



Module Specification

Intellectual Property and Competition Law

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Part 1: Information

Module title: Intellectual Property and Competition Law

Module code: UJXTR5-10-M

Level: Level 7

For implementation from: 2021-22

UWE credit rating: 10

ECTS credit rating: 5

Faculty: Faculty of Business & Law

Department: FBL Dept of Law

Partner institutions: None

Delivery locations: Frenchay Campus

Field: Law - non modular

Module type: Standard

Pre-requisites: None

Excluded combinations: None

Co-requisites: None

Continuing professional development: No

Professional, statutory or regulatory body requirements: None

Part 2: Description

Overview: Not applicable

Features: Not applicable

Educational aims: 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.

The elements of law and practice to be covered on the elective are primarily identified in the syllabus set out below as expanded upon in this statement and in the indicative teaching scheme.

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.

The course skills which will pervade this elective as identified in the indicative teaching scheme are practical legal research, writing, drafting and oral presentation in a non-contentious setting.

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.

Outline syllabus: The syllabus includes:

Introduction to intellectual property law and competition law.

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.

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.

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.

European competition law: consideration of Articles 81 and 82 and of the European merger control regime, penalties for breach, methods of avoiding or minimising being in breach. Consideration of how to use competition law to help clients.

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.

Revision workshop to consolidate the above topics.

Indicative Teaching Scheme:

Study Unit 1: Patents and Confidential Information

Study Unit 2: Copyright and Designs

Study Unit 3: Trade Marks and Passing Off

Study Unit 4: European Competition Law

Study Unit 5: UK Competition Law

Study Unit 6: Intellectual Property and EU Competition Law

Study Unit 7: Revision

Self Study Unit: IP Litigation Practice and Procedure

Part 3: Teaching and learning methods

Teaching and learning methods: Self-study preparation and research in order to acquire knowledge and understanding;

Large group sessions in order to consolidate and develop knowledge and understanding;

A mixture of individual and group work centred on problem-based learning, involving management of information, analysis of complex facts and application of knowledge;

Role play and oral presentations to demonstrate understanding and effective

communication of complex areas of law applied to detailed factual scenarios;

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;

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;

Reviews of topics in the form of both large group sessions (where ideas can be pooled and debated) and critical self-evaluation.

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.

Face to face teaching and learning in a workshop environment is at the heart of the Teaching and 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.

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 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.

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.

Each Study Unit involves the student undertaking 11.5 Notional learning Hours, of which (with the exception of the Foundation Work) 2.5 hours will be a Small Group Session.

Module Learning outcomes: On successful completion of this module students will achieve the following learning outcomes.

MO1 Advise a client on the practical and legal issues relevant to the protection of an invention.

MO2 Understand Patent Law and how certain aspects of it work in practice

MO3 Advise a client on the practical and legal issues relevant to the protection of aesthetic/artistic creations

MO4 Demonstrate a familiarity with Copyright and Design Law in the UK

MO5 Understand how to protect brands and reputations of commercial undertakings by the registration of Trade Marks and the law of Passing Off

MO6 Advise a client in relation to an infringement action involving a registered Trade Mark

MO7 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

MO8 Prepare a statement of opposition to the registration of a Trade Mark

MO9 Demonstrate an understanding of IP litigation tactics and possible defences to IP infringement claims

MO10 Research different aspects of Intellectual Property law on relevant websites and locate relevant information

MO11 Consider European routes to protection of IP Rights

MO12 Advise a client on the application of and consequences of being in breach of Articles 81 and 82 of the Treaty of Rome

MO13 Understand the provisions and application of the European Merger Control regime

MO14 Advise a client on the application of and consequences of being in breach of Chapters I and II of the Competition Act 1998

MO15 Advise a client on the application of the UK Merger Control regime and its interrelation with the European Merger Control regime

Hours to be allocated: 100

Contact hours:

Independent study/self-guided study = 85 hours

Face-to-face learning = 15 hours

Total = 100

Reading list: The reading list for this module can be accessed at [readinglists.uwe.ac.uk](https://uwe.rl.talis.com/modules/ujxtr5-10-m.html) via the following link <https://uwe.rl.talis.com/modules/ujxtr5-10-m.html>

Part 4: Assessment

Assessment strategy: This module is assessed by examination comprising 25% MCQ/SAQ and 75% Long Form Questions with a pass mark of 50%.

The Assessment Strategy pervading all modules on the LPC is rigorous in its approach to ensure the credibility of the course to ensure that:

Assessment arrangements will be robust, consistent, fair and secure, to ensure that academic standards will meet the threshold set by the SRA.

Assessments will revolve around transactions of the type encountered in practice.

Assessments will address depth and realism as well as coverage.

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.

Student achievement will be measured appropriately in accordance with the LPC outcomes.

All diligent students have an opportunity to achieve and demonstrate the LPC learning outcomes.

The needs of disabled students will be taken into account ensuring equal accessibility of assessments to all students.

Assessment components:

Examination - Component A (First Sit)

Description: Examination

Weighting: 100 %

Final assessment: Yes

Group work: No

Learning outcomes tested: MO1, MO10, MO11, MO12, MO13, MO14, MO15, MO2, MO3, MO4, MO5, MO6, MO7, MO8, MO9

Examination - Component A (Resit)

Description: Examination

Weighting: 100 %

Final assessment: Yes

Group work: No

Learning outcomes tested:

Examination - Component A (Resit)

Description: Examination

Weighting: 100 %

Final assessment: Yes

Group work: No

Learning outcomes tested:

Part 5: Contributes towards

This module contributes towards the following programmes of study:

Advanced Legal Practice [Sep][PT][Frenchay][2yrs] LLM 2021-22

Advanced Legal Practice [Jan][PT][Frenchay][2yrs] - Not Running LLM 2021-22

Advanced Legal Practice [Sep][FT][Frenchay][1yr] LLM 2021-22

Advanced Legal Practice [Aug][PT][Frenchay][2yrs] - Not Running LLM 2021-22