



## Course and Examination Fact Sheet: Autumn Semester 2023

### 7,487: International and European Intellectual Property Law

ECTS credits: 4

#### Overview examination/s

(binding regulations see below)

decentral - Digital written examination, Digital, Individual work individual grade (100%, 90 Min.)

Examination time: Term time

#### Attached courses

Timetable -- Language -- Lecturer

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

#### Course information

##### Course prerequisites

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

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

##### Learning objectives

The objective of this course is to offer an overview of European and international law on patents, trademarks 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 (trademarks).

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 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 the history and the philosophical traditions of states. Cross-border business flourished in the 19th century and led to the adoption of important international treaties on patents, trademarks or copyright. These treaties still serve as the international framework nowadays and have been complemented by more recent treaties at the level of the UN/WIPO or the WTO. At the level of the EU/EEA, the harmonisation of trademark law has led to a high degree of convergence of national trademark laws. National trademarks 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. After long negotiations, the EU-wide unitary patent including a unitary patent court has entered into force on 01 June 2023. With respect to copyright protection, copyright rules have been harmonised to a considerable degree by EU directives and case law at EU level.

In this course, we will take a closer look at the concepts, the rationale, the history and the scope of patent, trademark and copyright protection at the international and the European/EU-/EEA-level. We will deal in more detail with recent developments concerning copyright protected content in the digital environment (e.g., YouTube, Google News, Spotify, Non-Fungible Tokens...) and the role of artificial intelligence.



## Course structure and indications of the learning and teaching design

Condensed course. Please be aware that the exam will take place on the last day in the afternoon - after a decent break.

The exam questions will be made available to the students electronically or on paper.

## Course literature

Annette Kur/Thomas Dreier, European Intellectual Property Law, 2019, chapter 1.

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

## Additional course information

--

## Examination information

### Examination sub part/s

#### 1. Examination sub part (1/1)

##### Examination modalities

Examination type	Digital written examination
Responsible for organisation	decentral
Examination form	Written exam
Examination mode	Digital
Time of examination	Term time
Examination execution	Synchronous
Examination location	On Campus
Grading type	Individual work individual grade
Weighting	100%
Duration	90 Min.

##### Examination languages

Question language: English

Answer language: English

##### Remark

--

##### Examination-aid rule

Open Book

Students are free to choose aids, apart from the following restrictions:

- pocket calculator models which are not part of the Texas Instruments TI-30 series, as well as any programmable electronic devices that are capable of communication such as electronic dictionaries, notebooks, tablets, smartphones, headsets, additional screens, etc. are not admissible;
- there is an option for faculty members to explicitly define exceptions under supplementary aids.

Procuring any aids, as well as ensuring their working order, is the exclusive responsibility of students.

##### Supplementary aids

Laptops may be used in class and for drafting and sending out the answers on the exam questions within the time frame defined by the instructor.



## Examination modalities:

The examination will be conducted as a digital examination with the following admissible media:

- **Private notebook** (compulsory) – tablets also possible
- **Mains adapter** (compulsory)
- External computer mouse (optional)
- External computer keyboard (optional)

You will need the following for the examination:

- HSG log-in including access modalities
- WLAN – operational access to Eduroam

Please make sure that

- all the updates have been carried out before the examination.
- You yourself are responsible for the perfect working order of your appliance.

Any use of additional appliances that are not listed above will be strictly prohibited throughout the examination.

Any necessary actions with additional appliances require the express prior approval of the persons in charge of the examination and are only permitted under supervision.

Any infringement of these rules of conduct may be sanctioned as an infringement of the rules of the University.

---

## Examination content

The exam will consist of several 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 trademarks, 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 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 trademarks, 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, 24 August 2023);
- Examination information (supplementary aids, examination contents, examination literature) for decentralised examinations: in CW 42 (Monday, 16 October 2023);
- Examination information (supplementary aids, examination contents, examination literature) for centrally organised mid-term examinations: in CW 45 (Monday, 06 November 2023);
- Examination information (regulations on aids, examination contents, examination literature) for centrally organised examinations: two weeks before the end of the de-registration period in CW 45 (Monday, 06 November 2023).