

LA3A9-15 Contemporary Issues in Intellectual Property

22/23

Department

School of Law

Level

Undergraduate Level 3

Module leader

Hyo Yoon Kang

Credit value

15

Module duration

10 weeks

Assessment

100% coursework

Study location

University of Warwick main campus, Coventry

Description

Introductory description

This module explores a range of key issues in contemporary intellectual property, which are subject to contentious and often crudely conducted debates.

Module aims

The Module identifies and questions intellectual property law's underlying justifications, conceptual assumptions and material practices through the lens of novel modes of biological, cultural and scientific production that challenge the legal regime. Questions in this regard include:

- Can nature be patented? Do patents turn human persons into 'things'?
- Who produces knowledge? Who owns access to knowledge?
- Is enforcing patents on pharmaceuticals in developing countries just?
- Does quoting or paraphrasing in literature or art amount to copying? Is creativity original?
- Is plagiarism theft? Kidnapping? Plain bad manners?
- What is the cultural and political significance of free software?
- Do trademarks commodify language?

The module will introduce students in detail to the most acute and pressing current debates in

intellectual property, such as justification for patents and their effects, copyright and piracy, logos & brands. It aims to provide students with a solid understanding of legal internal ways of thinking and arguing about intellectual property, as well as an introduction to wider theoretical resources which will encourage a differentiated and critical assessment of intellectual property law's effects and limitations. Intellectual property will furthermore be understood to comprise not only intellectual property law, but also proprietary practices and strategies that concern knowledge. Readings will be drawn from the multi-disciplinary scholarship on intellectual properties, including anthropology, history, science studies, economics and social theory.

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.

An Indicative list of topics under consideration might include:

- Can nature be patented? Do patents turn human persons into 'things'?
- Who produces knowledge? Who owns access to knowledge?
- Is enforcing patents on pharmaceuticals in developing countries just?
- Does quoting or paraphrasing in literature or art amount to copying? Is creativity original?
- Is plagiarism theft? Kidnapping? Plain bad manners?
- What is the cultural and political significance of free software?
- Do trade marks commodify language?

Learning outcomes

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

- Demonstrate systematic knowledge of contemporary issues in the various fields of intellectual property (copyright, patents, trade marks and neighbouring rights) in both the domestic and global arenas;
- Engage in informed scholarly debate over the principles and practices of intellectual property law as they arise in relation to topical issues;
- Propose creative reforms and solutions to contemporary intellectual property issues.
- Conduct comprehensive research and produce scholarly essays about contemporary issues and debates;
- Critically examine complex issues in a concentrated and detailed manner;
- Identify and critically debate the main issues at stake in the particular topic(s) being examined;
- Identify and critically evaluate the main literature and sources relevant to the subject.

Indicative reading list

A selection of indicative reading:

- M. Biagioli, P. Jaszi & M. Woodmansee (eds), *Making and Unmaking of Intellectual Property. Creative Production in Legal and Cultural Perspective* (Chicago, 2011)
- C. Hayden, *When Nature Goes Public. The Making and Unmaking of Bioprospecting in*

Mexico (Princeton, 2003)

- N. Klein, No Logo (Picador, 2000)
- C. Lury, Brands. The Logos of Global Economy (Routledge, 2004)
- B. Sherman & L. Bently, The Making of Modern Intellectual Property Law (Cambridge, 1999)
- K. Sunder Rajan, Biocapital (Duke, 2006)

Research element

Research will be done for the final assessment.

Interdisciplinary

The module will draw on different disciplines to grasp the contemporary issues of intellectual property.

International

The module will engage with transnational and international analysis of contemporary intellectual problems.

Subject specific skills

Grasp systematic knowledge of contemporary issues in the various fields of intellectual property (copyright, patents, trade marks and neighbouring rights) in both the domestic and global arenas;

Practice informed scholarly debate ;

Propose creative reforms and solutions to law reform problems;

Conduct comprehensive research and produce scholarly essays;

Critical analysis;

Critical debate;

Problem identification;

Literature Review and analysis

Transferable skills

Grasp systematic knowledge of contemporary issues in the various fields of intellectual property (copyright, patents, trade marks and neighbouring rights) in both the domestic and global arenas;

Practice informed scholarly debate ;

Propose creative reforms and solutions to law reform problems;

Conduct comprehensive research and produce scholarly essays;

Critical analysis;

Critical debate;

Problem identification;

Literature Review and analysis

Study

Study time

Type	Required
Lectures	18 sessions of 1 hour (12%)
Seminars	7 sessions of 1 hour (5%)
Private study	125 hours (83%)
Total	150 hours

Private study description

Private study.

Costs

No further costs have been identified for this module.

Assessment

You must pass all assessment components to pass the module.

Assessment group A

	Weighting	Study time
Essay	100%	

The coursework will assess the key elements of the module.

Feedback on assessment

Students will be provided with the standard Law School feedback.

Availability

Courses

This module is Optional for:

- 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 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)
- Year 3 of ULAA-M113 Undergraduate 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 4 of ULAA-ML33 Undergraduate Law and Sociology