

Syllabus

for course at advanced level

Dynamic Competition Law
Dynamisk konkurrensrätt

**15.0 Higher Education
Credits**
15.0 ECTS credits

Course code:	JU442A
Valid from:	Spring 2016
Date of approval:	2015-09-03
Department	Department of Law
Subject	Law and Legal Studies
Specialisation:	A1F - Second cycle, has second-cycle course/s as entry requirements

Decision

Approved by the Education Board of the Faculty of Law 2015-09-03.

Prerequisites and special admittance requirements

The course is open to Swedish undergraduate law students with a minimum of 150 higher education credits of compulsory courses within the law programme, including the courses in civil law, criminal law, procedural law and EU law. Moreover, as an additional entry requirement, the student must have successfully passed a course of at least 7.5 ECTS in competition law, or the equivalent.

The course is also open to foreign undergraduate law students (exchange students) enrolled in the Dept. of Law at Stockholm University.

Course structure

Examination code	Name	Higher Education Credits
0100	Dynamic Competition Law	15

Course content

The course aims both to deepen and broaden the students' knowledge in European and international competition law, i.e. its economic base and material content, with a focus on topical competition law issues, while also updating the students' substantive and methodological skills. The focus is on the current state of EU competition law and the course places great importance on the current case law of the Union Courts and the European Commission. But also case law from other jurisdictions is discussed extensively. The course focuses on the interplay between competition law and intellectual property law; between competition law and Sector Specific Regulations, e.g. the special legislation for the telecommunication sector, for pharmaceuticals and the internet. Thus, the emphasis of the course will be on the high tech, pharmaceutical and other markets where the intersection between competition law, intellectual property and IT law is especially prominent. Competition law is studied from both an economic interdisciplinary as well as from a comparative perspective. Meanwhile, students are given the opportunity to broaden their knowledge in an important area of European Economic Law.

The course is an independent follow-on and complement to the course 'Competition Law'. The aim is to give students an opportunity to diversify and deepen their knowledge in material, methodological and practical issues when applying EU competition law and closely-related legislation. The course aims to prepare students

to solve such qualified legal issues as they may face while going on to work for the court, the competition authority, as a representative for a company or to conduct research. Consistent with the course's successive increase in level of difficulty, requirements will increase regarding methodological awareness and scientific accuracy, and at the same time the choice of topic for the future thesis will begin to be formulated as knowledge of method advances.

Learning outcomes

The aim of this course is to conduct a deeper examination of current issues of EU Competition Law taking into account the underlying economic principles and wider policy issues together with the teachers and practitioners in the field.

After completing the course, students should be able to:

- master a broad range of principles, theories, and various legal sources such as legislation, case law and doctrine relating to European competition law;
- analyze, evaluate and assess legal and economic arguments, methods and theories and evaluate/examine possible new legal solutions on the basis of existing legal rules and principles of law in relation to EU competition law and intellectual property law.
- apply the rules, i.e. be able with the help of adequate methodology, independently, systematically and critically, orally and in written, to articulate, systematize and present and defend their own legal analysis on the basis of existing legal rules and principles of competition law.
- plan and write a longer memo and defend it at a seminar.

Education

The course consists of a series of lectures and seminars, where students are obliged to participate actively. In addition to this, there will be field trips.

All teaching is conducted in English.

Forms of examination

Examination will be conducted by evaluating students' individual performance at mandatory seminars, by evaluating and grading students' memoranda, and, finally, will be based on the written take-home exam.

Active participation in all seminars is mandatory. Active participation means that the student should present his/her memorandum (5-10 min.), conduct a peer-to-peer opposition to a colleague's memorandum, prepare and solve hypothetical problems for the three seminars and present and participate in the discussion of the cases and problems at the seminars.

In addition to attendance and activity requirements as stated above, it is mandatory to write a memorandum. The memorandum is graded and points are given which will be taken into account in the examination and grading of the student. The grade for the course is set by taking into consideration the individual performances of the various parts of the examination. To pass the course the student is required to have met all learning outcomes for the course. Thus, the student's grades will be based on active participation in the seminars and the memorandum (50% of the final grade), and the take-home exam (50% of the final grade). The course ends with the written take-home examination. The questions are in English and should be answered in English. For the take-home exam, students are allowed to use the course literature, all material handed out during the course, their own notes made during the seminars and lectures as well as any other relevant material.

Assessment criteria for the memorandum are as follows:

- thesis and problem formulation.
- factual knowledge and insight into the subject, including insights into economic practice and theory.
- the written presentation, including the adoption and consistent use of a certain style
- material and methodology.
- analysis and argumentation including proof of independence in formulating, systematizing and presenting his or her own analysis with possible legal solutions on the basis of existing legal rules and practice.
- conclusions, sources, i.e. footnotes, and formalities.
- written English skills
- oral presentation and ability to respond to criticism in a relevant way.

The evaluation criteria for the oral interventions at the seminars are as follows:

- factual knowledge and insight into the subject, including insights into economic practice and theory.
- analysis and argumentation including proof of independence in formulating, systematizing and presenting his or her own analysis with possible legal solutions on the basis of existing legal rules and practice.
- conclusions and sources.
- the oral presentation and the ability to respond to criticism in a relevant way.

The grading criteria for the course are developed and specified in the course's study plan.

Examination is in English.

Students who fail the regular written (take-home) exam are offered a make-up (take-home) exam. Students who received a passing grade are not entitled to participate in the make-up exam. Students who fail twice by the same examiner have the right to demand a different examiner for further exams. This rule does not apply if there are specific reasons against appointing another examiner.

The ordinary (Swedish) grades are as follows: Pass with Distinction (AB), Pass but not without Distinction (BA), Pass (B) or Fail (U).

Upon request, a student has the right to receive a grade according to a seven-point grading scale. The request needs to be delivered by the student before the examination date in the manner established by the Law Department. Rating according to the seven-point grading scale replaces the Swedish grading scale. Passing grades are: A (Excellent), B (Very good), C (Good), D (Satisfactory) or E (Sufficient). Failing grades are Fx (Insufficient) or F (Wholly insufficient).

Misc

In case the student has completed all obligatory components of the course, that status is valid for two years. This also applies in the case the student de-registered from the course.

In case of material changes to the obligatory parts of the course, a student has for a period of two years the right to invoke the requirements that applied when the student in question registered for the first time for the course.

Effective

These provisions apply as of 18 January 2016.

Required reading

The reading list adopted by the Law Department. For information on literature, please see the course website. The current reading list is available at least two months before the course starts. Apart from the listed literature, individual literature studies for the drafting of an assignment is required.