

## INTERNATIONAL AND EU INTELLECTUAL PROPERTY LAW (4 CFU)

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**Academic Year 2016/2017 - Fall Semester**

*Tuesdays and Fridays*

*25 October / 6 December 2016*

International and EU Intellectual Property Law (25 October – 6 December) DIPARTIMENTO DI GIURISPRUDENZA Via Ostiense 159 - Rome	TUESDAYS  14:00-15:45  AULA 1.02	FRIDAYS  14:00-15:45  AULA 4
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### **Course description**

Survey of the different legal mechanisms for protecting Intellectual Property - including patent, trademark, copyright, and related rights - International and EU Intellectual Property Law is intended for students who desire a general exposure to Intellettuale Property law, in both the international and the European Union framework.

We will cover the techniques of international patent regulation, international agreements concerning patents, including the Paris Convention, the Patent Cooperation Treaty, the European Patent Convention, and the Trade Related Aspects of Intellectual Property (TRIPs) Agreement; a study of patent reform issues including domestic patent reform legislation and ongoing harmonization; an analysis of the Unitary Patent system and the Unified Patent Court; a review of selected topics with comparative study from viewpoint of the United States, China, Japan, South Korea and Europe. Topics include patentability requirements,

infringement, remedies, patent prosecution issues, and patent transactions. We shall discuss selected patent case-law.

International and EU regulation of trademarks shall be examined in the perspective of registration and enforcement, with a special focus on “Made in Italy” and the protection against counterfeiting and piracy. We shall discuss selected trademark case-law.

International law of copyright will be addressed in the perspective of application of key international law principles, such as: territoriality, national treatment and reciprocity, jurisdiction, and choice of law in copyright case law, contracts and combinations (including compulsory licenses and performing rights societies), other doctrines neighboring on copyright; international aspects of copyright (including the Berne convention and other treaties on copyright and related subjects). We will introduce international instruments for the protection of copyright and related rights; special problems such as P2P file sharing and technological protection measures; multilateral and bilateral enforcement issues; and unilateral approaches to combating piracy.

We shall examine the updated Reports by WIPO on major Countries worldwide as IP rights holder, including WIPO Italy Country Profile 2015; we shall evaluate with Experts the opportunities for Investing in Research and Innovation in Italy, the rights and the protection of “Made in Italy”, *inter alia*, the “Horizon 2020” Agenda, the “Creative Europe Projects”, the “Google for Made in Italy Project”.

A special focus will be made on the protection of intellectual property in China, including how to protect IP rights in China and Chinese courts’ case law.

## **Learning Objectives**

*At the end of this course, successful students will:*

- have a basic knowledge of the intellectual property principles;
- understand relevant international law principles, primary international IP treaties and regulatory authorities;
- be aware of the regulatory framework for patent and trademark;
- explore how copyright is managed individually and collectively;
- be aware of main issues concerning the international enforcement of IP, especially in the European Union;
- explore advanced comparative law topics, in patent, trademark and copyright;
- be aware of the relationship between IP regulation and the protection of fundamental

rights and liberties in Cyberspace;

- identify legal issues in actual and/or hypothetical cases;
- improve oral and written communication skills through legal writing and argumentation in English;
- master the research tools and materials to learn more about intellectual property law.

### **Learning Activities**

Classes will be structured to foster interactivity, using lectures, discussions, student presentations, cases, etc.

For the above stated objectives to be reached, students must accept certain responsibilities:

- Attend class, be punctual. Time allotted to meeting in class is little and precious;
- Read the assigned material BEFORE the class, in which it is to be discussed;
- Be prepared to participate fully and actively in class discussions and projects;
- Take notes during class as appropriate;
- Have all assigned readings and notes at each class session;
- Perform the research necessary to do writing assignments for the class;
- Meet with the professor to discuss any difficulty you may encounter during the seminar;
- Interact in class and ask questions as much as possible.

### **Assessment**

Attendance in class is compulsory to be admitted to the final written examination.

The evaluation of students achievement of the learning objectives will be done on a pass/fail basis and will be based upon: the final written exam (40%), class attendance (30%) and participation in class (30%).

### **Attendance policy**

Attendance in class is mandatory. To be admitted to the final exam, students must attend no less than 2/3 of scheduled class meetings.

**Office Hours** - Tuesdays 16:00-17:00, by appointment via email, at Room 234.

### **Suggested textbooks**

DANIEL C. K. CHOW – EDWARD LEE, *International Intellectual Property*, WEST-  
Thomson Reuters, last ed., USA.

The reading assignments indicated below are mandatory for the successful attendance of the seminar. For all reading materials, please visit the INTERNATIONAL AND EU INTELLECTUAL PROPERTY LAW page online.

### **Calendar Topics and Reading Assignments**

#### **1. INTRODUCTION TO INTELLECTUAL PROPERTY LAW (Tuesday 25 October 2016)**

Reading assignment (for all meetings in Class):

WORLD INTELLECTUAL PROPERTY ORGANIZATION, *What is Intellectual Property? Fields of Intellectual Property Protection*, 2016.

#### **2. THE SYSTEM OF INTERNATIONAL AND EUROPEAN UNION INTELLECTUAL PROPERTY LAW. WHY HAS INTELLECTUAL PROPERTY GONE INTERNATIONAL? (Friday 28 October 2016)**

Reading assignment:

D. C. K. CHOW – E. LEE, *International Intellectual Property*, pp. 4-18

and <http://www.wipo.int/pct/en/training/index.html>

[http://www.wipo.int/pct/en/training/training\\_3.html](http://www.wipo.int/pct/en/training/training_3.html)

#### **3. INTERNATIONAL AND EU REGULATION OF TRADEMARKS, FAMOUS MARKS AND GEOGRAPHICAL INDICATORS (Friday, 4 November 2016 - Please note that 1 November is Bank holiday in Italy)**

Reading assignment:

D. C. K. CHOW – E. LEE, *International Intellectual Property*, pp. 441-450

and [http://www.wipo.int/madrid/en/legal\\_texts/](http://www.wipo.int/madrid/en/legal_texts/) (Legal Texts relevant to Trademarks).

#### **4. THE PROTECTION OF “MADE IN ITALY” AND ORIGIN MARKING. DISCUSSION OF CASE STUDIES (Tuesday 8 November 2016)**

Reading assignment:

WIPO, *Smell, Sound and Taste – Getting a Sense of Non-Traditional Marks*

and <http://www.euipo>. (Legal Texts relevant to Trademarks).

#### **5. IP RIGHTS AND ENFORCEMENT UNDER TRIPS (Friday 11 November 2016)**

Reading assignment:

D. C. K. CHOW – E. LEE, *International Intellectual Property*, pp. 694-708

**6. THE LAW OF PATENT. REGISTRATION AND ENFORCEMENT OF INTERNATIONAL AND EUROPEAN PATENTS (Tuesday 15 November 2016)**

Reading assignment:

WIPO - Global Innovation Index 2016

and

WIPO - Statistical Country Profiles.

**7. R&D INVESTMENT. HOW TO MANAGE IPR APPLICATION SUCCESSFULLY (Friday 18 November 2016)**

Special Guest Co-Lecturer: Dr. Francesca Moscone, Partner of Società Italiana Brevetti, <http://www.sib.it/en/>

Reading assignment:

WIPO, *Enforcement of Intellectual Property Rights - Chapter 4*, [www.wipo.int/about-ip/en/iprm/pdf/ch4.pdf](http://www.wipo.int/about-ip/en/iprm/pdf/ch4.pdf).

<http://www.wipo.int/about-wipo/en/dgo/>

**8. THE INTERNATIONAL AND EU REGULATION OF COPYRIGHT.**

**THE LAW OF ART (Tuesday 22 November 2016)**

Reading assignment:

D. C. K. CHOW – E. LEE, *International Intellectual Property*, pp. 84-89, and pp. 213-221 on Moral Rights. Reading assignment:

D. C. K. CHOW – E. LEE, *Internazionale Intellettuale Property*, pp. 213-231.

Special Guest Co-Lecturer: Sagi Hartov, Executive Dean & Managing Director of the London College of Contemporary Art (video stream from London).

**9. THE INTERESSENCE BETWEEN INTERNATIONAL IP AND COMPETITION POLICY (Friday 25 November 2016)**

Special Guest Co-Lecturer: Hon. Cons. Gabriella Muscolo, Italian Competition Authority, <http://www.agcm.it/en/>

Reading assignment:

G. MUSCOLO, *From the Italian Specialist Courts for Intellectual Property Litigation to the European Unified Patent Court*, Waseda University Report 2013.

**10. SIMULATED EXAM (Tuesday 29 November 2016)**

**11. THE PROTECTION OF INTELLECTUAL PROPERTY IN CHINA (Friday 2 December 2016)**

Reading assignment:

WAYNE C. JAESCHKE, ZHUN LU & PAUL CRAWFORD, *Comparison of Chinese and U.S. Patent Reform Legislativo*, in *J. Marshall Review of Intellectual Property Law*, 11, 2012, 567.



Special Guest Co-Lecturer: Prof. Paul C. B. Liu, Tsinghua University, School of Law (video stream from Beijing).

**12.** FINAL EXAM (Tuesday 6 December)