

Module 9: International Intellectual Property Law

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| Stage | 1 | | | | | |
| Semester (Semester1/Semester2 if applicable) | 2 | | | | | |
| Module Title | International Intellectual Property Law | | | | | |
| Module Number/Reference | LLM-IIPL | | | | | |
| Module Status (Mandatory/Elective) | Elective for International Commercial Law LL.M. and International Law LL.M. | | | | | |
| Module ECTS credit | 10 | | | | | |
| Module NFQ level (only if applicable) | 9 | | | | | |
| Pre-requisite Module Titles | Public International Law, Advanced Legal Research and Writing | | | | | |
| Co-requisite Module Titles | N/A | | | | | |
| Is this a capstone module? (Yes or No) | No | | | | | |
| List of Module Teaching Personnel | David Langwallner | | | | | |
| Contact Hours | | | | Non-contact Hours | | Total Effort (Hours) |
| Lecture | Practical | Tutorial | Seminar | Assignment | Placement | Independent work |
| 30 | | | | | | 170 |
| Allocation of Marks (Within the Module) | | | | | | |
| | Continuous Assessment | Project | Practical | Final Exam | Total is always 100% | |
| Percentage contribution | 50 | | | 50 | 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 factual problems
7. Manage and participate constructively in complex team environments
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 and Misappropriation of Personality and Publicity and Privacy Rights. Case law illustrating the application of these principles along with international treaties dealing with Intellectual Property is 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 neighbouring rights
- a knowledge of international conventions on Patents
- an understanding of the impact of the law of Tort on Intellectual Property disputes

Module Curriculum

- Topic 1: Foundational Copyright Concepts/An Introduction to Copyright – Originality, *De Minimis*, Idea Expression
- Topic 2: Literary and Dramatic Works in Copyright
- Topic 3: Artistic and Musical Works in Copyright
- Topic 4: Ownership and duration of Copyrights
- Topic 5: Infringement of Copyright
- Topic 6: Remedies, Moral Rights, Performers' Rights and Artist Resale Rights
- Topic 7: Foundational Concepts in Patent – Novelty, Inventive Step, Industrial application, Non-Patentable Subject Matter
- Topic 8: Ownership and duration of Patent – Registration of Patent in International Law
- Topic 9: Infringement, defences to infringement, revocation and invalidity of Patent, licensing of Patent
- Topic 10: Industrial Designs: General Principles and Tortious Principles
- Topic 11: (i) Examination of International Conventions: The Paris Convention, TRIPS, The Trademark Law Treaty, The Madrid Agreement and Protocol, (ii) the Community Trademark
- Topic 12: Infringement of Trademark and Remedies, Passing Off, Other Tortious Issues including Privacy and Publicity

Reading lists and other learning materials

Bainbridge, D., *Intellectual Property* (9th ed., Longman, 2012)
Bently, L. & Sherman, B., *Intellectual Property Law* (3rd ed., Oxford University Press, 2012)
Clark, R. & Smyth, S., *Intellectual Property in Ireland* (3rd ed., Tottel Publishing, 2009)

Cornish, W. & Llewelyn, D., *Intellectual Property: Patents, Copyrights, Trademarks and Allied Rights* (6th ed., Sweet & Maxwell, 2013)
Gibbons, G., *Trademarks Law* (Oak Tree Press, 2009)
Goldstein, P., *Goldstein's International Intellectual Property Law, Cases and Materials*, (2nd ed., Foundation Press, 2008)
Goldstein, P., *International Copyright: Principles, Law and Practice* (OUP USA, 2001)
Landes, W.M., *The Economic Structure of Intellectual Property Law* (Harvard University Press, 2003)
Merges, R.P. & Ginsburg, J.C., *Foundations of Intellectual Property* (Foundation Press, 2004)
Nagle, E., *Intellectual Property Law* (Round Hall, 2012)
Pugatch, M. & Perez, M., *The International Political Economy of Intellectual Property Rights* (Edward Elgar Publishing Ltd., 2004)
Triton, G., *Intellectual Property Law in Europe* (Round Hall, 2007)

Module Learning Environment

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

Module Teaching and Learning Strategy

The lecturer gives a brief presentation of the salient issues and then the learner is expected to contribute to the discussion format. For each week a different learner is assigned and expected to present a paper. Learners are given a week in advance the reading for the next seminar and are expected to have researched same in detail and be prepared to answer and field questions. There is a weekly guest lecture by an Intellectual Property Law practitioner.

Range of modes of direct contact

There are weekly lectures which 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: 30 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: 170 Hours

Module Assessment Strategy

| Assessment Methods | | | |
|--------------------|-----------|-----------------------|---|
| Element number | Weighting | Type | Description |
| 1 | 50 | Continuous Assessment | <p>4,000-5,000 word individual written essay.</p> <p>Oral presentation of topic to class, involving group debate and fielding questions.</p> <p>Learners 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.</p> <p>Of the 50% allocated to this CA, the written assignment is worth 40% while the oral presentation is worth 10%</p> |
| 2 | 50 | Examination | <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 is used regularly as a teaching and learning tool to help learners and lecturer ensure effective learning is taking place.

Further information on assessment

Marking criteria are distributed to learners with each assignment brief. These are used to provide learner direction on all summative assessment

| 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 factual problems | | ✓ |
| 7. Manage and participate constructively in complex team environments | ✓ | |
| 8. Debate and question complex Intellectual Property ideas and concepts effectively and excellently and reach sound judgments on these | ✓ | |

Please see **Annex 2** for Faculty Marking Criteria Guidelines and **Annex 3** for Sample Examinations and Continuous Assessment along with Marking Criteria