



LUND
UNIVERSITY

Faculty of Law

JAEN61, European Patent Law, 15 credits *Europeisk patenträtt, 15 högskolepoäng* Second Cycle / Avancerad nivå

Details of approval

The syllabus was approved by Faculty of Law Board of education at undergraduate and postgraduate levels on 2018-10-22 and was last revised on 2022-09-07. The revised syllabus applies from 2022-09-07, autumn semester 2022.

General Information

The course is an elective course within the Master's Programme in European Business Law at the Faculty of Law. The course is open to students on the programme leading to a Swedish Professional Law degree and to international students participating in exchange programmes with the Faculty of Law.

Language of instruction: English

Main field of studies

European Business Law

Depth of study relative to the degree requirements

A1F, Second cycle, has second-cycle course/s as entry requirements

Learning outcomes

To pass the examination, the student shall demonstrate knowledge and competences as below:

Knowledge and understanding

The student must be able to demonstrate advanced knowledge and comprehension, namely by formulating critical reflections, arguments and legal reasoning concerning the topics related to:

- interrelationship between patent law and EU, and international economic and commercial law, policy and politics
- the relevance of EU and European jurisprudence in the development of patent law and regulations

- intersections with other areas of law (e.g. competition, human rights and health law).

Competence and skills

The students must be able to demonstrate oral and written competence to:

- assess and critically analyse the relevant legislation, case law, legal theory; basic patent justifications (e.g. economic, philosophical, social) and alternative incentive models
- interpret and apply the legal framework according to the legal dogmatic methods
- develop legal argument and create contracts
- forecast legal challenges and counter arguments
- present the results in oral and writing during the seminars and for the final written assignment.

Judgement and approach

Students must display the ability to work in a cross disciplinary setting, with colleagues from different cultural backgrounds and of the opposite gender. They will simultaneously demonstrate ability to conduct independent research activities.

Students shall demonstrate ability to critically assess the legal aspects of EU integration and their impact at the national and global level.

Students shall be able to consider and discuss social and ethical responsibilities within a commercial environment, understand ethical aspects of patent law and global trade within a sustainable European and international legal framework, and form individual legal opinions and arguments based on such reflections.

Course content

The aim of the course European Patent Law is to enable students to critically reflect upon the interaction between European patent law and EU economic and social policies, as well as global challenges. Such include attention to EU and national political stances, movements and trends that tend to affect legislative and judicial activity directly or indirectly.

Course design

The course is taught in the form of a combination of lectures and seminars. During both lectures and seminars a number of active learning activities will be offered. Basic knowledge, comprehension and competences are attained by attendance of lectures and active participation in these learning activities

Participation in seminars is mandatory. Individual independent study of prescribed course literature and legal sources remains essential for in-depth learning and understanding.

Participation in all suggested learning activities is strongly recommended.

Assessment

Student performance is assessed by the following methods:

1. Oral participation in the seminars (10% of the grade)
2. A research project in form of an individual project within the framework of the subjects discussed in the seminars; the project is presented at a seminar (90% of the grade)

A student must pass each component separately to obtain a pass grade for the course.

The examiner, in consultation with Disability Support Services, may deviate from the regular form of examination in order to provide a permanently disabled student with a form of examination equivalent to that of a student without a disability.

Subcourses that are part of this course can be found in an appendix at the end of this document.

Grades

Marking scale: Fail, Pass, Pass with credit, Pass with distinction.

All grading criteria rest on the baseline set up for the grade B. Criteria for the grade BA are additional to those for the grade B. Criteria for the grade AB are additional to those for the grade BA. Each grade criterion consists of a qualitative and a quantitative dimension. To be awarded a specific grade, the grade criterion must be satisfied in its qualitative as well as its quantitative dimension.

Grading criteria are applied to all dimensions listed as "Learning outcomes" in this syllabus. By way of example, an AB would presuppose that the student's examination reflect her or his mastery with regard to knowledge and understanding, skills and abilities, and judgment and approach as laid down in the syllabus as "learning outcomes". Grading is done using Qualitative and Quantitative criteria. The Quantitative criterion reflects how well read the student is whereas the Qualitative criterion reflects how well the student can use his/her knowledge to make a well structured critical and analytical argument and put it in a proper context.

B – Basic command

To obtain a B grade the student must be able to show a good degree of competence in addressing the theoretical and practical applications of legal and economic issues relating to different areas of patent law, as described in the learning outcomes.

The student must demonstrate a good degree of advanced knowledge and comprehension, by formulating critical reflections, arguments and legal reasoning concerning the interrelationship between patent law and EU and international economic and commercial law, policy and politics; the relevance of EU and European jurisprudence in the development of patent law and regulations, and intersections with other areas of law.

The student must demonstrate a good degree of oral and written competence to assess and critically analyse the relevant legislation, case law, legal theory; basic patent justifications and alternative incentive models; interpret and apply the legal framework according to the legal methods; develop legal argumentation and create contracts, and forecast legal challenges and counter arguments.

The student must demonstrate a good degree of ability to work in a cross disciplinary setting; with colleagues from different cultural backgrounds and of any gender identity and demonstrate ability to conduct independent research activities.

The student must demonstrate to a good degree the ability to critically assess the legal aspects of EU integration and their impact at the national and global level; and discuss social and ethical aspects of patent law and global trade within a sustainable

European and international legal framework, and form individual legal opinions and arguments based on such reflections.

BA – Advanced command

To obtain a BA grade the student must be able to show a very good degree of competence in addressing the theoretical and practical applications of legal and economic issues relating to patent law and related fields of law, as described in the learning outcomes.

The student must demonstrate a very good degree of advanced knowledge and comprehension, by formulating critical reflections, arguments and legal reasoning concerning the interrelationship between patent law and EU and international economic and commercial law, policy and politics; the relevance of EU and European jurisprudence in the development of patent law and regulations, and intersections with other areas of law.

The student must demonstrate a very good degree of oral and written competence to assess and critically analyse the relevant legislation, case law, legal theory; basic patent justifications and alternative incentive models; interpret and apply the legal framework according to the legal methods; develop legal argumentation and create contracts, and forecast legal challenges and counter arguments.

The student must demonstrate a very good degree of ability to work in a cross disciplinary setting; with colleagues from different cultural backgrounds and of any gender identity and demonstrate ability to conduct independent research activities.

The student must demonstrate to a very good degree the ability to critically assess the legal aspects of EU integration and their impact at the national and global level; and discuss social and ethical aspects of patent law and global trade within a sustainable European and international legal framework, and form individual legal opinions and arguments based on such reflections.

AB – Mastery

To obtain an AB grade the student must be able to show an excellent level of competence in addressing the theoretical and practical applications of legal and economic issues relating to the interaction between patent law, related fields of law and policy, as described in the learning outcomes.

The student must demonstrate an excellent degree of advanced knowledge and comprehension, by formulating critical reflections, arguments and legal reasoning concerning the interrelationship between patent law and EU and international economic and commercial law, policy and politics; the relevance of EU and European jurisprudence in the development of patent law and regulations, and intersections with other areas of law.

The student must demonstrate an excellent degree of oral and written competence to assess and critically analyse the relevant legislation, case law, legal theory; basic patent justifications and alternative incentive models; interpret and apply the legal framework according to the legal methods; develop legal argumentation and create contracts, and forecast legal challenges and counter arguments.

The student must demonstrate to an excellent degree the ability to work in a cross disciplinary setting; with colleagues from different cultural backgrounds and of any gender identity and demonstrate ability to conduct independent research activities.

The student must demonstrate to an excellent degree the ability to critically assess the legal aspects of EU integration and their impact at the national and global level; and discuss social and ethical aspects of patent law and global trade within a sustainable

European and international legal framework, and form individual legal opinions and arguments based on such reflections.

Entry requirements

Passed examination in courses corresponding to the first year of the Master's programme in European Business Law, amounting to at least 45 credits.

For students on the Professional Law Degree Programme the entry requirements for semesters 7 and 8 are outlined in the Programme syllabus (utbildningsplanen).

Exchange students must have passed at least two and a half years of law studies at university level including basic knowledge of EU law.

Further information

The University views plagiarism as a very serious academic offence, and will take disciplinary actions against students for any kind of attempted malpractice in connection with examinations and assessments. The penalty that may be imposed for this, and other unfair practice in examinations or assessments, includes suspension from the University.

Subcourses in JAEN61, European Patent Law

Applies from H18

1801 European Patent Law, 15,0 hp
Grading scale: Fail, Pass, Pass with credit, Pass with distinction