

Module L4: International Intellectual Property Law

Stage		2					
Semester		2					
Module Title		International Intellectual Property Law					
Module Number/Reference		IIPL					
Module Status		Elective					
Module ECTS credit		10					
Module NFQ level (only if applicable)		9					
Pre-requisite Module Titles		International Trade Law					
Co-requisite Module Titles		N/A					
Is this a capstone module? (Yes or No)		No					
List of Module Teaching Personnel		Rory Flynn, David Langwallner					
Contact Hours				Non-contact Hours			Total Effort (Hours)
Lecture	Practical	Tutorial	Seminar	Assignment	Placement	Independent work	
36						164	200
Allocation of Marks (Within the Module)							
	Continuous Assessment	Project	Practical	Final Exam	Total is always 100%		
Percentage contribution	30%			70%	100%		

Intended Module Learning Outcomes

On successful completion of this module, the learner will be able to:

1. Apply advanced theoretical knowledge and in depth critical thinking to suggest credible and creative solutions to intellectual property problems
2. Synthesise and conceptualise a holistic picture of the place of Intellectual Property Law within the wider private law family
3. Demonstrate a critical awareness of current legal issues and new developments at the forefront of the intellectual property field
4. Critically analyse and evaluate in-depth international Intellectual Property Law and the philosophical, political and economic structures underpinning it
5. Communicate ideas effectively and professionally using written argument and advocacy.
6. Visualise and advocate creative and novel solutions to complex intellectual property issues and problems
7. Manage and participate constructively in complex team environments through group work on intellectual property case studies
8. Debate and question complex intellectual property ideas and concepts effectively and excellently and reach sound judgments on these

Module Objectives

This module provides a detailed overview of the principles regarding the key aspects of Intellectual Property Law: International Copyright, Patents, Design Rights, Trademark and Passing Off. Case law illustrating the application of these principles along with international treaties dealing with intellectual property will be addressed. The module seeks to enhance the learner's ability to apply theoretical aspects of the jurisprudence to real life situations through the use of case studies.

Module Aims (To provide learners with)

- the ability to solve complex Intellectual Property questions
- a political, philosophical and technical understanding of the fundamental principles of Intellectual Property Law
- a comprehension of the protection given to various works under Intellectual Property Law including secondary and neighboring rights
- a knowledge of international conventions on patents
- an understanding of the impact of the law of tort on intellectual property disputes

Module Curriculum

- o Week 1: Foundational Copyright Concepts/An Introduction to Copyright
- o Week 2: Literary and Dramatic Works in Copyright
- o Week 3: Artistic and Musical Works in Copyright
- o Week 4: Ownership and duration of copyrights
- o Week 5: Infringement of Copyright
- o Week 6: Remedies Moral Rights, Performers Rights and Artist Resale Rights.
- o Week 7: Foundational Concepts in Patent/An Introduction to Patent
- o Week 8: Ownership and duration of patent – registration of patent in International Law
- o Week 9: Infringement, defences to infringement, revocation and invalidity of patent, licensing of patent
- o Week 10: Industrial Designs: General principles and tortious principles.
- o Week 11: Understand International Conventions such as The Paris Convention, TRIPS, The Trademark Law Treaty, The Madrid Agreement and Protocol. Also comprehend the Community Trademark
- o Week 12: Comprehend infringement of trademark and remedies

Reading lists and other learning materials

Bainbridge, D., 2012. *Intellectual Property* 9th ed., Longman.

Bently, L. & Sherman, B., 2008. *Intellectual Property Law* 3rd ed., OUP Oxford.

Clark, R. & Smyth, S., 2009, *Intellectual Property in Ireland* 3rd ed., Tottel Publishing.

Cornish, W. & Llewelyn, D., 2013 (forthcoming). *Intellectual Property: Patents, Copyrights, Trademarks and Allied Rights* 6th ed., Sweet & Maxwell.

Gibbons, G., 2009, *Trademarks Law*, Oak Tree Press.

Goldstein, P., 2008. *Goldstein's International Intellectual Property Law, Cases and Materials*, 2D 2nd ed., Foundation Press.

Goldstein, P., 2001. *International Copyright: Principles, Law and Practice*, OUP USA.

Landes, W.M., 2003. *The Economic Structure of Intellectual Property Law*, Harvard University Press.

Merges, R.P. & Ginsburg, J.C., 2004. *Foundations of Intellectual Property*, Foundation Press.

Nagle, E., 2012, *Intellectual Property Law*, Roundhall.

Pugatch, M. & Perez, M., 2004. *The International Political Economy of Intellectual Property Rights*, Edward Elgar Publishing Ltd.

Triton, G., 2007, *Intellectual Property Law in Europe*, Round Hall.

Module Learning Environment

A learning environment that promotes collaborative learning will be promoted and learners will be encouraged to actively engage in all class discussions and exercises.

Module Teaching and Learning Strategy

The lecturer will give a brief presentation of the salient issues and then the learner will be expected to contribute to the discussion format. For each week a different learner will be assigned and expected to present a paper. Learners will be given a week in advance the reading for the following weeks seminar and will be expected to have researched same in detail and be prepared for class and prepared to answer and field questions. It is envisaged that there will be guest lectures by Intellectual Property Law practitioners.

Range of modes of direct contact

There will be weekly lectures which will adopt a Socratic method. Learners are expected to read in advance of each session and to participate actively. One learner is expected to lead the discussion for each individual lecture.

Total contact hours: 36 Hours

Range of other learning methods

Independent Learning and Research guided by the lecturer and supported with many resources and tools through Moodle (to include podcasts, embedded videos, RSS links and discussion forums).

Total non-contact hours: 164 Hours

Module Assessment Strategy

Assessment Methods			
Element number	Weighting	Type	Description
1	30%	Continuous Assessment	<p>5,000 words assignment</p> <p>Here, learners as part of a team will also present on intellectual property case studies to the class. The class will then provide peer review feedback.</p> <p>Learners will engage with the key issues in copyright, trademark, patent, and passing-off law, with the aim that they develop a holistic picture of Intellectual Property Law and its latest developments and broader underlying debates, and its impact on international business practices.</p>
2	70%	Exam	<p>Closed book examination: a 3 hour exam which covers the breadth of the course and requires learners to answer 3 questions out of 6, testing their ability to apply knowledge learned throughout the module.</p>

Diagnostic/ formative assessment

Formative assessment will be used to support and develop learner self-regulated learning.

Further information on assessment

Marking criteria will be distributed to learners with each assignment brief. These will be used to provide learner direction on all summative assessments.

Assessment Strategy		
Module Learning Outcome	Element 1	Element 2
1. Apply advanced theoretical knowledge and in depth critical thinking to suggest credible and creative solutions to intellectual property problems	✓	✓
2. Synthesise and conceptualise a holistic picture of the place of Intellectual Property Law within the wider private law family	✓	✓
3. Demonstrate a critical awareness of current legal issues and new developments at the forefront of the intellectual property field	✓	✓
4. Critically analyse and evaluate in-depth international Intellectual Property Law and the philosophical, political and economic structures underpinning it	✓	✓
5. Communicate ideas effectively and professionally using written argument and advocacy.	✓	✓
6. Visualise and advocate creative and novel solutions to complex Intellectual Property issues and problems	✓	✓
7. Manage and participate constructively in complex team environments through group work on Intellectual Property case studies	✓	
8. Debate and question complex Intellectual Property ideas and concepts effectively and excellently and reach sound judgments on these	✓	✓

Please see **Annex 2** for **Copy Legacy Examinations**.

Please see **Annex 9** for **Sample Assignment and Examination Marking Criteria**.