

MODULE DESCRIPTOR

MODULE TITLE	Intellectual Property Law		
MODULE CODE	LW3013 (L6)	CREDIT VALUE	20 UK CREDITS / <u>10 ECTS</u>
SCHOOL	SCHOOL OF LAW		

MODULE AIMS

- **Explain and evaluate** the nature of intellectual property through an examination of overlapping areas of the law – particularly copyright and trade mark law, but also with reference to the law of confidence, moral rights and the tort of passing off.
- **Evaluate critically** the competing claims of rights owners and ‘users’ and assess law's ability to keep pace with emerging (and often converging) technologies will also be assessed.
- **Demonstrate transferable skills** through the practical application of common law and statutory techniques of law finding, interpretation and problem-solving.
- **Facilitate critical-analytical discussion** of topical issues and practical exercises in interactive sessions.

MODULE CONTENT

Domestic intellectual property law is examined in detail within the context of regional and international requirements and, where appropriate, there will be a comparative discussion of the law of other countries.

Much of the controversy surrounding intellectual property law concerns the balancing of the rights of the rights holder and the rights of the rest of the population, the general public. The module will enable students to identify factors relevant to achieving this balance in the context of rapidly developing technologies where it is becoming usual to rip, burn, mix, modify and create new materials.

Introduction: The nature, role and justification of intellectual property rights. Common features of different types of intellectual property.

Copyright: Creation and categories of work. Qualification, ownership and duration. Infringement remedies and defences. Exploitation – assignment and licensing. The impact of new technologies. International conventions.

Moral rights: The types of moral rights recognised nationally, and their relationship with copyright. A comparison with similar rights protected in other European countries. International conventions.

“Unfair competition” as a concept and its treatment under the present intellectual property regime. International conventions. **Passing off** (in brief): Origins, development and different types. The “classical trinity”. Proof, defences and remedies. Application to modern commerce such as character merchandising and websites.

Trademarks: Purpose, registrability and distinctiveness of signs. Registration. Revocation. Infringement, remedies and defences. Relationship with passing off. Community trade marks. International filing. Exploitation in global trade and protection of ‘well-known marks’. International conventions.

Confidence: the protection of confidential information and its use in protecting trade secrets, ‘know-how’, inventions and privacy.

Throughout the module, students will be encouraged to identify new technologies which challenge intellectual property.

INTENDED LEARNING OUTCOMES

On successful completion of this module a student will be able to:

1. Critically assess the nature and role of intellectual property rights both at national and international level
2. Demonstrate a practical, commercial knowledge of the law relating to copyright, trade marks and related issues
3. Present clear, reasoned, well-researched and critical arguments and conclusions in both problem contexts or concerning wider issues in oral discussion and in writing

TEACHING METHODS

A 2 hour lecture session takes place each week, the primary object of which is to provide an outline of the subject matter and a framework for its understanding which students can use as a base for their independent study directed to the requirements of the seminar. This session may also include within it, in addition to traditional lecture delivery, small group discussions feeding into reporting back to whole groups, debates, live quiz sessions and other interactive exercises, guest lectures, relevant video or other pre-recorded material plus discussion and other learning activities and revision exercises as appropriate; classes may be face-to-face or virtual.

Seminars allow students to build upon their understanding gained in the lecture sessions by reading specified cases, articles and appropriate textbooks in preparation for the seminars. The aims and learning outcomes of each individual seminar are clearly set out and students are encouraged to read around the subject and undertake their own independent research as well. The aim of seminars is to encourage the development of academic and research skills but also the student's oral communication skills which are highly valued by potential employers. The written coursework assists in the development of written communication, research and analytical skills.

ASSESSMENT METHODS

This module is assessed through a Written Assignment (100%).