

- Faculté de droit
- [www.unine.ch/droit](http://www.unine.ch/droit)

## European Intellectual Property and Innovation Law (4DR2240)

| Filières concernées                                                    | Nombre d'heures    | Validation      | Crédits ECTS |
|------------------------------------------------------------------------|--------------------|-----------------|--------------|
| <b>Master bilingue en droit</b>                                        | <b>Cours: 2 ph</b> | Voir ci-dessous | 4            |
| <b>Master en développement international des affaires</b>              | <b>Cours: 2 ph</b> | Voir ci-dessous | 4            |
| <b>Master en droit</b>                                                 | <b>Cours: 2 ph</b> | Voir ci-dessous | 4            |
| <b>Master of Arts en innovation, orientation Innovation et société</b> | <b>Cours: 2 ph</b> | Voir ci-dessous | 4            |
| <b>Master of Law en innovation</b>                                     | <b>Cours: 2 ph</b> | Voir ci-dessous |              |
| <b>Master of Science en innovation</b>                                 | <b>Cours: 2 ph</b> | Voir ci-dessous | 4            |

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

### Période d'enseignement:

- Semestre Printemps

### Equipe enseignante

Prof. Daniel Kraus, with Natalia Cossentino, research assistant

### Contenu

The course starts by providing a general overview of the European IP framework and structure resulting from the EU Treaties and the relevant regulations and directives. We shall then study the European patent system under the European Patent Convention and the European unitary patent, 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, as well as the Directive on Copyright in the Digital Single Market (DSM).

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.

Issues related to IA regulation will also be treated in the form of workshops with the students.

Finally, 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, time allowing.

### 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. Le REE, art. 39, permet de répondre à l'examen en français pour les cours dispensés en anglais (la donnée/les questions demeurent en anglais).

### Modalités de rattrapage

According to the "Reglement d'études"

### Documentation

The teaching materials will be made available on Moodle.

### Forme de l'enseignement

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

### Objectifs d'apprentissage

Au terme de la formation l'étudiant-e doit être capable de :

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### **European Intellectual Property and Innovation Law (4DR2240)**

- Formulate structured answers using the intellectual property law vocabulary in English
- Evaluate the implications of applying a rule of intellectual property and innovation law to a given situation
- Identify the opportunities and risks linked to the different types of intellectual property rights and new technologies
- Explain a problem and a concrete legal solution of EU intellectual property to lawyers and non-lawyers
- Apply knowledge to concrete situations
- Develop complete legal reasoning in a concrete case of European intellectual property and innovation law
- Anticipate the opportunities and risks linked to the different types of intellectual property rights and new technologies