



## COURSE UNIT (MODULE) DESCRIPTION

Course unit (module) title	Code
Intellectual Property and Technology Law	

Lecturer(s)	Department(s) where the course unit (module) is delivered
<b>Coordinator:</b> Dr. Viltė Kristina Dessers	Faculty of Economics and Business Administration
<b>Other(s):</b>	

Study cycle	Type of the course unit (module)
Second semester	Compulsory

Mode of delivery	Period when the course unit (module) is delivered	Language(s) of instruction
Classroom, online or hybrid	Spring semester	English

Requirements for students	
<b>Prerequisites:</b> none; for an introduction to the European Union law see the resources recommended below	<b>Additional requirements (if any):</b>

Course (module) volume in credits	Total student's workload	Contact hours	Self-study hours
5	130	32	98

Purpose of the course unit (module): programme competences to be developed		
<p>The course is designed to equip students with an advanced knowledge and understanding of the legal areas relevant for contemporary international business. Specifically, the course is focused on intellectual property and technology law. The course aims to develop an extensive understanding of copyright, trademark, patent law, personal and non-personal data governance, privacy and personal data protection, governance of artificial intelligence, and to familiarise with the evolving and diverse challenges in these areas posed by the latest innovations. The course includes insights from other scientific domains such as computer science, and accordingly offers an interdisciplinary perspective on the matters in question.</p>		
Learning outcomes of the course unit (module)	Teaching and learning methods	Assessment methods
<p>Upon completion of the course, the students will develop a broad critical and interdisciplinary understanding of the above-mentioned areas. Students will learn to solve complex legal issues and apply the legal frameworks in practice.</p> <p>The students will particularly learn, including but not limited:</p> <ul style="list-style-type: none"> <li>- to manage trademark portfolios of a business on both international and European levels</li> <li>- to manage copyrighted content in business on both international and European levels</li> <li>- to manage patent portfolios of a business on both international and European levels</li> </ul>	<p>The course offers interdisciplinary conceptual and problem-based teaching, as well as thorough guidance for individual study and research. Students are provided with conceptual background and frontiers of research as well as with practical training. Teaching fosters critical thinking and enables to address complex legal problems in the relevant areas.</p>	<p>Knowledge is assessed through final examination, practical assignments as well as through performance during the classes.</p> <p>The examination and practical assignments may be oral and/or written. The students may be presented with oral and/or written open and/or multiple-choice questions and/or practical tasks.</p> <p>Examination is worth 50% of the final grade. Practical task is worth 30% of the final grade.</p>

<ul style="list-style-type: none"> <li>- to manage personal and non-personal data in business</li> <li>- to manage regulatory risks while developing business, to adapt business to ever evolving legal landscape</li> </ul> <p>The results identified above go hand in hand with the study programme learning outcomes identified in the Global Business and Economics programme description.</p>		<p>Contribution to the discussions during the classes is worth 20% of the final grade.</p>
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Content: breakdown of the topics	Contact hours				Self-study work: time and assignments
	Lectures	Exercises	Contact hours	Self-study hours	Assignments*
1. International and European trademark law	6	2	8	28	This assignment should help learning how to manage trademark portfolios of a business on both international and European levels. Students will be provided, for example, with a case study that will require to research, analyse and apply trademark law to a particular business case. In particular, it will be necessary to analyse the trademark legal framework introduced and discussed during the class, to study the recommended practical cases (e.g. case law of the Court of Justice of the European Union), and to apply the law correctly given the practical circumstances of a provided business case. The assignment will have to be submitted and/or presented by/at a scheduled date.
2. International and European copyright law	1,5	0,5	2	7	This assignment should help learning how to manage copyrighted content in business on both international and European levels. Students will be provided, for example, with a case study that will require to research, analyse and apply copyright law to a particular business case. In particular, it will be necessary to analyse the copyright legal framework introduced and discussed during the class, to study the recommended practical cases (e.g. case law of the Court of Justice of the European Union), and to apply the law correctly given the practical circumstances of a provided business case. The assignment will have to be submitted and/or presented by/at a scheduled date.
3. International and European patent law	1,5	0,5	2	7	This assignment should help learning how to manage patent portfolios of a business on both international and European levels. Students will be provided, for example, with a case study that will require to research, analyse and apply patent law to a particular business case. In particular, it will be necessary to analyse the patent legal framework introduced and discussed during the class, to study the recommended practical cases (e.g. case law of the Court of Justice of the European Union), and to apply the law correctly given the practical circumstances of a provided business case. The assignment will have to be submitted and/or presented by/at a scheduled date.

4. International and European personal and non-personal data governance	3	1	4	14	This assignment should help learning how to manage personal and non-personal data in business. Students will be provided, for example, with a case study that will require to research, analyse and apply legal frameworks to a particular business case. In particular, it will be necessary to analyse the legal frameworks governing data governance that were introduced and discussed during the class, to study the recommended practical cases (e.g. case law of the Court of Justice of the European Union), and to apply the law correctly given the practical circumstances of a provided business case. The assignment will have to be submitted and/or presented by/at a scheduled date.
5. International and European privacy and data protection law	3	1	4	14	This assignment should help learning how to manage personal data in business and how to comply with the relevant legal frameworks governing privacy and data protection. Students will be provided, for example, with a case study that will require to research, analyse and apply privacy and data protection law to a particular business case. In particular, it will be necessary to analyse the legal acts introduced and discussed during the class, to study the recommended practical cases (e.g. case law of the Court of Justice of the European Union), and to apply the law correctly given the practical circumstances of a provided business case. The assignment will have to be submitted and/or presented by/at a scheduled date.
6. International and European governance and regulation of artificial intelligence	3	1	4	14	This assignment should help learning how to manage regulatory risks while developing business, and how to adapt business to ever evolving legal landscape. Students may be asked, for example, to analyse the international and European initiatives to govern artificial intelligence, to assess how they may affect a certain business hypothetically, and to provide recommendations on risk management accordingly. The assignment will have to be submitted and/or presented by/at a scheduled date.
7. Current legal challenges posed by the latest innovations	3	1	4	7	This assignment should help learning how to manage regulatory risks while developing business, and how to adapt business to ever evolving legal landscape. Students may be asked, for example, to analyse the most current technological and legal developments and to provide recommendations on how to develop a particular business given the developing legal requirements. The assignment will have to be submitted and/or presented by/at a scheduled date.
8. Current legal challenges posed by the latest innovations	3	1	4	7	This assignment should help learning how to manage regulatory risks while developing business, and how to adapt business to ever evolving legal landscape. Students may be asked, for example, to analyse the most current technological and legal developments and to provide recommendations on how to develop a particular business given the developing legal requirements. The assignment will have to be submitted and/or presented by/at a scheduled date.
*Quantity and content of the assignments may be adjusted depending on the content provided by guest speakers.					
<b>Total</b>	<b>24</b>	<b>8</b>	<b>32</b>	<b>98</b>	

Assessment strategy	Weight, %	Deadline	Assessment criteria
Practical task	30%	To be submitted and/or presented by/at a scheduled date	- Collaboration with the assigned team members - Correct interpretation and understanding of the relevant legal frameworks and case law - Thorough, logical, well-structured and concise presentation of the answers
Examination	50%	At a scheduled date	- Autonomy in providing the answers - Correct interpretation and understanding of the relevant legal frameworks and case law - Thorough, logical, well-structured and concise presentation of the answers
Contribution to the discussions during the classes	20%	Continuous	Autonomous contribution to the discussions during the classes, specifically, raising and answering relevant questions, sharing relevant reflections and remarks

It is not possible to take the examination externally (without attending the course). The grades are rounded in accordance with the standard rules of rounding. It is necessary to pass the examination in order to receive an overall positive evaluation for this course.

### Mandatory materials

#### Laws\* (and current proposals of laws)

\*Students should always consult the latest version of the relevant law which may be different at the relevant point in time

1. [Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society](#), Official Journal No. L 167, 2001, p. 10-19.
2. [Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector](#), Official Journal No. L 201, 2002, p. 37-47.
3. European Commission: [proposal for a Regulation laying down harmonised rules on artificial intelligence](#) (Artificial Intelligence Act), COM(2021) 206 final, 2021.
4. European Patent Office & Unified Patent Court. [Legal texts relating to the Unitary Patent System](#), 2023.
5. [Regulation \(EU\) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark](#), Official Journal No. L 154, 2017, p. 1-99.
6. [Regulation \(EU\) 2018/1807 of the European Parliament and of the Council of 14 November 2018 on a framework for the free flow of non-personal data in the European Union](#), Official Journal No. L303, 2018, p. 59-68.
7. [Regulation \(EU\) 2022/868 of the European Parliament and of the Council of 30 May 2022 on European data governance](#), Official Journal No. 152, 2022, p. 1-44.
8. [Regulation \(EU\) 2023/2854 of the European Parliament and of the Council of 13 December 2023 on harmonised rules on fair access to and use of data and amending Regulation \(EU\) 2017/2394 and Directive \(EU\) 2020/1828 \(Data Act\)](#), 2023/2854, 2023.
9. [Regulation 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC \(GDPR\)](#), Official Journal No. L 119, 2016, p. 1-88.
10. [The European Patent Convention](#), 1973.

#### Books

1. De Bruyne, J., Vanleenhove, C. [Artificial Intelligence and the Law](#), 2<sup>nd</sup> Edition, 2023, Intersentia.
2. Pila, J., Torremans, P. [European Intellectual Property Law](#), 2<sup>nd</sup> Edition, 2019, Oxford University Press.
3. Van Alsenoy, B. [Data Protection Law in the EU: Roles, Responsibilities and Liability](#), 1<sup>st</sup> Edition, 2019, Intersentia.

#### Other resources

1. Bobev, T.; Dessers, V. K. et al. [White Paper on the Definition of Data Intermediation Services](#). KU Leuven – CiTiP, 2023.
2. Dessers (Steponénaitė), V. K.; Valcke, P. [Judicial analytics on trial: An assessment of legal analytics in judicial systems in light of the right to a fair trial](#). Maastricht Journal of European and Comparative Law; 2020; Vol. 27; iss. 6; pp. 759-773.

3. Dessers (Steponénaitė), V. K. [Alexa, are you confused? Unravelling the interplay between AI and \(European\) trademark law](#). Blogpost, KU Leuven Centre for IT & IP Law, 2019.
4. Dessers (Steponénaitė), V. K. [WIPO draws attention that AI may have an impact on trademark law](#). Blogpost, KU Leuven Centre for IT & IP Law, 2020.
5. [Guidelines: Trademarks. Guidelines for Examination in the European Union Intellectual Property Office.](#)
6. [Guidelines: Patents. Guidelines for Examination in the European Patent Office.](#)
7. Guidelines: European Data Protection Board [guidelines](#) on the European Union data protection laws.
8. Janssens, M.-C.; Dessers, V. K. [The Artificially Intelligent Consumer in EU Trademark Law](#). Gestaltung der Informationsrechtsordnung. Festschrift für Thomas Dreier zum 65. Geburtstag; 2022, C.H. Beck; München. pp. 143-160.
9. Valcke, P.; Clifford, D.; Dessers, V. K. [Constitutional Challenges in the Emotional AI Era](#). Constitutional Challenges in the Algorithmic Society; 2021, Cambridge University Press; Cambridge, pp. 57-77.

Additional mandatory resources may be indicated during the classes.

### Recommended materials

#### Laws\*

\*Students should always consult the latest version of the relevant law which may be different at the relevant point in time

1. [Agreement Relating to Community Patents](#), 1989.
2. [Berne Convention for the Protection of Literary and Artistic Works](#), 1886.
3. [Charter of Fundamental Rights of the European Union](#), Official Journal No. C326, 2021.
4. [Consolidated version of the Treaty on European Union](#), Official Journal No. C 326, 2012.
5. [Consolidated version of the Treaty on the Functioning of the European Union](#), Official Journal No. C 326, 2012.
6. [Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine](#), 1997.
7. [Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data](#), 1985.
8. [Convention on Biological Diversity](#), 1992.
9. [Convention on the Unification of Certain Points of Substantive Law on Patents for Invention](#), 1963.
10. [Council Regulation 2100/94 of 27 July 1994 on Community Plant Variety Rights](#), Official Journal No. L 227, 1994, p. 1-30.
11. [Directive \(EU\) 2015/2436 of the European Parliament and of the Council of 16 December 2015 to approximate the laws of the Member States relating to trade marks](#), Official Journal No. L 336, 2015 12 23, p. 1-26.
12. [Directive \(EU\) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC](#), Official Journal No. L 130, 2019, p. 92-125.
13. [Directive 2006/116/EC of the European Parliament and of the Council of 12 December 2006 on the term of protection of copyright and certain related rights](#); Official Journal No. L 372, 2006, p. 12-18.
14. [Directive 2009/24/EC of the European Parliament and of the Council of 23 April 2009 on the legal protection of computer programs](#), Official Journal No. L 111, 2009, p. 16-22.
15. [Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases](#), Official Journal No. L 77, 1996, p. 20-28.
16. [Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions](#), Official Journal No. L 213, 1998, p. 13-21.
17. [European Convention of Human Rights and Fundamental Freedoms](#), 1950.
18. [International Convention for the Protection of New Varieties of Plants](#), 1991.
19. [Madrid Agreement Concerning the International Registration of Marks](#), 1891.
20. [Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks](#), 1979.
21. [Paris Convention for the Protection of Industrial Property](#), 1883.
22. [Patent Cooperation Treaty](#), 1970.
23. [Patent Law Treaty](#), 2000.
24. [Regulation \(EU\) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives \(EU\) 2019/1937 and \(EU\) 2020/1828 \(Digital Markets Act\)](#), Official Journal No. L 265/1, p. 1-66.
25. [Regulation \(EU\) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services](#), Official Journal L277, 2022, p. 1-107.
26. [The Agreement on Trade-Related Aspects of Intellectual Property Rights \(TRIPS\)](#), Annex 1C of the Marrakesh Agreement Establishing the World Trade Organization, signed in Marrakesh, Morocco on 15 April 1994.

#### Books

Maskus, K.	2010	<a href="#">Private Rights and Public Problems: The Global Economics of</a>	Peterson Institute for International Economics
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		<a href="#">Intellectual Property in the 21st Century</a>		
<b>Recommended materials for a comprehensive understanding of the European Union law</b>				
Barnard, C.	2022	<a href="#">The Substantive Law of the EU</a>	7 <sup>th</sup> Edition	Oxford University Press
Craig, P., de Búrca, G.	2020	<a href="#">EU Law: Text, Cases, and Materials</a>	7 <sup>th</sup> Edition	Oxford University Press
Peers, S., Barnard, C.	2023	<a href="#">European Union Law</a>	4 <sup>th</sup> Edition	Oxford University Press
Additional recommended resources may be indicated during the classes.				