



STUDY PROGRAMME

(1) European Legal Studies Programme

(2) Transatlantic affairs

ACADEMIC YEAR

2019-2020

SEMESTER

Second

COURSE TITLE

EU Law and Intellectual Property

COURSE PROFESSOR

M. Siragusa

COURSE ASSISTANT

A. Politis

NATURE OF COURSE (COMPULSORY, OPTIONAL)

Optional

LANGUAGE OF INSTRUCTION

English

ECTS CREDITS

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1. COURSE OBJECTIVES

The course will be devoted to exploring the interface between Law of the EU and Intellectual Property Rights. General aspects of Intellectual Property Rights (patents, trademarks, copyrights, know how), European Union Law and Competition Law will be analyzed.

The course is structured into different parts. Following an introduction aimed at underlining the characteristics of the different categories of Intellectual Property Rights, the course subsequently examines the application of EU Law to Intellectual Property Law. Next, the main challenges that Intellectual Property Rights raise with regard to EU Law are investigated in depth, especially in respect to the Free Movement of Goods and Competition Law. The most common settings of EU Law in which Intellectual Property Rights are at stake are thoroughly studied.

The course is intended to provide students with knowledge of the situations involving Intellectual Property Rights and with an understanding of the reasons why the application of EU Law can be problematic in relation to them. Particular emphasis will be placed on practices involving Intellectual Property Rights that can raise issues regarding the Internal Market provisions as well as Articles 101 and 102 of the Treaty on the Functioning of the European Union.



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;
- 2.9. 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

Core parts of the seminar, subject to eventual update, are as follows:

- I. Introduction
 - Definition of the categories of the industrial property rights
 - Patents;
 - Trademarks;
 - Copyrights;
 - Other categories.
- II. The application of EU Law to Industrial Property Law
- III. The relationship between Intellectual Property Law and Free movement of Goods
 - a. Union exhaustion of Industrial Property Rights;
 - b. International exhaustion of Industrial Property Rights;
 - c. Repackaging and Trademarks.
- IV. The relationship between Intellectual Property Law and Competition Law in the EU
 - a. Article 101 TFEU and Intellectual Property Licensing;
 - b. Trademark Delimitation Agreements;
 - c. Franchising;
 - d. Collecting Societies;
 - e. Article 102 TFEU and Refusals to License Intellectual Property;
 - f. Other abuses of a Dominant Position involving Intellectual Property.

4. TEACHING METHOD

The course is characterized by a case-based approach and is very interactive. Active oral participation is strongly anticipated as the students are randomly asked to present the cases which constitute the required reading for each class.

5. FURTHER DETAILS ON THE TEACHING METHOD

Actively contributing to the class discussion requires students to read and prepare the cases assigned for each session ahead of the lecture.

6. COURSE MATERIAL

A syllabus with a detailed outline and mandatory course material is distributed to students beforehand. It is composed of case-law of the EU Courts and Commission's relevant documents. In particular, the bulk of the syllabus comprises cases coping, respectively, with the relationship between Intellectual Property Rights and Free Movement of Goods and the relationship between Intellectual Property Rights and EU Competition Law.

7. EVALUATION

Students are evaluated through an oral exam which lasts approximately 25 minutes.

It will consist of questions from the case-law analyzed during the semester. There will be no preparation time. The first question will be on a topic of choice, the answer to which lasts approximately 5 minutes. The subsequent questions will cover the remainder of the course's topics.

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