



## EMLE 2023-2024

### ADVANCED COURSE ON INTELLECTUAL PROPERTY

Term/location:  
3<sup>rd</sup>/Barcelona

Credits: 2,5

Language: English

### COURSE DESCRIPTION

The course focuses on the specific issues that the internet poses to the traditional law and governance of intellectual property rights. From an economic perspective, the course deals with the impact of information technologies on intellectual property law regimes, collaborative creativity on the internet and other forms of shared innovations, digital exhaustion and challenges to the enforcement of intellectual property rights and to the application of traditional remedies. The course also deals with the legal and economic rationales of most of the provisions of the new Directive (UE) 2019/790 of 17 May 2019 on copyright and related rights in the Digital Single Market. Exceptions and limitations for text and data mining; the protection of press publications concerning online uses; the use of protected content by online content-sharing service providers; and contract adjustment mechanism will be discussed from a law and economics perspective.

### METHODOLOGY

- 1) **Learning methods:** course materials mostly include EU case law on IP, legal scholarship, and some hypothetical cases to illustrate different analytical issues. Social sciences tools will be used to analyze the effects of legal rules and doctrines on parties' behavior. Students are required to read the week course materials in advance with the goal of discussing them in class.  
The readings will be discussed in class. The instructor will call upon students to answer questions and to provide summaries. All students are on call for all readings assigned for that day.
- 2) **Capacities and skills:** after successfully completing the course, students shall be: (a) equipped with an advanced knowledge and understanding of core aspects of IP law and litigation in digital environments; (b) able to discuss public policy interests at stake in IP regulation and disputes and to develop their capacity to devise and sustain legal arguments and solve legal problems in the field of IP law; (c) able to understand the role of IP rights in different commercial and professional environments and how they may relate to innovation; and (d) encouraged to think pragmatically about the law.
- 3) **Attendance policy:** at least 80% of class attendance is required to pass the course.



## TOPICS

### Sessions

1. Setting up: the mainstream L&E approach to Intellectual Property and its criticisms\*
2. Behavioral models of Intellectual Property
3. How has digitization impacted the music industry and intellectual property law and policy?
4. Implications of big data in creative industries (I). Streaming and the Dawn of Data-Driven Creativity
5. Implications of big data in creative industries (II). Infringement, Fair Use, and Text and Data Mining
6. Use of protected content by online content-sharing service providers (article 17 Directive (UE) 2019/790 of 17 May 2019 on copyright and related rights in the Digital Single Market)
7. Use of protected content by online content-sharing service providers. A law and economics approach.
8. Directive (UE) 2019/790 of 17 May 2019 on copyright and related rights in the Digital Single Market:
  - Protection of press publications concerning online uses (article 15).
  - Contract adjustment mechanism (article 20)

## ASSIGNMENTS AND EVALUATION

The final grade for the course will be based on a **final examination** (100 %). This anonymous final exam will be based on the assigned readings and the contents of the class lectures will be programmed. The exam will test students' comprehension and familiarity with the different concepts, institutions and approaches discussed during the lectures. It can include essay questions or the discussion of hypotheticals. The instructor will inform students about the possibility of bringing materials or sources of information to the exam.

Students are encouraged to actively participate in class and bring quality questions and comments during the discussions.



If the regular course is failed, students will have the possibility of preparing a writing assignment on a specific topic in order to pass the course, if the work carried by the student through the course shows sufficient commitment to that end.

## LITERATURE

Peter S. Menell and Ben Depoorter, *Research Handbook on the Economics of IP Law*, (Edward Elgar Publishing), 2019.

Christopher J. Buccafusco, Stefan Bechtold, and Christopher Jon Sprigman, “The Nature of Sequential Innovation”, *William & Mary Law Review*, Vol. 59, 2017

\*Assigned additional readings for the course sessions will be informed in advance.