

# Syllabus

for course at advanced level

**Copyright and Transborder Litigation**

**Upphovsrätt med jurisdiktion och lagval**

**15.0 Higher Education**

**Credits**

**15.0 ECTS credits**

**Course code:** JU699M  
**Valid from:** Autumn 2015  
**Date of approval:** 2015-02-16  
**Department** Department of Law

**Main field:** European Intellectual Property Law  
**Specialisation:** A1F - Second cycle, has second-cycle course/s as entry requirements

## Decision

Approved by the Education Committee (delegation) on 16 February 2015.

## Prerequisites and special admittance requirements

Students must be accepted to the Master of Laws Programme in European Intellectual Property Law (60 ECTS) and have fulfilled the requirements in the course Advanced Intellectual Property Law (15 ECTS).

## Course structure

Examination code	Name	Higher Education Credits
0100	Copyright and Transborder Litigation	15

## Course content

This course is the second course in the Master of Laws Programme in European Intellectual Property Law. It is an elective course. The course that follows this course is the Master thesis project (30 ECTS).

The course aims to provide insight into the development of new copyright law, the extent of copyright protection in the digital society, infringement, and jurisdiction and litigation when infringement of rights occurs, particularly online. The course also discusses alternative or additional means of protection such as contracts and so-called technological protection measures, as well as traditional and modern protections against infringements of copyrights. The ease of mobility across borders and availability through the internet requires taking into account the rules and approaches of private international law when analysing copyright issues.

The student shall develop an increased awareness of the interplay of economic, cultural and political aspects of copyrights, and is led to a nuanced and critical view of existing rules and solutions. The relationship between copyrights and other public values and interests such as freedom of competition and information is therefore a topic of focus for the course. Within the course, the importance of and need for transnational solutions is highlighted - for example, the creation of new regional or international forums and regulatory frameworks - as well as alternative mechanisms for resolving disputes in the area.

With the support of teaching and group exercises, the student will carry out advanced scholarly studies of selected problems in the form of legal research, arguing for and against different solutions as well as expert synthesis supported by up-to-date research and case law.

In comparison to the introductory course, Advanced intellectual property law (15 ECTS), this course

constitutes deeper and more thorough treatment of the subjects and methodologies.

### **Learning outcomes**

After successful completion of the course, the student is expected to be able to:

- demonstrate advanced knowledge and understanding of overall principles and governance mechanisms for European copyrights, including cross-border litigation jurisdiction;
- demonstrate advanced knowledge of intellectual property law methods and other legal or social science methods that can be appropriate for deeper analysis and treatment of intellectual property law issues;
- display the ability to integrate knowledge and to analyse, assess and manage complex copyright circumstances and questions, including those characterized by international private law issues, and with regard to economic and other social aspects;
- display the ability to clearly in oral and written format report and discuss their conclusions and the knowledge and arguments and the social, cultural and ethical values that form the basis for their conclusions; and
- display the necessary skills to participate in research and development with a focus on copyright issues, or to work with copyright issues in other specialised activities.

### **Education**

Instruction comprises 10 weeks of full-time studies and consists of lectures, seminars, group instruction and moot court exercises.

The student is given particular training in how to use legal scientific methods to present, discuss and solve problems during negotiation-like situations in the area of copyrights. Since copyrights are in principle boundless, appropriate alternative international private law solutions will also be strategically important. Research in the area and its effect on interpretation of the EU copyrights regulatory framework plays an important roll. Since copyrights both influence and are influenced by societal development, particularly in industrialised economies, students are also trained in critically reviewing and discussing results of current legislation and on-going negotiations of relevance within the frame of the theme of the course.

Participation in at least 80 per cent of all seminars and exercises is compulsory. In the event of special circumstances, the head of the course can grant exceptions. In this case, the student shall be responsible for completing an additional assignment.

The language of instruction is English.

### **Forms of examination**

Examination occurs through composition of memoranda, oral argumentation and active participation in seminars and moot court exercises. When the student has completed elements in a group, the individual student's fulfilment of goals is checked through identification of that student's contribution to memoranda as well as through questions at seminars.

All course requirements must be met in order to pass the course. Course grades are determined based on a combination of the individual's performance in each of the different elements of the course: memoranda 60 per cent, oral argumentation 30 per cent, and active participation 10 per cent.

Students who initially fail the examination are given the opportunity to be assessed a second time. Students who fail the course twice from the same examiner have the right to request a different examiner for their next examination. This, however, does not apply if there are particular reasons that a different examiner cannot be appointed.

Students who have received a passing grade are not allowed to be assessed again in order to achieve a higher grade.

The grading system uses a criterion-referenced scale of seven grades with passing grades of A (Excellent), B (Very good), C (Good), D (Satisfactory), or E (Sufficient). Failing grades are Fx (Insufficient) or F (Entirely insufficient).

Grading criteria will be further specified and shall be made available at the latest at the beginning of the course.

### **Misc**

Effective date

These provisions are effective from 31 August 2015.

**Required reading**

The reading list is established by the Education Committee. See the course website at [www.jurinst.su.se](http://www.jurinst.su.se) for information on the required reading. The updated reading list will be available at the latest two months before the start of the course.