



Course and Examination Fact Sheet: Autumn Semester 2020

7,487: International and European Intellectual Property Law

ECTS credits: 4

Overview examination/s

(binding regulations see below)

Decentral - Written examination (100%, 90 mins.)

Examination time: term time

Attached courses

Timetable -- Language -- Lecturer

[7,487,1.00 International and European Intellectual Property Law](#) -- Englisch -- [Sammelmann Constanze](#)

Course information

Course prerequisites

Basic knowledge on the EU internal market and international law are recommended.

Prior knowledge on any national law on patents, trade marks or copyright is an asset.

Learning objectives

The objective of this course is to offer an overview of European and international law on patents, trade marks and copyright. The knowledge and the methods taught in this course shall enable the students to navigate through any specific topic in this area.

Course content

Intellectual property (IP) refers to intangible creations of the human intellect. IP rights are of utmost importance, e.g., in the pharmaceutical sector (patents), the cultural industries (copyright) or with respect to advertising (trade marks).

The main purpose of IP law is to encourage the creation of a wide variety of intellectual goods such as inventions of machines, logos for products or musical compositions. To achieve this, the law gives people and businesses property rights on the information and the intellectual goods they create, usually for a limited period of time. These economic incentives are expected to stimulate innovation and to foster technological, social and cultural progress. Balancing IP rights in a way that they are strong enough to encourage the creation of intellectual goods but not so strong that they prevent the goods' wide use is the primary focus of modern IP law.

The rules on IP rights developed in light of the history and the philosophical traditions of individual systems such as states. Cross-border business flourished in the 19th century and led to the adoption of important international treaties on patents, trade marks or copyright. These treaties still serve as the international framework in these fields nowadays and have been complemented by more recent treaties at the level of the UN/WIPO or the WTO. So far, the international legal framework has not called into question the national territorial scope of the protection of IP rights.

At the level of the EU/EEA, the harmonisation of trade mark law has led to a high degree of convergence of national trade mark laws. National trade marks co-exist with the EU-wide unitary trade mark which reflects a remarkable step toward a common business law.

Concerning European patent protection, the European Patent Convention allows for the single application of patents in one language, which leads to a bundle of national patents. This approach saves time and costs for businesses. In addition, there has been considerable progress with respect to the creation of an EU-wide unitary patent and a unitary patent court. Yet, it is still uncertain whether they will ever gain the political acceptance they need to be put in place.



With respect to copyright protection, copyright rules have been harmonised to a considerable degree by EU directives.

In this course, we will take a closer look at the concepts, the rationale, the history and the scope of patent protection and trade mark protection. We will analyse their legal foundations at the international and the European/EU-/EEA-level. We will deal in more depth with copyright protection and in particular the recent developments concerning the digital environment. The EU directive on copyright protection in the digital single market adopted in 2019 has led to mass demonstrations on the interplay between the free flow of information and the need to value and protect content such as newspaper articles, videos or music. In this context, the business models of YouTube and Spotify as well as Google news will serve as the starting point for a more general discussion on the regulation of the internet.

Course structure

Condensed course taught on 3 consecutive days. Please be aware that the exam will take place on the third day in the afternoon - after a decent break.

In order to allow you to plan your attendance of the course regardless of developments related to Covid-19, this course will be offered via Zoom. This means that the students and the instructor will be in front of their laptops during the scheduled course time and interact via Zoom as much as possible. The amount of materials and details will be adapted to this way of teaching.

The exam questions will be made available to the students online. The answers will have to be returned to the instructor by e-mail after 90 minutes.

Course literature

Annette Kur/Thomas Dreier, European Intellectual Property Law, 2013, chapter 1.

Paul v.d. Kooij/Dirk Visser, EU IP law, 2019, chapters 1-5.

Additional course information

In the case of the President's Board having to implement new directives due to the SARS-CoV-2 pandemic in AS2020, the course information listed above will be changed as follows:

- See above, the course is an online-course, including the exam.
- In order to allow you to plan your attendance of the course regardless of developments related to Covid-19, this course will be offered via Zoom. This means that the students and the instructor will be in front of their laptops during the scheduled course time and interact via Zoom as much as possible. The amount of materials and details will be adapted to this way of teaching. The power point slides will be available on studynet prior to the course.

Examination information

Examination sub part/s

1. Examination sub part (1/1)

Examination time and form

Decentral - Written examination (100%, 90 mins.)

Examination time: term time

Remark

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Examination-aid rule

Open Book

Students are free to choose aids but will have to comply with the following restrictions:

- All the pocket calculators that are not of the Texas Instruments TI-30 series are explicitly inadmissible.
- In addition, any type of communication, as well as any electronic devices that can be programmed and are capable of



communication such as electronic dictionaries, notebooks, tablets, mobile telephones and others, are inadmissible.

- Students are themselves responsible for the procurement of examination aids.

Supplementary aids

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Examination languages

Question language: English

Answer language: English

Examination content

The exam will consist of 3 questions which will not require to reproduce detailed information, but rather ask the students to think about an issue dealt with in class, take a stance and justify it. This may cover important questions or legal problems concerning trade marks, patents or copyright. The answers are not to exceed 1000 words in total.

Examination relevant literature

The power point slides of this course will be uploaded on Studynet prior to the course. They contain the information that is essential for the exam.

The core readings indicated above are intended to facilitate the understanding of the international and European framework of the protection of trade marks, patents and copyright.

Please note

Please note that only this fact sheet and the examination schedule published at the time of bidding are binding and takes precedence over other information, such as information on StudyNet (Canvas), on lecturers' websites and information in lectures etc.

Any references and links to third-party content within the fact sheet are only of a supplementary, informative nature and lie outside the area of responsibility of the University of St.Gallen.

Documents and materials are only relevant for central examinations if they are available by the end of the lecture period (CW51) at the latest. In the case of centrally organised mid-term examinations, the documents and materials up to CW 42 are relevant for testing.

Binding nature of the fact sheets:

- Course information as well as examination date (organised centrally/decentrally) and form of examination: from bidding start in CW 34 (Thursday, 20 August 2020);
- Examination information (regulations on aids, examination contents, examination literature) for decentralised examinations: in CW 42 (Monday, 12 October 2020);
- Examination information (regulations on aids, examination contents, examination literature) for centrally organised mid-term examinations: in CW 42 (Monday, 12 October 2020);
- Examination information (regulations on aids, examination contents, examination literature) for centrally organised examinations: two weeks before the end of the registration period in CW 44 (Thursday, 29 October 2020).