



University of the
West of England

BRISTOL

MODULE SPECIFICATION

Code: UJUTKB-30-3 **Title:** Intellectual Property Law **Version:** 4
Level: 3 **UWE credit rating:** 30 **ECTS credit rating:** 15
Module type: Standard
Owning Faculty: Business and Law **Field:** Law Undergraduate
Faculty Committee approval: QMAC **Date:** July 2011
Valid from: September 2010 **Discontinued from:**
(Revised September 2011)

Contributes towards:

LLB; LLB. (Commercial Law); LL.B. (European and International Law); LLB (Law with Criminology); BA (Joint Awards); BA (Law and Criminology); BA (Criminology with Law)

Pre-requisites: 200 credits acceptable to the Law award on which the student is registered

Co-requisites: None

Excluded combinations: None

Aim of module

- To provide an understanding of the concepts of ownership, use and infringement of the various intellectual property rights.
- To develop a student's ability to interpret and use a variety of legal sources applicable to Intellectual Property Law.
- To develop an understanding of the legal and non-legal principals affecting Intellectual Property Law and ability to apply these principles to factual situations.
- To ensure that students appreciate and can evaluate critically the socio-economic and business context in which these principles were and are being developed, as well as the role and influence of European Union Law in the harmonisation of Intellectual Property Laws

Learning outcomes: The module will provide students with the opportunity to study in depth and in context certain areas of Intellectual Property Law. This links into the Quality Assurance Agency ("QAA") benchmark skills for law 2007 (Section 1, 6.1). More particularly students will be provided with opportunities to develop and demonstrate the following skills:

1. Application and problem-solving (based on QAA benchmark skills for law 2007 - Section 1, 6.2):
 - application of her or his knowledge to a situation of limited complexity in order to provide arguable conclusions for concrete problems
This skill will be tested in all Assessment Components
2. Sources and research (based on QAA benchmark skills for law 2007 - Section 1, 6.3):
 - to identify accurately the issue(s) which require researching;
 - to identify and retrieve up-to-date legal information, using paper and electronic sources;
 - to use primary and secondary legal sources relevant to the topic under study.
These skills will be tested in all Assessment Components, particularly tested in assessment Component B
3. Analysis, synthesis, critical judgment and evaluation (based on QAA benchmark skills for law 2007 - Section 1, 7.1):
 - to recognise and rank information and issues in terms of relevance and importance;
 - to bring together information and materials from a variety of different sources;
 - to produce a synthesis of relevant doctrinal and policy issues in relation to a topic;
 - to make a critical judgement of the merits of particular arguments;

- to present and make a reasoned choice between alternative solutions.
These skills will be tested in all Assessment Components
- 4. Autonomy and ability to learn (based on QAA benchmark skills for law 2007 - Section 1, 7.2):
 - to act independently in planning and undertaking tasks in areas of law previously studied (tested in all Assessment Components);
 - to reflect on his or her own learning (tested in Assessment Component B)
- 5. Communication and literacy (based on QAA benchmark skills for law 2007 - Section 1, 8.1)
 - to understand and use the English language proficiently in relation to legal matters;
 - to present knowledge or an argument in a way which is comprehensible to others;
 - to read and discuss legal materials which are written in technical and complex language.
 These skills will be tested in all Assessment Components
- 6. Other key skills: numeracy, information technology and teamwork (based on QAA benchmark skills for law 2007 - Section 1, 8.2)
 - to produce word-processed coursework (Assessed Component B)
 - to use some electronic information retrieval systems (research and reflection for Assessed Component B)
 - to work in a group as a participant who contributes effectively to the group's tasks (potential source of reflection for Assessed Component B)

Syllabus outline:

Patent Law

Introduction:	Intended function of a patent system, justifications.
International Context:	Patent Treaty Convention 1970, European Patent Convention, harmonisation of laws and the Patents Act 1977, TRIPS 1994, European Patent Convention 2000 and the Patents Act 2004.
Patentability:	Novelty, inventive step, industrial applicability, exceptions.
Inventorship/application:	Proof of ownership, rights of employee inventors.
Procedure:	Examination, role of the specification.
Infringement:	Scope of claims, purposive construction, the Protocol on the Interpretation of Art.69 EPC, injunctions and damages.
Use of rights:	Assignments, licences, impact of EU law (free movement of goods, parallel imports and anti-competitive practices).

Copyright & Related Rights

Introduction:	The nature, function and use of copyright protection, justifications.
Subsistence:	Different types of "work", requirement of originality, periods of protection, moral rights and rights in performances, the impact of harmonisation within the EU and its effect on UK law, databases.
Ownership:	Ownership, assignment and licensing, the role of the collecting societies.
Infringement:	Infringement, copying and derivation, primary and secondary infringement, remedies and defences.
Designs:	Registered and unregistered designs, the design right, effect of EU law.

Trade Marks

Introduction:	Nature, function and use of trade marks, Community Trade Mark Regulation, Protocol to the Madrid Agreement, harmonisation of trade marks law in the European Union, justifications.
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Registration:	Signs which can constitute trade marks and the capacity to distinguish, absolute and relative grounds for refusal, opposition to registration, procedure, loss and maintenance of registration.
Infringement:	Effect of registration, infringement, defences and remedies.
Unregistered Marks:	Tort of passing off, protection of well-known marks.
Use of trade marks:	Assignment, licensing, character merchandising.

Breach of Confidence

Introduction:	Nature, function and use of breach of confidence.
Substance:	Subject matter capable of protection, confidential obligation, unauthorised use.
Developments:	Revision of the three requirements by case law, impact of the Human Rights Act 1998 and the European Convention on Human Rights 1950, right of privacy.

Teaching and learning methods:

The module will be delivered by way of weekly lectures and fortnightly workshops.

Workshops are discussion centred and focused on specific topics that are covered in a general way in the lectures (with questions based on past and/or standard examination questions). Peer evaluation is employed to enhance research, reflection and discussion.

All materials relevant to the course, including relevant Intellectual Property Law website links, will be published online on Blackboard.

With respect to the general administration of the module, the major (but not exclusive) method of communication between the teaching team and the students will be online.

Reading Strategy

A list of recommended titles will be provided in the teaching programme and schedule and updated annually. Students will be encouraged to buy, at a competitive rate agreed with a publisher, a package of books comprising one Intellectual Property Law legislation book and one standard textbook.

Students will be encouraged to read widely using the library catalogue, in particular journal articles, and internet resources, which will be made available online.

As it is important that students can identify and retrieve appropriate reading, essential reading lists of Intellectual Property Law textbook chapters, journal articles and legislation will be provided on each workshop worksheets. Students will be expected to do essential reading when preparing for workshops.

Indicative Reading List:

The following list is offered to provide validation panels/accrediting bodies with an indication of the type and level of information students may be expected to consult. As such, its currency may wane during the life span of the module specification. However, as indicated above, CURRENT advice on readings will be available via other more frequently updated mechanisms.

It is recommended that students purchase one of the following textbooks:

W Cornish, D Llewelyn, T Aplin, *Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights* (7th edn Sweet & Maxwell, London 2010)

C Colston, J Galloway, *Modern Intellectual Property Law* (3rd edn Cavendish Publishing, London 2010)

It is also recommended that students purchase the following statute book:

A Christie, S Gare, *Blackstone's Statutes on Intellectual Property* (10th edn OUP, London 2010)

The following are useful:

H MacQueen, C Waelde, G Laurie, A Brown, *Contemporary Intellectual Property: Law and Policy* (2nd edn OUP, London 2010)

L Bently, B Sherman, *Intellectual Property Law* (3rd edn OUP, London 2008)

The following journals contain articles that will compliment learning:

European Intellectual Property Review
Intellectual Property Quarterly
Entertainment Law Review
International Review of IP and Copyright Law

The following case reports contain judgments on Intellectual Property Law issues:

Reports of Patent Cases
Fleet Street Reports
European Patent Office Reports
European Copyright and Design Reports
Entertainment and Media Law Reports

Journals and case reports can either be accessed from the library or through the following sources:

Westlaw
Heinonline
Lexis Nexis Professional
www.bailii.org

Assessment Strategy

Component A Students will take a 3 hour exam weighted at 75% of the total module mark. This is a partial open book exam with students able to take in an A4 file of notes and a copy of *Blackstone's Statutes on Intellectual Property*.

Component B. Students will submit two research assignments – one based on Breach of Confidence, and one based on design rights. The higher of the two marks will be taken, and will be weighted at 25% of the total module mark.

Assessment

Weighting between components A and B (standard modules only) **A: 75% B: 25%**

ATTEMPT 1

First Assessment Opportunity

Component A

Description of each element

1 3 hour exam.

Element weighting
100%

Component B

Description of each element

1 Research based essay on breach of confidence.

2 Research based essay on design rights.

The higher of the two marks will be used for the assessment mark. 100%

Second Assessment Opportunity (Resit): (further attendance at taught classes is not required)

Component A

Description of each element

1 3 hour exam.

Element weighting
100%

Component B

Description of each element

1 Research based essay on breach of confidence or design rights.

Element weighting
100%

SECOND (OR SUBSEQUENT) ATTEMPT (Retake): Attendance at taught classes is required

Specification confirmed by**Date**
(Associate Dean/Programme Director)