



LUND
UNIVERSITY

Faculty of Law

JAEN63, European Trademark, Design and Copyright Law, 15 credits

Europeisk varumärkes-, mönster- och upphovsrättslagstiftning, 15 högskolepoäng

Second Cycle / Avancerad nivå

Details of approval

The syllabus is an old version, approved by Faculty of Law Board of education at undergraduate and postgraduate levels on 2018-05-23 and was last revised on 2020-10-20. The revised syllabus applied from 2020-10-20, autumn semester 2020.

General Information

The course European Trademark, Design and Copyright Law 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.

Language of instruction: English

Main field of studies

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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 trademark, design and copyright law
- show a fundamental understanding on how the trademark, design and copyright law in EU is influenced by international initiatives
- show a fundamental understanding on how intellectual property law and competition law interact

- show a fundamental understanding on the relation between intellectual property law and human rights
- identify problems within the area of trademark, design and copyright 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 EU trademarks and Community designs.

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 trademark, design and copyright 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 fields of trademark, design and copyright law
- show ability to uncover similarities and diversities between the different European legal systems within the field of trademark, design and copyright 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 inter-disciplinary work with colleagues from different cultural backgrounds and of the opposite gender
- consider and discuss social, economical and ethical responsibilities within a trademark, design and copyright 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

Trademarks, designs and copyright may be regarded as crucial ingredients 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. Copyright is the basis of the most profitable creative industries such as movie, software production, book publishing and others. Moreover with seemingly all-encompassing digitalization other businesses in other branches are realizing the importance of proper management of their copyright protected Resources.

These intellectual property tools are important for consumers as well as proprietors. As a consequence it is problematic when design, copyright 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 is allowed to have opinions in relation to trademarks, copyright and design. It is also important, for the

benefit of efficient competition, that there is room for fair use, without risking infringement actions. The different interests in the field of design, copyright and trademark law are balanced by a framework of regulations and the aim of this course is to study this framework.

During the course trademark, design and copyright law will be studied from a European perspective. The aim of the course is that the students shall obtain in depth understanding of European trademark, design and copyright law, with a particular emphasis on international aspects. These fields of 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, some of which are assigned as compulsory, and compulsory seminars, where each student's active participation is required. The seminars will train the skills learned in the lectures through interactive group work, where students are expected to critically master the main concepts and legislation in European trademark, design and copyright law as well as the case law, and to show legal analytical skills.

Assessment

Students will be required to actively participate in 6 seminars (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). Attendance at the compulsory lectures is required but it will not constitute a part of the final grade. If a student misses a compulsory lecture or seminar, there is a possibility to compensate with a written assignment.

The examiner, in consultation with Disability Support Services, may deviate from the regular form of examination in order to provide a permanently disabled student with a form of examination equivalent to that of a student without a disability.

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.

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 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 – Pass

In order to pass the student must show sound knowledge about European trademark,

design and copyright law. This includes having sound knowledge of the interactions between the three areas of intellectual property law and competition law as well as human rights.

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

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

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

BA – Pass with credit

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

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

The student has to show good ability to put European trademark, design and copyright law in its proper legal framework, regionally as well as internationally, show an ability to identify legal problems independently, critically and creatively and be able to systematize arguments, as well as analyze, compare and assess theoretical and practical problems within the context of European trademark, design and copyright law. The student must show a good ability to analyze case law concerning European trademark, design and copyright law, both in an oral and a written form and an ability to work both individually and in groups.

AB – Pass with distinction

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

The student must be able to demonstrate an excellent knowledge about current European trademark, design and copyright law research and methodology as well as about the role of international organizations in international trademark, design and copyright law. The student has to show excellent ability to put European trademark, design and copyright law in its proper legal framework, regionally as well as internationally, show an ability to identify legal problems independently, critically and creatively, and be able to systematize arguments, as well as to analyze, compare and assess theoretical and practical problems within the context of European trademark, design and copyright law.

The student must show a very good ability to analyze case law concerning European

trademark, design and copyright 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 on the Professional Law Degree Programme the entry requirements for semesters 7 and 8 are outlined in the Programme syllabus (utbildningsplanen).

Further information

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 JAEN63, European Trademark, Design and Copyright Law

Applies from H18

1801 European Trademark, Design and Copyright Law, 15,0 hp
Grading scale: Fail, Pass, Pass with credit, Pass with distinction