

LA9FZ-20 Intellectual Property Law in Context

23/24

Department

School of Law

Level

Taught Postgraduate Level

Module leader

Hyo Yoon Kang

Credit value

20

Module duration

10 weeks

Assessment

100% coursework

Study location

University of Warwick main campus, Coventry

Description

Introductory description

This module introduces students to a range of key contemporary issues in intellectual property, encompassing patents, copyright and trade marks. It studies intellectual property law in its historical, political, economic and cultural contexts. Students will learn about key conceptual debates in intellectual property scholarship and gain an in-depth insight into the making and practice of intellectual property law.

Module aims

This module examines some of the most pressing current issues arising from intellectual property law. Intellectual property does not only comprise intellectual property law, but all proprietary practices and strategies relating to knowledge. The module approaches the study of intellectual property law by drawing upon its historical, economic, cultural and scientific contexts and tracing their influence on the current legal framework. It will introduce students to some of the key debates in intellectual property law, for example: the relationship between patents and innovation; the effects of IP monopolies on access to medicine; copyright and notions of creativity; the relationship between trade mark and branding.

Topics that may be explored in this regard include:

- Can nature be patented? Do patents turn human persons into 'things'?
- Should products of cultural knowledge be copyrighted?
- Is enforcing patents on pharmaceuticals in developing countries just, even in times of a global pandemic?
- Does quoting or paraphrasing in literature or art amount to copying? Is creativity original?
- Should IP rights also be part of restitution of stolen cultural artefacts from museums?
- What is the role of trade mark in digital brand strategies, if at all?
- What is the value of IP - normative, commercial and financial? How is it valued?

Course contents may be subject to change to reflect the most current issues relating to intellectual property.

With a focus on the making of intellectual property law and its practices, students will acquire in-depth insight into the politics, commercial rationale, and rhetoric underlying intellectual property law. They will develop the ability to critically evaluate the current intellectual property legal framework and its resulting political, cultural, and economic implications.

Readings will be drawn from multidisciplinary intellectual property scholarship, including anthropology, history, science studies, economics, and the arts and literature, encouraging a differentiated and critical assessment of intellectual property law's effects and limitations.

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 (may be subject to change):

- TRIPS and access to medicine
- Public domain, commons, access to knowledge
- Value and valuation of intellectual property
- What is original? Aura, versions, transcripts of works.
- Is plagiarism theft? Kidnapping? Plain bad manners?
- IP issues in restitution of colonial artefacts of museums and cultural institutions
- Trade marks and brands.

Learning outcomes

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

- Demonstrate in-depth 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;
- Evaluate critically proposals for 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 and 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 and 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 4,000 word 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
Seminars	9 sessions of 3 hours (14%)
Private study	138 hours (69%)
Assessment	35 hours (18%)
Total	200 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 A1

	Weighting	Study time
4000 word essay	100%	35 hours

Students should answer one out of the available listed questions.

Feedback on assessment

Feedback via Tabula

Availability

Courses

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