

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: Spring 2021
Date of approval: 2015-02-16
Changed: 2020-08-20
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 (by delegation) on 16 February 2015. Revised by decision of the Education Committee (by delegation) on 20 August 2020.

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

Knowledge and Understanding

Upon completion of the course, students are 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.

Skills and Abilities

Upon completion of the course, students are expected to be able to:

- 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.

Judgement and Approach

Upon completion of the course, students are expected to be able to:

- demonstrate an in-depth ability to assess and value societal, cultural and ethical values in the field of copyright law,
- 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 as well as a moot court and/or negotiation 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 copyright law. 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 role. 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% of the course is mandatory. In the case of a lawful excuse, the course director may grant exemptions. In such a 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 as well as in the moot court and/or negotiation exercises. When the student has carried out some tasks in a group, the way each individual student has fulfilled the learning outcomes of the course will be assessed through identification of that student's contribution to memoranda as well as through questions at seminars. The course is also examined through a written examination.

The language of examination is English.

All course learning outcomes 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%, oral argumentation 30%, and active participation 10%.

Students who receive a failing grade on a regular examination will have the opportunity to retake the examination.

A student who has failed the same examination twice is entitled to have another examiner appointed, unless there are special reasons to the contrary.

Students who have received a passing grade on an examination may not retake the examination to attain a

higher grade.

The final grade in the course is set using the following seven-point scale: A (Excellent), B (Very Good), C (Good), D (Satisfactory) and E (Adequate). Failing grades are Fx (Inadequate) or F (Totally Inadequate).

The grading criteria are specified in the course description and shall be available at the latest by the start of the course.

A student with a certificate of special pedagogical support issued by Stockholm University has the right to alternative/accommodated forms of examination in accordance with the certificate.

Misc

Completed course requirements are valid for two years. This also applies to students who drop the course during the early course withdrawal period.

The course requirements in effect at the time of the student's first registration on the course may be completed within two years. After two years, the course requirements included in the most recently revised syllabus will apply.

Entry into force

These provisions will apply as of 18 January 2021.

Required reading

The course literature will be determined by the head of department. Please refer to the course website and the course description for information about the required reading. The current reading list will be made available at least two months before the course starts.