

LA9FX-20 International Intellectual Property Law & Policy

23/24

Department

School of Law

Level

Taught Postgraduate Level

Module leader

Karen O'Neill

Credit value

20

Module duration

9 weeks

Assessment

100% coursework

Study location

University of Warwick main campus, Coventry

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 trade mark, as well as associated rights such as trade secrecy protection and protection of geographic indications of origin.

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 trade mark, 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.

Session 1 & 2 : An introduction to IP law - This session provides an introduction to theoretical aspects of IP systems with a reference to different instruments of IP (e.g. patents, trade marks, copyrights, geographical indications, etc.) and reviews theories justifying and rationalising IP protection. It considers the 'globalisation' and harmonisation of the standards of IP protection, drawing out the Uruguay Round negotiations.

Session 3: Trade marks - This part of the module will examine the use of signs or symbols in trade to indicate the origin of goods or services. It will explore fundamental issues of trade marks, namely, the subject matters, the absolute and relative grounds for refusal, trademarks infringements and defences under the UK Trade Mark Act 1994 with reference to EU/US trademark legislation.

Session 4: Geographical indications - We will look into the definition of geographical indications and what are the requirements for a sign to be registered as a geographical indication.

Session 5: Breach of confidence and trade secret. Trade secret is a recent development within IP rights. We will explore the historical development of trade secret in the UK dating back to the doctrine of breach of confidence. We will further look into the new 2016 EU Directive 2016/943 on the protection of trade secrets and compare it with the US Defend Trade Secrets Act of 2016.

Session 6: Patents - The patent system has played an important, yet controversial role in the international development, exploitation and diffusion of various technologies. This session examines the justifications for patents and considers its historical developments. It will explore substantive patent provisions in TRIPS and UK/European Law.

Session 7: Patents - This will explore the interface between the patent system and access to medicine and/ or software.

Session 8: Copyrights - This unit examines the fundamental concepts of copyrights such as the subject matters, type of works, exceptions, and infringement, drawing on UK/EU and US law. It will discuss the concept of moral rights under the UK Copyright, Designs and Patents Act 1988 in comparison with the French concept of Droit Moral.

Session 9: Copyright of digital content and in a digital environment. This will include the copyright of software, computer-generated works, and issues associated to the internet.

Learning outcomes

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

- Students will gain an in-depth knowledge of the three main intellectual property rights: patents, copyright and trademarks
- Students will familiarise themselves with growing global policy issues associated with the expanding spectrum of subject matter under intellectual property and widening scope of the rights so conferred (e.g. patents and access to medicine, trade secrets, copyrights and the internet...)

- Students will develop a comprehensive understanding of key legal concepts, principles and doctrines which justify the protection of intellectual property rights
- Students will broaden a critical understanding of the policy issues and the application of national and regional intellectual property law.
- Students will be able to identify and apply primary and secondary sources relevant to a given legal issue, and to be able to use them to reach informed and reasoned conclusions
- Students will be able to write a substantial and well-researched piece of work on specific aspects of intellectual property law

Subject specific skills

No subject specific skills defined for this module.

Transferable skills

No transferable skills defined for this module.

Study

Study time

Type	Required
Lectures	9 sessions of 2 hours (9%)
Seminars	9 sessions of 1 hour (4%)
Private study	123 hours (62%)
Assessment	50 hours (25%)
Total	200 hours

Private study description

No private study requirements defined for this module.

Costs

No further costs have been identified for this module.

Assessment

You must pass all assessment components to pass the module.

Assessment group A1

	Weighting	Study time
4000 word essay	100%	50 hours

Students should answer one out of the available listed questions.

Feedback on assessment

Feedback via Tabula

Availability

Courses

This module is Optional for:

- Year 1 of TLAA-M3PJ Postgraduate Taught Advanced Legal Studies
- Year 1 of TLAS-M3P7 Postgraduate Taught International Economic Law
- Year 1 of TLAS-M221 Postgraduate Taught LLM in International Corporate Governance and Financial Regulation

This module is Core option list B for:

- Year 1 of TLAA-M3PJ Postgraduate Taught Advanced Legal Studies
- Year 1 of TLAA-M223 Postgraduate Taught International Commercial Law
- Year 1 of TLAS-M3P7 Postgraduate Taught International Economic Law
- Year 1 of TLAS-M221 Postgraduate Taught LLM in International Corporate Governance and Financial Regulation

This module is Option list B for:

- Year 1 of TLAA-M223 Postgraduate Taught International Commercial Law