

# LA366-15 Global Intellectual Property Law & Policy

**22/23**

**Department**

School of Law

**Level**

Undergraduate Level 3

**Module leader**

Karen O'Neill

**Credit value**

15

**Module duration**

10 weeks

**Assessment**

100% coursework

**Study location**

University of Warwick main campus, Coventry

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## Description

### Introductory description

This module provides students with an understanding of the main categories of intellectual property right protected by law, namely copyright, patent and trademark, as well as associated rights such as trade secrecy protection and protection of geographic indications of origin.

[Module web page](#)

### Module aims

The principal aim of this module is to provide students with an understanding of the main categories of intellectual property right protected by law, namely copyright, patent and trademark, as well as associated rights such as trade secrecy protection and protection of geographic indications of origin.

In recent years, the intangible knowledge assets protected by intellectual property law have assumed increasing global and commercial significance, bringing to attention a range of issues associated with the protection, exploitation and use of rights to intellectual objects. They are also subject to significant conflicts, such as between Internet users and record labels on the Internet, or the role of patents in hindering access to medicines in developing countries. This module offers an

introduction to this global architecture of law and policy relating to intellectual property, but with an emphasis on how these international laws have been incorporated into the UK system. The primary aim of the module is for students to be aware of the global context for intellectual property protection, be familiar with the categories of right protected, as well as how these rights are the subject of conflicts between competing stakeholders.

## **Outline syllabus**

This is an indicative module outline only to give an indication of the sort of topics that may be covered. Actual sessions held may differ.

Week 1: - The international IP framework: - theory and practice (covering the history of the IP protection, the philosophical justifications for its protection, and the development of the international system under the World Trade Organisation and Agreement on Trade Related Aspects of Intellectual Property Rights)

Week 2: - The fundamentals of copyright protection (covering the development of copyright law, the relevant provisions of TRIPS, and their incorporation into the UK's Copyright, Design and Patents Act, with comparisons with the 'continental' approach, represented by Germany and France)

Week 3: - Copyright and the Internet (covering the current concerns and conflicts over copyright protection on the Internet, including legal actions against individual infringers, intermediary immunity from liability, and blocking websites hosting infringing content)

Week 4: - Trade Secrecy (covering trade secrecy, and its relation to the UK doctrine of breach of confidence - provides context for patents, by considering the alternative, namely the withholding of commercial information, which may be a step prior to patent application)

Week 5: - The fundamentals of patent protection (covering the development of patents, comparing and distinguishing patent protection from protection of trade secrets, and providing an overview of the criteria for protection)

Week 6: - Contemporary disputes over patent protection (provides some flexibility, depending on what issues are considered particularly important in patent law at a particular time; currently the main focus is on the regulation of biotechnological inventions, access to medicines, and computer software patents)

Week 7: - The fundamentals of trademark protection (covering the distinct development of trademark as compared to copyright and patent, providing an overview of the criteria for protection, as well as some of the 'hard' cases, such as sound and scent trademarks)

Week 8: - Geographic Indications of Origin (considering the controversies over the protection of agricultural products by a sui generis system associated with trade mark, in particular between 'old world' and 'new world' producers)

Week 9: - The UK in an international context (considering the place of the UK as an IP exporting nation, and the potential implications of withdrawing from the EU and relying upon the WTO system for the protection of its intellectual property rights)

## **Learning outcomes**

By the end of the module, students should be able to:

- Critically reflect upon the incorporation of the TRIPS regime in national law, and the changing position of the UK as a result of the proposed withdrawal from the European Union.

- Demonstrate understanding of the historical development of the rights categorised as 'intellectual property'
- Discuss the philosophical justifications for intellectual property, and to be able to critique their relation to the contemporary international intellectual property system
- Effectively distinguish between, and identify the criteria for the protection of copyright, patent, trademark, trade secrets and geographic indications of origin
- Conduct effective research using both secondary materials and primary sources including EU preparatory works and policy papers
- Analyse issues from an interdisciplinary perspective, taking into account political, economic and technology-based arguments over Internet regulation
- Be able to present academic opinions in both written and oral form

### **Indicative reading list**

Dutfield and Suthersanen Global Intellectual Property Law (Edward Elgar 2008)

### **Subject specific skills**

No subject specific skills defined for this module.

### **Transferable skills**

No transferable skills defined for this module.

## **Study**

### **Study time**

<b>Type</b>	<b>Required</b>
Lectures	9 sessions of 2 hours (12%)
Seminars	7 sessions of 1 hour (5%)
Private study	125 hours (83%)
Total	150 hours

### **Private study description**

No private study requirements defined for this module.

### **Costs**

No further costs have been identified for this module.

## Assessment

You do not need to pass all assessment components to pass the module.

Students can register for this module without taking any assessment.

### Assessment group A1

	<b>Weighting</b>	<b>Study time</b>
3000 word essay	100%	
Students will select one topic from a given list of titles.		

### Feedback on assessment

Students will receive summative feedback for assessed work via Tabula. Formative feedback will also be provided by way of online multiple-choice quizzes made available through the learning platform Moodle, allowing for students to test their substantive factual knowledge during the term.

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## Availability

### Courses

This module is Optional for:

- UIBA-MN34 Law and Business Four Year (Qualifying Degree)
  - Year 3 of MN34 Law and Business Studies Four Year (Qualifying Degree)
  - Year 4 of MN34 Law and Business Studies Four Year (Qualifying Degree)
- ULAA-M300 Undergraduate Law
  - Year 2 of M300 Law
  - Year 3 of M300 Law
- ULAA-M105 Undergraduate Law (3 year) (Qualifying Degree)
  - Year 2 of M105 Law (3 year) (Qualifying Degree)
  - Year 2 of M105 Law (3 year) (Qualifying Degree)
  - Year 3 of M105 Law (3 year) (Qualifying Degree)
  - Year 3 of M105 Law (3 year) (Qualifying Degree)
- ULAA-M106 Undergraduate Law (4 year) (Qualifying Degree)
  - Year 2 of M106 Law (4 year) (Qualifying Degree)
  - Year 3 of M106 Law (4 year) (Qualifying Degree)
  - Year 4 of M106 Law (4 year) (Qualifying Degree)
- ULAA-M104 Undergraduate Law (Year Abroad)
  - Year 2 of M104 Law (Year Abroad)
  - Year 4 of M104 Law (Year Abroad)
- ULAA-M108 Undergraduate Law (Year Abroad) (Qualifying Degree)

- Year 2 of M108 Law (Year Abroad) (Qualifying Degree)
- Year 2 of M108 Law (Year Abroad) (Qualifying Degree)
- Year 4 of M108 Law (Year Abroad) (Qualifying Degree)
- Year 4 of M108 Law (Year Abroad) (Qualifying Degree)
- Year 3 of UIBA-MN31 Undergraduate Law and Business Studies
- UIBA-MN32 Undergraduate Law and Business Studies
  - Year 3 of MN32 Law and Business Studies (Four-Year)
  - Year 4 of MN32 Law and Business Studies (Four-Year)
- UIBA-MN37 Undergraduate Law and Business Studies (Qualifying Degree) with Intercalated Year
  - Year 4 of MN37 Law and Business Studies (Qualifying Degree) with Intercalated Year
  - Year 5 of MN37 Law and Business Studies (Qualifying Degree) with Intercalated Year
- UIBA-MN35 Undergraduate Law and Business Studies with Intercalated Year (3+1)
  - Year 3 of MN35 Law and Business Studies with Intercalated Year (3+1)
  - Year 4 of MN35 Law and Business Studies with Intercalated Year (3+1)
- UIBA-MN36 Undergraduate Law and Business Studies with Intercalated Year (4+1)
  - Year 4 of MN36 Law and Business Studies with Intercalated Year (4+1)
  - Year 5 of MN36 Law and Business Studies with Intercalated Year (4+1)
- Year 3 of ULAA-ML33 Undergraduate Law and Sociology
- Year 2 of ULAA-M10A Undergraduate Law with French Law (Qualifying Degree)
- Year 2 of ULAA-M10C Undergraduate Law with German Law (Qualifying Degree)
- Year 3 of ULAA-M110 Undergraduate Law with Humanities (3 Year)
- ULAA-M113 Undergraduate Law with Humanities (4 Year) (Qualifying Degree)
  - Year 2 of M113 Law with Humanities (4 year) (Qualifying Degree)
  - Year 3 of M113 Law with Humanities (4 year) (Qualifying Degree)
- ULAA-M115 Undergraduate Law with Social Sciences (3 Year) (Qualifying Degree)
  - Year 2 of M115 Law with Social Sciences (3 year) (Qualifying Degree)
  - Year 2 of M115 Law with Social Sciences (3 year) (Qualifying Degree)

This module is Option list A for:

- Year 4 of ULAA-M10A Undergraduate Law with French Law (Qualifying Degree)
- Year 4 of ULAA-M10C Undergraduate Law with German Law (Qualifying Degree)
- Year 4 of ULAA-M113 Undergraduate Law with Humanities (4 Year) (Qualifying Degree)
- ULAA-M115 Undergraduate Law with Social Sciences (3 Year) (Qualifying Degree)
  - Year 3 of M115 Law with Social Sciences (3 year) (Qualifying Degree)
  - Year 3 of M115 Law with Social Sciences (3 year) (Qualifying Degree)

This module is Option list B for:

- ULAA-ML34 BA in Law and Sociology (Qualifying Degree)
  - Year 3 of ML34 Law and Sociology (Qualifying Degree)
  - Year 4 of ML34 Law and Sociology (Qualifying Degree)
- Year 5 of ULAA-ML35 BA in Law and Sociology (Qualifying Degree) (with Intercalated year)
- Year 4 of ULAA-ML33 Undergraduate Law and Sociology

This module is Option list E for:

- UPHA-V7MW Undergraduate Politics, Philosophy and Law
  - Year 2 of V7MW Politics, Philosophy and Law
  - Year 2 of V7MW Politics, Philosophy and Law