

Syllabus

for course at advanced level

Industrial Property - Patents and Trade Marks
Industriellt rättsskydd - patent och varumärken

15.0 Higher Education
Credits
15.0 ECTS credits

Course code:	JU698M
Valid from:	Autumn 2015
Date of approval:	2015-02-16
Department	Department of Law
Main field:	European Intellectual Property Law
Specialisation:	A1F - Second cycle, has second-cycle course/s as entry requirements

Decision

Approved by the Education Committee (delegation) on 16 February 2015.

Prerequisites and special admittance requirements

Students must be accepted to the Master of Laws Programme in European Intellectual Property Law (60 ECTS) and have fulfilled the requirements in the course Advanced Intellectual Property Law (15 ECTS).

Course structure

Examination code	Name	Higher Education Credits
0100	Industrial Property - Patents and Trade Marks	15

Course content

This course is the second course in the Master of Laws Programme in European Intellectual Property Law. It is an elective course. The course that follows this course is the Master thesis project (30 ECTS).

The course covers European patent law and European trade mark law. Within patent law, the course focuses on central and specific parts of patenting of pharmaceuticals and biotechnical inventions on the basis of the guidelines that have been developed in Europe through the European Patent Office's Technical Boards of Appeal. Training is provided in solving complex patent law issues such as how to formulate patent claims, licensing of pharmaceutical and biotechnical patents, and determination of infringement. The system for unitary patents that has been negotiated at the European level and is expected to enter into force in 2016 is also covered. Within trade mark law, the course focuses on registration of trade marks and dispute resolution. The conditions for protection and the extent of protection of a trade mark is studied through the European Court of Justice's registration decisions and interpretations, as well as to some extent through the treatment of opposition filings by the European Office for Harmonisation in the Internal Market (Trade Marks and Designs) Boards of Appeal.

The student shall develop an increased awareness of the interplay of economic, cultural and political aspects of industrial property, and is led to a nuanced and critical view of existing rules and solutions. The relationship between patent law and trade mark law, respectively, and other public values and interests such as freedom of competition and information is therefore a topic of focus for the course. Within the course, the importance of and need for transnational solutions is highlighted - for example, the creation of new regional or international forums and regulatory frameworks - as well as alternative mechanisms for resolving disputes in the area.

With the support of teaching and group exercises, the student will carry out advanced scholarly studies of selected problems in the form of legal research, arguing for and against different solutions as well as expert synthesis supported by up-to-date research and case law.

In comparison to the introductory course, Advanced intellectual property law (15 ECTS), this course constitutes deeper and more thorough treatment of the subjects and methodologies.

Learning outcomes

After successful completion of the course, the student is expected to be able to:

- demonstrate advanced knowledge and understanding of overall principles and governance mechanisms in industrial property law, particularly patents and trade marks;
- demonstrate advanced knowledge of intellectual property law methods and other legal or social science methods that can be appropriate for deeper analysis and treatment of intellectual property law issues;
- display the ability to integrate knowledge and to analyse, assess and manage complex patent law and trade mark law circumstances and questions, including with regard to economic, political or other social aspects;
- display the ability to clearly in oral and written format report and discuss their conclusions and the knowledge and arguments that form the basis for their conclusions; and
- demonstrate the proficiency required to participate in research and development projects with particular focus on questions of patent law or trade mark law, or to work in other specialised activities concerning industrial property legal protection.

Education

Instruction comprises 10 weeks of full-time studies and consists of lectures, seminars, group instruction and moot court exercises.

The student is given particular training in how to use legal scientific methods to present, discuss and solve problems during negotiation-like situations in the area of industrial property, particularly patents or trade marks. Research in the area is important due to its effect on interpretation of the EU regulatory framework. Since industrial property rights traditionally play an important role in societal development, particularly in industrialised economies, students are also trained in critically reviewing and discussing results of current legislation and on-going negotiations of relevance within the theme of the course.

Participation in at least 80 per cent of all seminars and exercises is compulsory. In the event of special circumstances, the head of the course can grant exceptions. In this case, the student shall be responsible for completing an additional assignment.

The language of instruction is English.

Forms of examination

Examination occurs through composition of memoranda, oral argumentation and active participation in seminars and moot court exercises. When the student has completed elements in a group, the individual student's fulfilment of goals is checked through identification of that student's contribution to memoranda as well as through questions at seminars.

All course requirements must be met in order to pass the course. Course grades are determined based on a combination of the individual's performance in each of the different elements of the course: memoranda 60 per cent, oral argumentation 30 per cent, and active participation 10 per cent.

Students who initially fail the examination are given the opportunity to be assessed a second time. Students who fail the course twice from the same examiner have the right to request a different examiner for their next examination. This, however, does not apply if there are particular reasons that a different examiner cannot be appointed.

Students who have received a passing grade are not allowed to be assessed again in order to achieve a higher grade.

The grading system uses a criterion-referenced scale of seven grades with passing grades of A (Excellent), B (Very good), C (Good), D (Satisfactory), or E (Sufficient). Failing grades are Fx (Insufficient) or F (Entirely insufficient). In determining grades the relationship between written and oral presentations as well as active participation is 60:30:10.

Grading criteria will be further specified and shall be made available at the latest at the beginning of the course.

Misc

Effective date

These provisions are effective from 31 August 2015

Required reading

The reading list is established by the Education Committee. See the course website at www.jurinst.su.se for information on the required reading. The updated reading list will be available at the latest two months before the start of the course.