

JUS5660: Lecture Outline, Autumn 2016

Lecture 1 – Overview of Course and Course Objectives – 30 August

Lecturer: Inger B. Ørstavik

- History and purpose of IPRs
- Recapping chief differences between various forms of IPR (primarily copyright, patents, trademarks)
- Brief overview of the international regulation of IPRs
- Digital challenges

Required reading: Pila & Torremans, *European Intellectual Property Law* (2016) chapter 1

[Alternatively: Kur & Dreier, *European Intellectual Property Law* (2013), chapters 1-2; Waelde *et al.*, *Contemporary Intellectual Property* (3rd ed., 2014), chapters 1, 2 (pp 30-40 and 10 (pp 363-390).]

Lecture 2 – Copyright and Related Rights – 6 September

Lecturer: Milos Novovic

- Purpose of copyright and related rights
- Overview of European and international regulatory framework, with particular focus on
 - Berne Convention on the protection of literary and artistic works 1886
 - WIPO Copyright Treaty 1996
 - EU Directives in the copyright field

Required reading: Pila & Torremans, *European Intellectual Property Law* (2016) chapters 10-13

[Alternatively: Kur & Dreier, *European Intellectual Property Law* (2013), chapters 2, 5; Waelde *et al.*, *Contemporary Intellectual Property* (3rd ed., 2014), chapters 2-5]

Lecture 3 – Protection of Computer Programs – 13 September

Lecturer: Yuliya Chernykh

- Overview of various approaches taken with respect to IP protection of computer programs
- Discussion of subject within context of (i) international instruments, (ii) EU instruments, (iii) US law, (iv) other national laws

Required reading: Pila & Torremans, *European Intellectual Property Law* (2016) pages 278-9, 336; WIPO Intellectual Property Handbook (2nd edition, 2008), chapter 7, pages 435-440, available at <<http://www.wipo.int/about-ip/en/iprm/>>.

[Alternatively: Kur & Dreier, *European Intellectual Property Law* (2013), chapter 5; Waelde *et al.*, *Contemporary Intellectual Property* (3rd ed., 2014), chapters 2, 4 and 5]

Lecture 4 – Trade Marks (TMs) – 20 September

Lecturer: Inger B. Ørstavik

- Function and purpose of TMs
- Overview of European and international regulatory framework, with particular focus on:
 - Paris Convention for Protection of Industrial Property 1883
 - Directive 2008/95/EC
 - The Madrid System for international TM registration
 - Nice Classification System
 - The requirement of distinctiveness
 - Infringement

Required reading: Pila & Torremans, *European Intellectual Property Law* (2016) chapters 14 and 15 (pp 398-426).

[Alternatively: Kur & Dreier, *European Intellectual Property Law* (2013), chapter 4; Waelde *et al.*, *Contemporary Intellectual Property* (3rd ed., 2014), chapters 13-15, and 16 pp 697-708]

Lecture 5 – Patents – 27 September

Lecturer: Inger B. Ørstavik

- Function and purpose of patent protection (as compared with other IPR)
- Overview of international regulatory regime
- Overview of European Patent Convention
- Overview of relevant jurisprudence of European Patent Office
- Fate of proposed EU Directive on Patentability of Computer-Implemented Inventions
- Computer-related inventions

Required reading: Pila & Torremans, *European Intellectual Property Law* (2016) chapters 4, 6 (pp 135-158 and pp 171-177), 7 and 8 (pp 197-211).

[Alternatively: Kur & Dreier, *European Intellectual Property Law* (2013), chapter 3; Waelde *et al.*, *Contemporary Intellectual Property* (3rd ed., 2014), chapters 11 (pp 404-421, 431-441, 443-455, 464-477), 12 (pp 513-543).

Lecture 6 – Intermediary Liability; Search Engines; Linking – 11 October

Lecturer: Milos Novovic

- Main legal issues from the perspectives of copyright, trade mark and patent law
- Liability of online intermediaries in the EU and the US

- Implications for long-term viability of IP law

Required reading: CJEU Joined Cases C-236/08 to C-238/08 (Google France); Perfect 10, Inc. v. Google Inc. (2007; US Ct of Appeals, 9th Cir.); CJEU Case C-466/12 (Svensson); CJEU Case C-160/15 (GS Media) (pending; read AG opinion of 7 April 2016)

[Supplementary background: Kur & Dreier, *European Intellectual Property Law* (2013), chapters 2, 5; Waelde *et al.*, *Contemporary Intellectual Property* (3rd ed., 2014), chapters 4, 7]

Lecture 7 – Protection of Databases – 18 October

Lecturer: Milos Novovic

- Overview of various approaches taken with respect to protection of databases under copyright or related rights
- Discussion of subject within context of (i) international instruments, (ii) EU instruments, (iii) US law, (iv) other national laws

Required reading: Pila & Torremans, *European Intellectual Property Law* (2016) chapters 20-21

[Alternatively: Kur & Dreier, *European Intellectual Property Law* (2013), chapter 5 (sections 5.2.2.5, 5.3.2.2 and 5.3.2.4.4); Waelde *et al.*, *Contemporary Intellectual Property* (3rd ed., 2014), chapter 6]

Lecture 8 – IPRs and the Market (EU perspective) – 25 October

Lecturer: Inger B. Ørstavik

- Exhaustion of rights (trademarks)
- Free movement of goods and services in the EU
- Impact of EU competition law on exercise of IPR, in particular IP licensing and refusal to license
- Compulsory licensing schemes as useful remedy?

Required reading: Pila & Torremans, *European Intellectual Property Law* (2016) chapters 16, and 27 (pp. 615-622)

[Alternatively: Kur & Dreier, *European Intellectual Property Law* (2013), chapter 7; Waelde *et al.*, *Contemporary Intellectual Property* (3rd ed., 2014), chapters 20-21]

Lecture 9 – Contracts vis-à-vis IP Law – 1 November

Lecturer : Yuliya Chernykh

- Traditional role of contract law in relation to IP law and licensing practices
- Major issues with respect to licensing in online environment

- “Ascendancy” of contract law – and possible problems this raises

Required reading: European IPR Helpdesk Fact Sheet “Commercializing Intellectual Property: License Agreements” and European IPR Helpdesk Fact Sheet “Commercializing Intellectual Property: Assignment Agreements”, both available at <<https://www.iprhelpdesk.eu/library/fact-sheets>>

[Optional: WIPO Paper “Exchanging Value – Negotiating Technology Licenses, A Training Manual”, available at <http://www.wipo.int/export/sites/www/sme/en/documents/pdf/technology_licensing.pdf>; Kretschmer et al., *The Relationship Between Copyright and Contract Law*, Project Report (London: Strategic Advisory Board for Intellectual Property, 2010) pages 83-87, 121-133, available at <<http://eprints.bournemouth.ac.uk/16091>>]

Lecture 10 – Enforcement of IP Rights, including Digital Rights Management Systems (DRMS) – 8 November

Lecturer: Yuliya Chernykh

- Overview of European and international framework on enforcement of IP rights
 - Directive 2004/48/EC
 - TRIPs Agreement
 - Proposals for improved framework
- Development, legal protection and long-term implications of DRMS
 - WIPO Copyright Treaty Articles 11-12
 - Directive 2001/29/EC Articles 6-7

Required reading: Pila & Torremans, *European Intellectual Property Law* (2016) chapters 25-26; Kretschmer et al., *The Relationship Between Copyright and Contract Law*, Project Report (London: Strategic Advisory Board for Intellectual Property, 2010) pages 135-143, available at <<http://eprints.bournemouth.ac.uk/16091>>

Course revision; discussion of mid-term paper – 15 November

Lecturer: Inger B. Ørstavik / Milos Novovic