

Intellectual Property Law

Module title			
Intellectual Property Law			
Module NFQ level (only if an NFQ level can be demonstrated)	Module number / reference	ECTS Value	Duration
Level 8 NFQ	LLBH - IPL	5 ECTS	One semester: 12 weeks.
Parent programme(s). Principal programme title, and embedded(s) if relevant		Stage of parent programme	Semester No.
Bachelor of Laws (Honours)		2	1 or 2
Bachelor of Laws (Honours) in Criminal Justice		2	1 or 2
Bachelor of Laws (Honours) in Commercial Law		2	1 or 2
Teaching and Learning modes	Proportion (% of Total Directed Learning)		
Classroom / Face to Face	19%		
Workplace			
Online			
Other (Identify)	81% (Independent Research and Learning)		
Entry requirements (statement of knowledge, skill and competence)			
Please see section 4.2 for full details of entry requirements.			
Maximum number of learners per instance of the module	Sixty (60)		
Average (over the duration of the module) of the contact hours¹ per week	2		
Pre-requisite module title(s) (if any)	None		
Co-requisite module title(s) (if any)	No		
Is this a capstone module? (Yes or No)	No		
Module-specific physical resources and support required per centre (or instance of the module)			
Requirements are for the lecturer to utilise a PC with Microsoft Office, Zoom and access to the internet through which an individual can gain access to the Griffith College student intranet: Moodle.			

¹ Effort while in contact with staff

Specification of the qualifications (academic, pedagogical and professional/occupational) and experience required of staff working in this module.		
Role e.g. Tutor, Mentor etc	Qualifications & experience required:	# of Staff with this profile (WTEs ²⁹)
Lecturer	Lecturers expected to hold at least a level 8 legal qualification, preferably with a professional legal qualification. It is an advantage to have completed the Certificate in Education, Learning and Development provided by Griffith College.	0.25 WTE

Analysis of required learning effort		
*Effort while in contact with staff	Minimum ratio teacher / learner	Hours
Classroom and demonstrations	1:60	24
Mentoring and small-group teaching	-	-
Other (specify)	-	-
Independent Learning		
Directed e-learning (hours)		-
Independent Learning (hours)		101
Other hours (specify)		-
Work-based learning hours of learning effort		-
Total Effort (hours)		125

Allocation of Marks					
	Continuous Assessment	Supervised Project	Proctored Practical Exam.	Proctored Written Exam	Total
Percentage Contribution				100	100%

² WTE is the whole-time equivalent number. The number 1 indicates a fulltime person fully dedicated to the programme.

⁹ .5 indicates a part-time person available to this programme half of the time.

6.4.1 Module aims and objectives

This module comprises a specialized focus on patents, copyright, trademarks and industrial designs and the principles and legislation and caselaw regulating each. In focus also will be the common law intellectual property rights of passing off and confidential information (and related caselaw).

Learners critically analyse the law from both a practical and theoretical perspective in the context of a wide range of communications and commercial activities, both traditional and online.

6.4.2 Minimum intended module learning outcomes

On successful completion of this module, learners are able to:

- (i) Apply a detailed understanding of the principles of Intellectual Property Law.
- (ii) Critique the theoretical and philosophical underpinnings of Intellectual Property Law.
- (iii) Critically discuss the principles of copyright law and industrial designs.
- (iv) Explain and critique the principles of patents and confidential information / know how.
- (v) Develop and apply a critical and detailed understanding of the principles of trademark and passing off.
- (vi) Apply enhanced legal reasoning and analytical skills in the subject area.
- (vii) Engage in detailed research in a clear manner.

6.4.3 Rationale for inclusion of the module in the programme and its contribution to the overall MIPLOs

Matters relating to intellectual property play an important role in the fields of science, technology, business and the arts and the need for expertise in intellectual property issues has increased significantly in recent decades. This is particularly the case in Ireland where so many multi-national businesses related to this area are now operating. Whereas in the past such knowledge was divided among several departments within a company or various experts within a law firm, the complexity of modern IP transactions now demands that each person involved on a project or case possess a more specialised and well-rounded knowledge of IP Law related issues. From a commercial perspective, access to specialised IP Law knowledge improves the internal processes and image of a business as well as the finished product.

This module serves to directly underpin programme learning outcomes 1, 2, 5, 6.

6.4.4 Information provided to learners about the module

The learners will have in their possession their Faculty Handbooks from their previous year. The Faculty Handbook provides general information about the faculty, its staffing, resources, and operation. Detailed programme information is supplied through Moodle, including copies of the approved module descriptors from the accredited programme (detailing related teaching, learning and assessment) along with a programme timetable. Another copy will be provided to the learners upon their request.

During the first class of the Module, learners are given a detailed outline of the Module showing the schedule of delivery and the dates when assignments are released and due for submission.

Moodle is used to provide learners with ongoing access to module related information, from the handbooks and module outlines provided in advance of the module commencement, the lecture material and links to related resources provided on a scheduled basis in line with the module delivery.

6.4.5 Module content, organisation and structure

Intellectual Property Law is a 5 ECTS credit module taught and assessed over one academic semester. The module is delivered over 12 lecture sessions of 2 hours' duration.

The Learning Outcomes for this programme have been aligned with the knowledge, skills and competencies indicated as appropriate for Level 8 on the NFQ. They have been articulated using the *Quality and Qualifications Ireland (QQI) Awards Standards for Honours Bachelor of Laws and Master of Laws (July 2014)* and for *Generic Higher Education and Training (July 2014)*.

The Module content is:

- **Copyright** ○ History of Copyright ○ Originality, *De Minimis*, Idea/Expression Dichotomy ○ Literary Copyright ○ Artistic Copyright ○ Musical Copyright ○ Dramatic Copyright ○ Duration of Copyright ○ Ownership of Copyright ○ Infringement ○ Defences to Infringement ○ Remedies
- **Patents and confidential information** ○ History of Patent ○ Novelty and Inventive Step ○ Industrial application and Non Patentability
 - Duration of Patent ○ Registration of Patent ○ Ownership of Patent ○ Infringement of Patent ○ Remedies for infringement of patents and confidential information ○ Common law rights in respect of know how and confidential information
- **Trademark and Passing Off:** ○ History of Trademark ○ Scope of Trademark ○ National and International marks ○ Absolute grounds for refusal of a mark ○ Relative grounds for refusal of a mark ○ Revocation of a patent ○ Invalidity of a patent ○ Trademark registration process ○ Infringement of trademark
 - Remedies

- **Industrial Designs**
 - History of industrial designs
 - Newness and individual character
 - Scope of industrial designs
 - National and European Union Designs
 - Unregistered European Union Designs
 - Revocation of designs
 - Infringement of designs
 - Remedies

- **Misappropriation of personality, privacy and publicity rights**
 - Connection with passing off and confidential information
 - Consideration of caselaw

6.4.6 Module teaching and learning (including formative assessment) strategy

The module uses participative lectures, which consist of tutorial-style discussions, group work sessions and exercises. The lectures are supplemented by structured on-line resources and directed reading. Formative assessment is provided in the form of interactive exercises such as directed class discussion topics which reference current affairs pertaining to Intellectual Property Law at the time of instruction. Formative assessment is also provided through tutorial-style discussions, group work and exercises. These focus on specific case law and problem-based learning requiring learners to analyse the law and apply it to practical intellectual property law disputes or issues.

Learners also engage in collaborative work in pairs or small groups to brainstorm what learning has been achieved at the end of lectures. In order to support learners through the examination process, they engage in the answering of sample examination questions and correction of their own or peer's papers, thereby familiarising themselves with the marking criteria. Learners also engage in activities where they draft their own exam questions in order to recap and consolidate a particular topic.

Learners undertaking the course via blended learning benefit from varied and additional options for engagement to compensate their reduced attendance of campus. These include webinars, screencasts (recorded lectures), discussion fora, and increased use of the College's VLE (Virtual Learning Environment), Moodle.

In addition to what has been stated, classroom assessment and benchmarking techniques are deployed to encourage learners to develop more agency in terms of their own learning including inclass presentations, group work, peer-review exercises and reflective practice. The variety of teaching, learning and assessment techniques reflect an enhanced emphasis on skills acquisition to deepen practical knowledge. Finally, the attention of learners is drawn to current industry practice and technology used in the specific area of law to add a further dimension to learning, tracking the actual practice of legal professionals.

6.4.7 Work-based learning and practice-placement

Intellectual Property Law is a class based 5 ECTS credit module and does not require work-based learning and practice placement. The Learning Outcomes are articulated using the *Quality and*

Qualifications Ireland (QQI) Awards Standards for Honours Bachelor of Laws and Master of Laws (July 2014) and for Generic Higher Education and Training (July 2014).

6.4.8 E-learning

Moodle, the College Virtual Learning Environment is used to disseminate notes, advice, and online resources to support the learners. E-learning activities include learner feedback, forums where learners contribute, formative quizzes and video links. The learners will also have access to a number of other online resources through the library such as access to databases and research tools (Westlaw.ie, Westlaw.uk, JustisOne (vLex) and Hein Online) as well as access to online copies of books published from Bloomsbury Online.

6.4.9 Module physical resource requirements

Requirements are for the lecturer to utilise a PC with Microsoft Office, Zoom and access to the internet through which an individual can gain access to the Griffith College student intranet: Moodle. There are no further software requirements for this module. In relation to Microsoft Office the lecturer will require to use PowerPoint or Word to present the information to the learners. Zoom will be required in conjunction with Microsoft Office in order to record the lectures. Zoom will also be required for the seminars through which the module will be taught (block release).

6.4.10 Reading lists and other information resources *Primary*

reading

- Bently, L. & Sherman, B. (2022) Intellectual Property Law. Oxford: OUP
- Clark R., Smyth S. & Hall, N. (2016) Intellectual Property Law in Ireland. Dublin: Bloomsbury

Secondary reading

- Caddick, N., Davies, G. & Harbottle, G. (2017) Copinger and Skone James on Copyright. London: Sweet and Maxwell
- Clark, R. (2018) Irish Copyright and Design Law. Dublin: Bloomsbury
- Cornish, W. (2019) Intellectual Property: patents, copyright, trademarks and allied rights. London: Sweet & Maxwell
- Bainbridge, D. (2018) Intellectual Property Law. Harlow: Longman
- Goldstein, P. (2016) International Intellectual Property Law: Cases and Materials. New York: FoundationPress
- Nagle, E. (2012) Intellectual Property Law. Dublin: Round Hall

e-Resources

- *Bloomsbury Professional Online*
- *JustisOne – Vlex*
- *Westlaw.ie*
- *Westlaw UK*
- *Heinonline*
- *Griffith College Library Website*

6.4.11 Specifications for module staffing requirements

Lecturers qualified to at least a Level 8 legal qualification (LLB (Honours)), preferably with a professional legal qualification and a third level teaching qualification (e.g. Certificate in Education, Learning and Development offered by Griffith College). Learners also benefit from the support of the Programme Director, Faculty Administrators, a dedicated Learning Technologist Office, the Learning Supports Office, at least one Learner Representative for each Stage, the Students' Union and a free (off campus) Counselling Service.

6.4.12 Module summative assessment strategy

The following table indicates the module's learning outcomes' alignment with the assessment used for the module:

No.	Description	MIMLOs	Weighting
1	Exam	i, ii, iii, iv, v, vi, vii	100%

Reassessment/Repeat assessment strategy: Griffith College regulations state that learners must pass all component elements of the module to be deemed to have passed the module.

- In the event of a learner failing components of / this module, they will be required to submit a new individual repeat assignment which will be made available on Moodle to learners, and which must be submitted as per faculty instructions.
- In the event of a learner failing the group assessment element of this module, a new individual repeat assignment will be made available on Moodle to learners which must be submitted as per faculty instructions.
- In the event of the learner failing the exam, learners will take the re-sit exam at the next available sitting, details of which will be made available to learners via Moodle.

6.4.13 Sample assessment materials

Please see sample assessment supplementary document.