Science relevant for the analysis of transatlantic affairs.
- 1.3 The graduate has good knowledge of, depending on his or her disciplinary focus, the political and/or legal systems, the decision-making processes, the economic structures and the main internal and external policies of the European Union and the United States.
- 2.4 The graduate is capable of processing a large amount of information and appropriately analyse relevant sources depending on his or her disciplinary focus within a short period of time and of suggesting possible actions that contribute to problem-solving in a creative way.
- 2.5 The graduate has the intellectual maturity and skills to take responsibilities and function autonomously in a professional environment at national or international level, and especially in a transatlantic context, and to work efficiently and effectively through planning, organizing, setting priorities, meeting deadlines, cooperating across cultural boundaries and networking.

3. COURSE CONTENTS

(For more details, see course outline to be distributed separately).

I. The law as it stands

1. The system of European intellectual property protection

a) Typology of rights



- b) Modes of acquisition
- c) Appropriability and the public domain
- d) The nature of intellectual property rights

2. Economic and political foundations

- a) Theories of intellectual property
- b) Fundamental rights
- c) National IP in the EU (free movement; nondiscrimination; from harmonization to unification)

II. Selected problem areas

1. Patents

- a) The health sector
- b) Protecting biotechnological inventions

2. Copyright

- a) The information society
- b) The digital agenda
- c) Codifying copyright law

III. Some perspectives

1. System building in EU intellectual property law

- a) The European and the unitary patent system
- b) Brexit: A challenge also to EU intellectual property

2. The system of international intellectual property protection

- a) The international conventions
- b) Intellectual property and trade policy (TRIPs, FTAs)

4. TEACHING METHOD

The course is conceived as an analytical lecture inviting students to questions and discussion. A syllabus with a detailed outline and a compilation of mandatory documentation will be distributed to students in advance. The documentation is composed of legislative texts (EU legislation), preparatory material, international agreements and CJEU cases.

5. FURTHER DETAILS ON THE TEACHING METHOD

There will be reading assignments regarding CJEU case law

6. COURSE MATERIAL

See supra at 3.

7. EVALUATION

Students are evaluated by an oral exam. There is a 30 minutes preparation time, during which the students can draft their answer to the question proposed with the possibility of consulting the legislation contained in the syllabus.

Exams organized in second session period are 100% written exams.