

- Faculté de droit
- www.unine.ch/droit

European Intellectual Property Law (4DR2240)

| Filières concernées | Nombre d'heures | Validation | Crédits ECTS |
|---------------------------------|--------------------|---------------------|--------------|
| Master bilingue en droit | Cours: 2 ph | oral: 15 min | 4 |
| Master en droit | Cours: 2 ph | oral: 15 min | 4 |

ph=période hebdomadaire, pg=période globale, j=jour, dj=demi-jour, h=heure, min=minute

Période d'enseignement:

- Semestre Printemps

Equipe enseignante:

KRAUS Daniel, Professeur ordinaire.

Objectifs:

Nowadays, companies, including Swiss ones, file more and more intellectual property (IP) rights at the international and regional levels. As one of the most developed IP regimes, the European system is getting more and more important, even for non-member States. The aim of this course is to provide a broad overview of the European IP law regime and its specificities. Duplications with the courses on Swiss IP law are avoided.

Contenu:

The course starts by providing a general overview of the European IP framework and structure resulting from the EU Treaty and the relevant regulations and directives. We shall then study the European patent system under the European Patent Convention and the European unitary patent initiative, including the issue of computer-implemented inventions, the EU supplementary protection certificate (SPC) system, utility models and trade secrets.

The European trademark regime will constitute the third block of study, including language issues, proceedings, aspects of requirements for protection regarding compound marks, colors, and appearance/shape of the product, acquired distinctiveness, flags, use, fair use, exhaustion and the loss of right.

Copyright issues will then be studied: The computer programme, the rental right, the satellite and cable, the term of protection, the databases and the resale right directives.

The course also focuses on other IP rights, including plant varieties, geographical indications (incl. foodstuff regulation), and industrial designs (incl. the spare parts issue) from a European perspective.

Finally, issues central to the EU system such as comparative advertising, European IP Law and competition, parallel imports and the enforcement of IP rights in the EU, incl. jurisdiction and applicable law will close the course.

Forme de l'évaluation:

15 minutes oral exam with preparation time. As regulations and directives are numerous, they may be taken to the exam in an electronic form on a laptop or tablet. Those items however need to be disconnected from the internet. No smartphone or connected watch is allowed. Allowed annotations are limited to colour markings and references from one article to another. Any breach of these rules is considered as fraud and may lead to the withdrawal of the item and to the exam being considered as failed.

Documentation:

The teaching materials will be made available on Moodle.

Forme de l'enseignement:

The course is based on some theoretical input, interaction with the students and some practical exercises.