



ACADEMIC SERVICES

MODULE SPECIFICATION

Part 1: Basic Data					
Module Title	Intellectual Property and Competition Law				
Module Code	UJXTR5-10-M	Level	M	Version	3
UWE Credit Rating	10	ECTS Credit Rating	5	WBL module?	No
Owning Faculty	Business and Law	Field	Law Non-Modular		
Department	Law: BILP	Module Type	Professional Practice		
Contributes towards	Post Graduate Diploma in Legal Practice Masters in Advanced Legal Practice				
Pre-requisites	None	Co- requisites	None		
Excluded Combinations	None	Module Entry requirements	N/A		
First CAP Approval Date	2008	Valid from	2008		
Revision CAP Approval Date	1 June 2016	Revised with effect from	September 2016		

Part 2: Learning and Teaching	
Learning Outcomes	<p>By the end of this elective, a student should be able to:</p> <ul style="list-style-type: none"> <li>• Advise a client on the practical and legal issues relevant to the protection of an invention.</li> <li>• Understand Patent Law and how certain aspects of it work in practice.</li> <li>• Advise a client on the practical and legal issues relevant to the protection of aesthetic/artistic creations.</li> <li>• Demonstrate a familiarity with Copyright and Design Law in the UK.</li> <li>• Understand how to protect brands and reputations of commercial undertakings by the registration of Trade Marks and the law of Passing Off.</li> <li>• Advise a client in relation to an infringement action involving a registered Trade Mark.</li> <li>• Review a Trade Mark licence and advise a client on its key terms and on any alterations to be made to it to protect the client's position.</li> <li>• Prepare a statement of opposition to the registration of a Trade Mark.</li> <li>• Demonstrate an understanding of IP litigation tactics and possible defences to IP infringement claims.</li> <li>• Research different aspects of Intellectual Property law on relevant websites and locate relevant information.</li> <li>• Consider European routes to protection of IP Rights.</li> <li>• Advise a client on the application of and consequences of being in breach of Articles 81 and 82 of the Treaty of Rome.</li> <li>• Understand the provisions and application of the European Merger Control</li> </ul>

	<p>regime.</p> <ul style="list-style-type: none"> <li>• Advise a client on the application of and consequences of being in breach of Chapters I and II of the Competition Act 1998.</li> <li>• Advise a client on the application of the UK Merger Control regime and its interrelation with the European Merger Control regime.</li> </ul>
Syllabus Outline	<p><b>Syllabus Outline</b></p> <p>Introduction to intellectual property law and competition law.</p> <p>Protection of inventions: Patents and confidential information, infringement and enforcement, criteria for application for a Patent, criteria involved to claim protection of confidential information. Introduction to IP/EU law overlap by looking at protection of Patentable inventions in a European context.</p> <p>Protection of aesthetic/artistic creations: Copyright and Design Rights, infringement and enforcement, criteria required to claim Copyright and consideration of criteria for registered and unregistered Design Rights. Consideration of EU Design Law regime.</p> <p>Protection of brands and reputations of commercial undertakings: Trade Marks and passing off, infringement and enforcement, criteria for Trade Mark and criteria for protection of passing off law. Consideration of a Trade Mark licence agreement.</p> <p>European competition law: consideration of Articles 81 and 82 and of the European merger control regime, penalties for breach, methods of avoiding or minimizing being in breach. Consideration of how to use competition law to help clients.</p> <p>UK competition law: Chapters I and II of the Competition Act 1998, including cartels, examination of the merger control regime under the Enterprise Act 2002. Consideration of the interrelation of UK competition law with European law.</p> <p>Revision workshop to consolidate the above topics.</p> <hr/> <p><b>Statement of Outcomes</b></p> <p>The LPC outcomes and the vocational elective outcomes will be met by the students undertaking the type and range of tasks identified in the indicative teaching scheme set out below this statement.</p> <p>The elements of law and practice to be covered on the elective are primarily identified in the syllabus set out above as expanded upon in this statement and in the indicative teaching scheme set out below.</p> <p>Ethical and professional conduct issues will pervade the teaching of this elective. In particular but without prejudice to the generality of this statement, students will consider conflicts of interest and confidentiality and disclosure.</p> <p>The course skills which will pervade this elective as identified in the indicative teaching scheme set out below are practical legal research, writing, drafting and oral presentation in a non-contentious setting.</p> <p>This elective will develop knowledge and understanding specifically acquired in stage 1 of the LPC in Business Law and Practice, professional conduct and the course skills as identified in the indicative teaching scheme.</p> <hr/> <p><b>Indicative Teaching Scheme</b></p> <p>Study Unit 1: Patents and Confidential Information</p>

	<p>Study Unit 2: Copyright and Designs</p> <p>Study Unit 3: Trade Marks and Passing Off</p> <p>Study Unit 4: European Competition Law</p> <p>Study Unit 5: UK Competition Law</p> <p>Study Unit 6: Intellectual Property and EU Competition Law</p> <p>Study Unit 7: Revision</p> <p>Self Study Unit IP Litigation Practice and Procedure</p>
Contact Hours	<p>Each Study Unit involves the student undertaking 11.5 Notional Learning Hours, of which (with the exception of the Self Study unit) 2.5 hours will be a Small Group Sessions</p>
Teaching and Learning Methods	<p>Self-study preparation and research in order to acquire knowledge and understanding;</p> <p>Large group sessions in order to consolidate and develop knowledge and understanding;</p> <p>A mixture of individual and group work centred on problem-based learning, involving management of information, analysis of complex facts and application of knowledge;</p> <p>Role play and oral presentations to demonstrate understanding and effective communication of complex areas of law applied to detailed factual scenarios;</p> <p>Preparation of written communications (primarily in the form of office memoranda and letters of advice to clients) to demonstrate understanding and effective communication of complex areas of law applied to detailed factual scenarios;</p> <p>Drafting and amending of legal documents, often involving the use of precedents, to demonstrate synthesis and application of knowledge, and the ability to reach autonomous, competent decisions;</p> <p>Reviews of topics in the form of both large group sessions (where ideas can be pooled and debated) and critical self-evaluation.</p> <p>The teaching and learning strategy pervading all modules on the Legal Practice Course is a student-centred approach through the provision of a stimulating educational environment.</p> <p>Face to face teaching and learning in a workshop environment is at the heart of the Teaching &amp; Learning strategy, for students to participate fully in challenging activities, undertaking a wide variety of exercises as individuals and in groups. Full participation is encouraged and expected. Students are encouraged to ask questions during the workshops and to take responsibility for their own learning. Feedback will be given on these exercises both by students and tutors.</p> <p>Outside of the workshop students are required to take responsibility for their own learning undertaking a variety of preparatory tasks. These may be undertaken by students either as individuals or working in office groups, including include provision of</p>

	<p>information using recorded lectures, reading from course manuals and from practitioner texts, reading and research from primary source material, completion of electronic tests, preparing documents or presentations and attending large group sessions.</p> <p>The final component of each Study Unit will be a consolidation task or tasks designed to broaden and deepen students' understanding of an aspect or aspects of work covered in the relevant Study Unit</p>
Reading Strategy	Students will undertake reading from the course manual, practitioner texts, and primary source material,
Indicative Reading List	Bamford, Embley & Hancock Commercial and Intellectual Property Law and Practice (CLP)

### Part 3: Assessment

Assessment Strategy	<p>The Assessment Strategy pervading all modules on the LPC is rigorous in its approach to ensure the credibility of the course to ensure that</p> <ul style="list-style-type: none"> <li>• Assessment arrangements will be robust, consistent, fair and secure, to ensure that academic standards will meet the threshold set by the SRA</li> <li>• Assessments will revolve around transactions of the type encountered in practice</li> <li>• Assessments will address depth and realism as well as coverage</li> <li>• Individual assessments cover a representative and robust selection of the relevant outcomes. Where an assessment does not include coverage of all of the outcomes for a particular subject, students will nevertheless be prepared to be assessed on all outcomes and will not be informed of what (or will not) be assessed in any particular assessment.</li> <li>• Student achievement will be measured appropriately in accordance with the LPC outcomes.</li> <li>• All diligent students have an opportunity to achieve and demonstrate the LPC learning outcomes.</li> <li>• The needs of disabled students will be taken into account ensuring equal accessibility of assessments to all students.</li> </ul>
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% weighting between components A and B	<b>A:</b>	<b>B:</b>
	100%	
<b>First Sit</b>		
<b>Component A</b> (controlled conditions) <b>Description of each element</b>	<b>Element weighting (as % of component)</b>	
3 hour Open Book assessment comprising 25% MCQ/SAQ and 75% Long Form Questions with a pass mark of 50%	100%	
<b>Component B</b> <b>Description of each element</b>	<b>Element weighting (as % of component)</b>	
n/a		

<b>First Resit (further attendance at taught classes is not required)</b>	
<b>Component A (controlled conditions)</b> <b>Description of each element</b>	<b>Element weighting (as % of component)</b>
3 hour Open Book assessment comprising 25% MCQ/SAQ and 75% Long Form Questions with a pass mark of 50%	100%
<b>Component B</b> <b>Description of each element</b>	<b>Element weighting (as % of component)</b>
n/a	

<b>Second Resit (further attendance at taught classes is not required)</b>	
<b>Component A (controlled conditions)</b> <b>Description of each element</b>	<b>Element weighting (as % of component)</b>
3 hour Open Book assessment comprising 25% MCQ/SAQ and 75% Long Form Questions with a pass mark of 50%	100%
<b>Component B</b> <b>Description of each element</b>	<b>Element weighting (as % of component)</b>
n/a	