



DEPARTMENT OF LAW

HRS101 Intellectual Property Law and Innovation, 15 credits

Intellectual Property Law and Innovation, 15 högskolepoäng

Second Cycle

Confirmation

This course syllabus was confirmed by School of Business, Economics and Law on 2010-11-01 and was last revised on 2023-03-28 by Department of Law to be valid from 2023-08-28, autumn semester of 2023.

Field of education: Law 100%

Department: Department of Law

Position in the educational system

The course in Intellectual Property Law and Innovation Law is an optional course for the completion of the Master degree in Law. It is given during the seventh semester within the framework of the Master programme. It is also open for visiting foreign students participating in international exchange programmes.

Entry requirements

Students following a Swedish law programme leading up to a law degree must have completed 150 hec from semesters 1-5 of the law programme.

Visiting foreign students are admitted to the course, after approval of the Director of Studies.

Learning outcomes

Investments in innovation in industry are risky, uncertain and subject to so-called "free-riding". Intellectual property laws limit the risk of investment in research and development by securing greater returns than would otherwise be available to an investor within the framework of a market economy. However, there is a downside to the system; IP laws that are too restrictive limit competition between market players and can thus work against the stated purpose of intellectual property law in the EU: to promote innovation. Care and caution are required not only in the drafting of IP laws

but also in the interpretation and application affecting emerging markets. The course addresses the characteristic principles of the different areas of intellectual property law in two ways: In terms of the broad political goal of maximizing innovation in the economy and in terms of how IP fits into the overall strategy of the individual company's innovation. Each area of law is examined from this perspective and differences and complementary connections between them are highlighted. Some areas are relatively harmonized within the jurisdictions of different nation-states but others less so, and the course thus contains a comparative element, mainly focusing on certain aspects of Common Law.

Knowledge and understanding

Goals

After completing the course, the student is expected to have acquired knowledge and understanding of:

- Scope and areas of use for intellectual property rights, especially copyright
- The role of intangible assets in the development of business models, especially in the digital arena
- the effect of intellectual property rights on innovation,

Competence and skills

Legal skills

After completing the course, the student is expected to have acquired the skills and abilities to:

- identify, analyze and compare different systems for innovation strategy,
- apply different rules in practical cases,
- explain why the intellectual property rules around the Western world are shaped in a certain way and contrast and compare them.

Judgement and approach

Analytical ability

The students should be able to see intellectual property regimes in a larger context as a political means to achieve long-term goals and understand the shortcomings and risks that these systems can give rise to.

Course content

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Form of teaching

The main elements of the course are participatory classes with preparatory reading; individual research; mootings with written and oral components; and individual and collaborative work in role-based negotiation exercises.

During the first week of classes a general introduction/refresher concerning Intellectual Property will precede consideration of some issues relating to the impact of IP law on innovation in the internet environment.

In the following weeks some broader questions of innovation policy and theory will also be discussed. Some focus will also be on the particular role of the concept and theory of property rights in intellectual property.

A third part of the course will consist of a more thorough critical exploration of specific topics concerning the relationship between intellectual property law and innovation. We will examine the law/policy interface on the basis of specific issues. These classes will be on more of a discussion basis, presuming more preparatory reading.

Later in the course students will work in teams to develop written submissions for the moot and then also conduct actual moots.

Presence during classes is not compulsory, but strongly encouraged. As indicated, class participation is a small part of the overall assessment.

*The final part of the course is a Moot court presentation in January, and is **mandatory**.*

Language of instruction: English

Teaching might be conducted digitally during the course.

Assessment

Individual oral performance in class and case-law seminar: 4 hp (0011)

Individual Written Submission: 9 hp (0012)

Individual oral performance in Moot: 2 hp (0013)

In order to pass the student must be present for oral assessment and hand in all written submissions required.

Grades

The grading scale comprises: Passed with Distinction (AB), Passed with Credit (BA), Pass (B) and Fail (U).

Grading at the end of the course is based on the total result of each of the above mentioned elements of assessment.

Course evaluation

The Department of Law is obliged to evaluate the courses given. This is done by an appraisal in accordance with general instructions within the department. Each and every course appraisal is scrutinised by the board of education within the department. A student assisting in collecting an appraisal will get remuneration according to standard tariff.

Additional information

Further study directions will be given at the course introduction and in the course commentary document.

The course was given for the first time autumn 2009.