

6.12 Module 12: International Intellectual Property Law

6.12.1 Headline Information about the Module

Module title	International Intellectual Property Law
Module NFQ level (only if an NFQ level can be demonstrated)	Level 9
Module number/reference	MIBL-IIPL
Parent programme(s) the plural arises if there are embedded programmes to be validated.	LLM International Commercial Law
Stage of parent programme	1
Semester (semester1/semester2 if applicable)	2 (elective)
Module credit units (FET/HET/ECTS)	ECTS
Module credit number of units	10
List the teaching and learning modes	Full-time, part-time
Entry requirements (statement of knowledge, skill and competence)	Learners should normally hold an approved honours degree in business, law or related discipline or equivalent qualification from an approved tertiary/or professional institution.
Pre-requisite module titles	Not Applicable
Co-requisite module titles	Not Applicable
Is this a capstone module? (Yes or No)	No
Specification of the qualifications (academic, pedagogical and professional/occupational) and experience required of staff (staff includes workplace personnel who are responsible for learners such as apprentices, trainees and learners in clinical placements)	Learners should normally hold an approved honours degree in business, law or related discipline or equivalent qualification from an approved tertiary/or professional institution.
Maximum number of learners per centre (or instance of the module)	60
Duration of the module	12 weeks
Average (over the duration of the module) of the contact hours per week (see * below)	2.5
Module-specific physical resources and support required per centre (or instance of the module)	Normal lecture room with internet access and good-quality audio-visual equipment.

Analysis of required learning effort		
Effort while in contact with staff	Minimum ratio teacher / learner	Hours
Classroom and demonstrations	1:60	30
Monitoring and small-group teaching		
Other		
Independent Learning		
Directed e-learning (hours)		
Independent Learning (hours)		220
Other hours (group project)		
Work-based learning hours of learning effort		
Total Effort (hours)		250

Allocation of marks (within the module)					
	Continuous assessment	Supervised project	Proctored practical examination	Proctored written examination	Total
Percentage contribution	50			50	100%

6.12.2 Module aims and objectives

This module provides a detailed overview of the principles regarding the key aspects of intellectual property law: international copyright, patents, design rights, trademark and passing off, and misappropriation of personality and publicity and privacy rights. Case law illustrating the application of these principles along with international treaties dealing with intellectual property is addressed. The module seeks to enhance the learner's ability to apply theoretical aspects of the jurisprudence to real life situations through the use of case studies.

The module provides learners with a political, philosophical and technical understanding of the fundamental principles of intellectual property law and the ability to solve complex intellectual property questions. The module also fosters within learners an understanding of the protection given to various works under intellectual property law including secondary and neighbouring rights, a knowledge of international conventions on patents and a comprehension of the impact of the law of tort on intellectual property disputes.

6.12.3 Minimum intended module learning outcomes

On successful completion of this module, learners are able to:

- (i) apply advanced theoretical knowledge and in depth critical thinking to suggest credible and creative solutions to intellectual property problems
- (ii) demonstrate understanding of the place of intellectual property law within the wider private law family
- (iii) critically analyse current legal issues and new developments at the forefront of the intellectual property field
- (iv) critically comment on international intellectual property law and the philosophical, political and economic structures underpinning it
- (v) communicate ideas effectively and professionally using written argument and advocacy
- (vi) present creative and novel solutions to complex intellectual property factual problems
- (vii) debate and question complex intellectual property ideas and concepts effectively and reach sound judgments on these.

6.12.4 Rationale for inclusion of the module in the programme and its contribution to the overall MIPLOs

International Intellectual Property Law is an elective module where learners become familiar with the principles, legislation and case law relating to the area of international intellectual property.

6.12.5 Information provided to learners about the module

Learners receive the following resources and materials in advance of commencement:

- module descriptor
- module learning outcomes
- assignment and presentation briefs
- assessment strategy
- reading materials
- class notes (on a weekly basis).

Additionally, this material will be made available through Moodle, the college VLE, along with other relevant resources and activities.

6.12.6 Module content, organisation and structure

The International Intellectual Property Law is taught and assessed over one academic semester. The module is delivered over 12 lecture sessions of 2.5 hours' duration.

The topics covered in the module are:

- historical development of international IP law – 19th century patent controversy & Berne Convention
- principles of modern international IP law – EU Directive on Enforcement of IP, The Paris Convention, WIPO, TRIPS, The Trademark Law Treaty, The Madrid Agreement and Protocol, (ii) the Community Trademark
- International Copyright Law I – originality, De Minimis, idea/expression ownership and duration infringement online issues
- International Copyright Law II – subsistence (literary, dramatic, artistic and musical works) remedies moral rights performers' rights
- International design law & passing-off – general principles and tortious principles
- International Patent Law I – novelty, inventive step, industrial application, non-patentable subject matter ownership and duration of patent
- International Patent Law II – registration infringement & defences patent litigation (infringement, revocation and invalidity)
- International Trademark Law I – purpose of the trade mark regime, international legislation, domestic & EU legislation, absolute and relative grounds of refusal
- International Trademark Law II – infringement & remedies AdWord litigation comparative advertising
- trade secrets & confidentiality – common law principles 'Springboard' doctrine and EU Directive on Trade Secrets
- Global commercialisation of IP – legal instruments used in transfer and assignment restraint of trade doctrine
- Private international & enforcement considerations – choice of law/forum Brexit & IP.

6.12.7 Module teaching and learning (including formative assessment) strategy

The module is delivered by means of structured and participative style lectures. The learners are assigned reading the week previous to each class, and some learners are asked to lead the discussion of the material.

The lecturer regularly encourages small group formation to discuss nascent research questions and appropriate methodology strategies. Formative assessment will be provided in the form of interactive exercises such as directed class discussions, debate and group exercises with reference to the module curricular and current affairs in the field at the time of instruction.

6.12.8 Work-based learning and practice-placement

There is no practice-placement element within this module.

6.12.9 E-learning

Moodle, the college VLE, is used to disseminate notes, advice, and online resources to support the learners. The learners are also given access to Lynda.com as a resource for reference.

6.12.10 Module physical resource requirements

Normal lecture room with internet access and good-quality audio-visual equipment.

All learners have access to an extensive range of 'actual' and 'remote access' library resources. The library monitors and updates its resources on an ongoing basis, in line with the College's Library Acquisition Policy.

6.12.11 Reading lists and other information resources

Primary Reading

Bently, L. et al, (2018) Intellectual Property Law. 5th ed. Oxford University Press, Oxford.

Secondary Reading

Bainbridge, D. (2018) Intellectual Property. 10th ed., Longman, London

Clark, R. Smyth, S. & Hall, N. (2016) Intellectual Property in Ireland. 4th ed. Bloomsbury Professional

Cornish, W. Llewelyn, D. & Aplin, T. (2019) Intellectual Property: Patents, Copyrights, Trademarks and Allied Rights. 9th ed. Sweet & Maxwell, London

Gibbons, G. (2016) Trademarks Law. 2nd ed. Clarus Press, Dublin.

Goldstein, P. & Trimble Landova, M. (2015) Goldstein's International Intellectual Property Law, Cases and Materials. 4th ed. Foundation Press

Goldstein, P. (2013) International Copyright: Principles, Law and Practice. Oxford University Press, Oxford

Nagle, E. (2012) Intellectual Property Law. Round Hall, Dublin

Tritton, G. et al (2018) Tritton on Intellectual Property in Europe. 5th ed. Sweet & Maxwell Ltd.

6.12.12 Specifications for module staffing requirements

Lecturers qualified to at least a level 9 legal qualification and preferably a third level teaching qualification (e.g. Certificate in Training and Education).

6.12.13 Module summative assessment strategy

Theoretical knowledge will be assessed by continuous assessment comprising a detailed 5,000-word essay (50%) and a summative end of semester examination (50%). The examination will consist of both essay and problem style questions. The assessed work breakdown can be seen in the table below.

No.	Description	MIMLOs	Weighting
1	Individual essay	(v), (vi), (vii)	50%
2	Closed book examination	(i), (ii), (iii), (iv), (vii)	50%

6.12.14 Sample assessment materials

Please see Sample Assessment Handbook.