

3.00 credits

30.0 h

Q2

Teacher(s)	Cassiers Vincent ;
Language :	French
Place of the course	Louvain-la-Neuve
Main themes	<p>The aim of the course is to provide students with a framework for reflection that will enable them to understand how and why the law protects intangible assets and what the limits and issues of this protection are.</p> <p>The course reviews certain fundamental issues (terminology, economic justification, history, etc.), provides an overview of the sources of the main intellectual property rights and analyses the relationship between these and other branches of law (free movement/competition law, international trade law). The course endeavours to make students aware of the balances that must necessarily be struck with fundamental freedoms.</p> <p>In particular, the course introduces students to the following intellectual property rights: copyright, rights over distinctive signs (trademarks and trade names), patents and trade secrets.</p>
Learning outcomes	<p>At the end of this learning unit, the student is able to :</p> <ul style="list-style-type: none"> • Understand the legal logic applicable to the protection of intangible assets. • Identify the different existing intellectual property rights and their respective subject matters. • Identify what can be legally protected and what cannot. • Think critically about the limits of protection by intellectual property rights. • Solve simple practical cases involving copyright, patent, and trademark law. • Understand how intellectual property rights structure the organisation of international trade. • Analyse the necessary balance between the exclusive rights conferred by intellectual property and fundamental freedoms.
Evaluation methods	<p>Assessment takes the form of a traditional closed book written exam. The exam covers the entire course. The exam may include memorization questions, case studies and case law commentaries. The aim of the exam is to test the student's knowledge and understanding of the subject matter.</p> <p>Part of the exam can include multiple choices questions.</p>
Teaching methods	<p>The teaching method is based on oral presentations to the audience, supported by PowerPoint presentations. The method is interactive in that it solicits students' comments on case law. The examples are chosen partly from major intellectual property decisions and partly from cases linked to current events.</p> <p>The teacher questions the students throughout the course to encourage them to reflect on the concepts presented. This interactivity aims to stimulate student involvement, reflection and understanding.</p>
Content	<p>The course is divided into several parts.</p> <p>The first part presents all intellectual property rights, the international legal framework, the rationale behind intellectual property, the historical and philosophical foundations of intellectual property and the characteristics common to all intellectual property rights.</p> <p>The second part looks at copyright (conditions of protection, economic rights, moral rights, ownership, duration, exceptions, etc.). Some more complex concepts are also introduced in this part: the exhaustion of rights and the balancing of copyright with fundamental freedoms such as freedom of expression.</p> <p>The third part is devoted to patent law. In addition to the general elements (conditions of protection, rights conferred, duration, etc.), this part provides an opportunity to emphasise the international nature of intellectual property by presenting the different procedures (national, European and international) for acquiring rights and the strategies implemented in using these procedures.</p> <p>The fourth part deals with trademark law (different categories of trademarks, conditions of protection, Benelux and European procedures, rights conferred, exceptions, etc.). This section looks at how the exclusive right conferred by a trademark is balanced against other rights and fundamental freedoms through the case law of the CJEU on the functions of trademarks.</p> <p>Finally, the fifth part deals with the protection of trade secrets and, more broadly, of data and information, which is essentially based on a balancing of fundamental freedoms.</p> <p>The exact content of the course is modified each year in line with new legislation and/or case law.</p>
Inline resources	<p>Three types of content are made available to students on the course's Moodle page: (i) fairly detailed PowerPoint presentations, which constitute the main course support; (ii) case law decisions commented on during the course; and (iii) the main legal texts concerning intellectual property (these texts are also included in the bac 3 code).</p>

Faculty or entity in charge	DRT
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Programmes containing this learning unit (UE)				
Program title	Acronym	Credits	Prerequisite	Learning outcomes
Bachelor in Law	DROI1BA	3		