

Module : **Intellectual Property**

Theme : **Commercial Environment**

Aims

- It is the aim of this module to provide students with an understanding of the principles, substantive rules and practical application of Intellectual Property Law.
- Recent Irish legislation is considered in the context of the European Union law, international conventions, treaties and agreements that currently regulate this area of the law.

Syllabus

Patents:

- A Brief History and Introduction
- The Irish Patent System and International Conventions
- The Patents Act 1992 – Patentability
- Patents Act 1992 – Acquisition of Patent Rights
- Patent Act 1992 – Maintenance and Dealings in Patents
- Patents Act 1992 – Infringements and Remedies
- Patents Act 19992 – Revocation and Proceedings before the Controller and Courts
- Patents Act 1992 – Voluntary and Compulsory Licences

Copyright:

- The Copyright Term
- Databases
- Defences to Copyright Infringement
- Industrial Designs
- Infringement of Copyright
- Introduction to Trade Mark Law
- Irish Trade Mark Law and International Conventions
- Moral Rights
- Ownership and Dealings in Copyright Works
- Protected Works – Literary and Artistic Works
- Protected Works – Neighbouring Rights, State Copyright, Performers' Rights
- Remedies for Copyright Infringement
- Remedies in Tort
- The Duty of Confidence
- The Protection of Computer Programs as Copyright Works

Trademarks:

- Trade Marks Act 1996 – Absolute Grounds for Refusal of Registration
- Trade Marks Act 1996 – Infringement and Remedies
- Trade Marks Act 1996 – Limitations on Rights Conferred
- Trade Marks Act 1996 – Registrability
- Trade Marks Act 1996 – Registration Procedure and Ownership
- Trade Marks Act 1996 – Relative Grounds for Refusal of Registration
- Trade Marks Act 1996 – Revocation and Invalidity
- The Community Trade Mark

Workload

Contact	90 hours
Directed Learning Time	30 hours
Independent Learning Time	60 hours
Assessment Time	20 hours
Total	200 hours

Teaching and Learning Methods

Teaching in the early stages of the course will be based on formal lectures, which are aimed at providing the students with a firm grasp of the basic principles of the subject. Subsequent lectures will be participative and will incorporate question and answer sessions. Tutorials form a more intimate forum and are intended to encourage the students to voice their opinions and improve their research, I.T., critical integrative and cognitive skills. An important aim of the tutorials will be to ensure that the student has studied and researched case law, legislation and articles rather than merely relying on lecture notes and textbooks.

Integration and Linkage

Intellectual Property law shares many common elements with subjects such as the Law of Contract I & II, Equity & Trusts Law I & II and the Law of Torts I & II. The linkages to Equity & Trust law I & II include the use of the injunction, and, in particular, the use of the interlocutory injunction to prevent trade mark abuse and patent violation. The linkages to the Law of Contract I & II comprise the vital importance of the formation of a valid and binding contract in the context of the assignment of intellectual property rights. This programme as proposed will improve student's research, conceptual and critical skills.

Learning Outcomes

On successful completion of the module students should be able to:

- Critically analyse patent law in Ireland and compare such law to other jurisdictions
- Assess the impact of copyright law
- Evaluate the effectiveness of Trade Mark legislation

- Compare and contrast the different forms of protection offered to intellectual property rights under Irish law.

Assessment

30% of the module marks will be allocated to course work with the remaining 70% of the marks being reserved for an end of semester examination. The coursework will involve a significant piece of written work where the student's critical faculties and ability to conduct independent research will be assessed.

Reading List

Essential

Cornish (2003) *Intellectual Property: Patents, Copyright, Trademarks and Allied Rights*, Sweet & Maxwell

Clarke & Smyth (1997) *Intellectual Property Law in Ireland*, Butterworths

Recommended

Cornish (2004) *Cases and Materials on Intellectual Property* (2nd Edition), Sweet & Maxwell

Copinger and Skone James on Copyright: Volume 1: *Copinger, Skone and James*

Copinger and Skone James on Copyright: Volume 2: *Copinger, Skone and James*