

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:	Spring 2021
Date of approval:	2015-02-16
Changed:	2020-08-20
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 (by delegation) on 16 February 2015. Revised by decision of the Education Committee (by delegation) on 20 August 2020.

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

Knowledge and Understanding

Upon completion of the course, students are 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.

Skills and Abilities

Upon completion of the course, students are expected to be able to:

- 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.

Judgement and Approach

Upon completion of the course, students are expected to be able to:

- 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 as well as a moot court and/or negotiation 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% of the course is mandatory. In the case of a lawful excuse, the course director may grant exemptions. In such a 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 as well as in the moot court and/or negotiation exercises. When the student has carried out some tasks in a group, the way each individual student has fulfilled the learning outcomes of the course will be assessed through identification of that student's contribution to memoranda as well as through questions at seminars. The course is examined through a written examination.

The language of examination is English.

All course learning outcomes 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%, oral argumentation 30%, and active participation 10%.

Students who receive a failing grade on a regular examination will have the opportunity to retake the examination.

A student who has failed the same examination twice is entitled to have another examiner appointed, unless there are special reasons to the contrary.

Students who have received a passing grade on an examination may not retake the examination to attain a higher grade.

The final grade in the course is set using the following seven-point scale: A (Excellent), B (Very Good), C (Good), D (Satisfactory) and E (Adequate). Failing grades are Fx (Inadequate) or F (Totally Inadequate).

The grading criteria are specified in the course description and shall be available at the latest by the start of the course.

A student with a certificate of special pedagogical support issued by Stockholm University has the right to alternative/accommodated forms of examination in accordance with the certificate.

Misc

Completed course requirements are valid for two years. This also applies to students who drop the course during the early course withdrawal period.

The course requirements in effect at the time of the student's first registration on the course may be completed within two years. After two years, the course requirements included in the most recently revised syllabus will apply.

Entry into force

These provisions will apply as of 18 January 2021.

Required reading

The course literature will be determined by the head of department. Please refer to the course website and the course description for information about the required reading. The current reading list will be made available at least two months before the course starts.