

JAEN44, European Design and Trademark Law, 15 credits

Europeisk mönster- och varumärkesrätt, 15 högskolepoäng

Second Cycle / Avancerad nivå

Details of approval

The syllabus was approved by Faculty of Law Board of education at undergraduate and postgraduate levels on 2015-07-17 and was last revised on 2016-02-03. The revised syllabus applies from 2016-02-03, spring semester 2016.

General Information

The course is an elective course in the Master's Programme in European Business Law at the Faculty of Law.

The course is open to students on the programme leading to a Swedish Professional Law degree and who follow the Master's Programme in European Business Law in their studies at advanced level. The course is also open to student on the programme leading to a Swedish Professional Law degree, and to international students participating in exchange programmes with the Faculty of Law.

Language of instruction: English

Lectures and course materials are in English.

Main field of studies

European Business Law

Depth of study relative to the degree requirements

A1F, Second cycle, has second-cycle course/s as entry requirements

Learning outcomes

Knowledge and understanding

To pass examination the student shall be able to:

- show an in-depth understanding of European design and trademark law
- show a fundamental understanding on how the design and trademark system is influenced by international initiatives
- show a fundamental knowledge on how product appearances can be protected under copyright and unfair competition

- show a fundamental understanding on how intellectual property law and competition law interacts
- show a fundamental understanding on the relation between intellectual property law and human rights
- identify problems within the area of design and trademark law and be able to explain and present solutions to the problems identified
- show knowledge about the evolving case law of both the European Court of Justice and the General Court
- show knowledge about the administrative procedure as to registration and revocation of Community designs and trademarks.

Competence and skills

To pass the examination the student shall be able to:

- show the capability to master a wide range of diverse sources related to design and trademark law
- show a critical understanding of the corresponding case law
- show the ability to independently, critically and creatively identify legal problems and their solutions, to systematize arguments, and to analyze, compare and assess theoretical and practical problems within the field of design and trademark law
- show ability to uncover similarities and diversities between the different European legal systems within the field of design and trademark law
- show sound knowledge of legal analysis and argumentation skills, assessed both in oral and written form
- show the ability to work both individually and in smaller and larger groups.

Judgement and approach

To pass examination the student shall be able to:

- show the ability to work inter-disciplinary with colleagues from different cultural backgrounds and of the opposite gender
- consider and discuss social, economical and ethical responsibilities within a design and trademark law context and make personal judgments based on these reflections
- show the ability of conducting independent investigation and take full responsibility for the development of their own knowledge in an objective, but critical manner.

Course content

Designs and trademarks may be regarded as a crucial ingredient in today's commercial language. Designs are decisive for commercial actors in order for their products to attract interest among potential consumers and consumers are increasingly attaching importance to design. Trademarks are important as communicators of commercial information in the market and they inevitably play a role in guaranteeing the validity of commercial messages. This is important for consumers as well as proprietors. As a consequence it is problematic when design and trademark rights are infringed and when the value that they represent gets blurred or tarnished. Simultaneously it is of crucial importance that the general public are allowed to have opinions in relation to trademarks and design. It is also important, for the benefit of efficient competition, that there is room for fair use of designs and trademarks, without risking infringement actions. The different interests in the field of design and trademark law are balanced by a framework of regulations and the aim of

this course is to study this framework.

During the course design and trademark law will be studied from a European perspective. The aim of the course is that the students shall obtain in depth understanding of European design and trademark law, with a particular emphasis on international aspects. Design and trademark law will be studied both in relation to the formation of rights, national rights as well as community rights and in relation to infringement of rights including remedies in cases of infringements.

Course design

Teaching is structured in lectures and tutorials, where each student's active participation is required. The tutorials will train the skills learned in the lectures through interactive group work, where students are expected to critically master the main concepts, the case law, and to show legal analytical skills.

Assessment

Students will be required to actively participate during 6 tutorials (each 10% of the final grade of the course). Another part of the examination is a written paper at the end of the course (40% of the grade).

Students obtain knowledge and competences as above by individual studies of the course material, and by taking active part of lectures and tutorials.

Active class participation has an impact on the result of the final mark in borderline cases.

Subcourses that are part of this course can be found in an appendix at the end of this document.

Grades

Marking scale: Fail, Pass, Pass with credit, Pass with distinction.

All grading criteria rest on the baseline set up for the grade B. Criteria for the grade BA are additional to those for the grade B. Criteria for the grade AB are additional to those for the grade BA. Each grade criterion consists of a qualitative and a quantitative dimension. To be awarded a specific grade, the grade criterion must be satisfied in its qualitative as well as its quantitative dimension.

Grading criteria are applied to all dimensions listed as "Learning outcomes" in this syllabus. By way of example, an AB would presuppose that the student's examination reflect her or his mastery with regard to knowledge and understanding, skills and abilities and values and attitudes as laid down in the syllabus as "learning outcomes". Grading is done primarily using Qualitative and Quantitative criteria. The Quantitative criterion reflects how well read the student is whereas the Qualitative criterion reflects how well the student can use his/her knowledge to make a well structured critical and analytical argument and put it in a proper context.

B – Basic command

In order to pass the student must show sound knowledge about European design and trademark law. This includes having sound knowledge of the interactions between trade mark and design law and competition law and trade mark and design law and

human rights

The student must be able to demonstrate basic knowledge about current European design and trademark law research and methodology as well as about the role of international organizations in International design and trademark law.

The student has to show ability to put European design and trademark law in its proper legal framework, regionally as well as internationally, show an ability to identify legal problems independently, critically, creatively and be able to systematize arguments, as well as analyze, compare and assess theoretical and practical problems within the context of European design and trademark law.

The student must show a fair ability to analyze case law concerning European design and trademark law, both in an oral and a written form and an ability to work both individually and in groups.

BA – Advanced command

In order to achieve this grade the student must show an in-depth knowledge above average about European design and trademark law. This includes having sound knowledge of the interactions between trade mark and design law and competition law and trade mark and design law and human rights

The student must be able to demonstrate good knowledge about current European design and trademark law research and methodology as well as about the role of international organizations in International design and trademark law.

The student has to show good ability to put European design and trademark law in its proper legal framework, regionally as well as internationally, show an ability to identify legal problems independently, critically, creatively and be able to systematize arguments, as well as analyze, compare and assess theoretical and practical problems within the context of European design and trademark law.

The student must show a good ability to analyze case law concerning European design and trademark law, both in an oral and a written form and an ability to work both individually and in groups.

AB – Mastery

In order to achieve the highest grade the student must show outstanding in-depth knowledge about European design and trademark law. This includes having sound knowledge of the interactions between trade mark and design law and competition law and trade mark and design law and human rights

The student must be able to demonstrate an excellent knowledge about current European design and trademark law research and methodology as well as about the role of international organizations in International design and trademark law.

The student has to show excellent command of ability to put European trademark law in its proper legal framework, regionally as well as internationally, show an ability to identify legal problems independently, critically, creatively and be able to systematize arguments, as well as analyze, compare and assess theoretical and practical problems within the context of European design and trademark law.

The student must show a very good ability to analyze case law concerning European design and trademark law, both in an oral and a written form and an ability to work both individually and in groups.

Entry requirements

Passed examination in courses corresponding to the first term of the Master's programme in European Business Law equivalent to 30 credits.

For students studying for the Swedish professional degree Master of Laws: prerequisites stated in the curriculum for the law study programme.

Further information

The course is scheduled to require 10 weeks of full-time studies.

The University views plagiarism as a very serious academic offence, and will take disciplinary actions against students for any kind of attempted malpractice in connection with examinations and assessments. The penalty that may be imposed for this, and other unfair practice in examinations or assessments, includes suspension from the University.

Subcourses in JAEN44, European Design and Trademark Law

Applies from V15

1501 European Design and Trademark Law, 15,0 hp
Grading scale: Fail, Pass, Pass with credit, Pass with distinction