



## SUBJECT DETAILS

Data on the subject	
Full Name	EU Competition and EU Intellectual Property Law
Code	E000001228
Degree	Postgraduate in Master in International and European Business Law
Year	2023-24
Nature	Fall
ECTS Credits	3
Department	Law
Area	Law
Teaching staff	Adela Gómez Alonso and Ignacio Temiño Cenicerros

Data on the teaching staff	
<b>Teacher</b>	
Name	Adela Gómez Alonso
Department / Area	
e-mail	<a href="mailto:agonalso@icade.comillas.edu">agonalso@icade.comillas.edu</a>
Telephone	
Tutoring Schedule	Upon request from students

Data on the teaching staff	
<b>Teacher</b>	
Name	Ignacio Temiño Cenicerros
Department / Area	
e-mail	<a href="mailto:ignaciot@icade.comillas.edu">ignaciot@icade.comillas.edu</a>
Telephone	+34 917020331
Tutoring Schedule	Upon request from students

## SPECIFIC DATA ON THE SUBJECT

<b>Framework of the subject</b>
<b>Pre-requisites</b>
None
<b>Contribution of the degree to the professional profile</b>
<p>This subject allows students to identify risks and opportunities derived from the regulatory framework that sets the rules for market competition. The study of EU Competition law complements the knowledge of other areas of Economic law and is particularly relevant in terms of corporate compliance and corporate strategy. Therefore, this subject helps develop professional skills relevant to business counsel (both external and in-house).</p> <p>Understanding of the European trademark system and general principles of Intellectual Property Law. Acquisition of practical and strategic vision of real IP conflicts and how to solve them.</p>

<b>Competences – Goals</b>
<b>Competences to be developed</b>
<b>Generic Competences</b>
<p>GC 1: Analysis and synthesis abilities</p> <p>GC 6: Team work skills</p> <p>GC 7: Ability to work in an international context</p> <p>GC 8: Critical appraisal skills</p> <p>GC 10: Ability to develop autonomous learning skills</p> <p>GC 11: Concern for quality</p> <p>GC 12: Ability to apply theoretical knowledge into practice</p>
<b>Specific Competences</b>
<p>SC 7 Mastering the rules governing competition in the EU and in international markets, including specific aspects related to exclusive rights</p>

# COURSE SYLLABUS AND CONTENT FOR EU COMPETITION LAW/ IP AND TRADEMARK

<b>Content</b>
<b>Part I: EU Competition Law - Prof. Adela Gómez Alonso</b>
<b>Theme 1. Introduction to EU Competition Law</b>
Fundamental concepts, goals and hallmarks, legal and institutional framework.
<b>Theme 2. Abuse of Dominant Position</b>
The prohibition, establishing dominance (relevant markets), assessing abusive behavior (concepts and categories of abuse), consequences of the infringement.
<b>Theme 3. Agreements between Competitors</b>
Fundamental concepts and rationale, forms of restrictive agreements including cartels, prohibition and exemptions, consequences of the infringement.
<b>Theme 4. Concentrations of Undertakings: mergers, acquisition and joint ventures</b>
Fundamental concepts ("control" and "decisive influence"), types of concentrations (mergers, acquisitions, joint ventures), assessment by the European Commission, consequences of the assessment.
<b>Theme 5. State Aids.</b>
Concept and forms, elements of a public aid and regulation: prohibition, exemptions and competences (scenarios and decisions by the European Commission).
<b>Part II</b>
<b>AREA 1. Introduction to Intellectual Property Law (I)</b>
. Introduction to Intangible rights regulation
<ol style="list-style-type: none"> <li>1. Economic justification</li> <li>2. Brief history of Intangible rights</li> <li>3. International harmonization</li> <li>4. EU Legal Framework</li> <li>5. Copyright vs Industrial Property vs Unfair competition</li> </ol>
<b>AREA 2. EU Trademark System</b>
2.1. Trademark concept. Acquisition of the trademark right
2.2. Categories of trademarks

- 2.3. The EUIPO and National trademark registration systems
- 2.4. Conditions to achieve registration: absolute and relative prohibitions
- 2.5. Registration procedure before EUIPO
- 2.6.- Content of the trademark right. Duration. Limits. Obligation of use.
- 2.7.- Enforcement of the trademark right.

### **AREA 3. EU DESIGN SYSTEM**

- 3.1. Design concept. Acquisition of the design right
- 3.2. Categories of designs
- 3.3. The EUIPO and National design registration systems
- 3.4. Protection for the non-registered designs
- 3.5. Conditions to achieve registration: novelty
- 3.6. Registration procedure before EUIPO
- 3.7.- Content of the design right. Duration. Limits. .
- 3.8.- Enforcement of the design right

### **AREA 4. EUROPEAN PATENT SYSTEM**

- 4.1. Patent concept. Acquisition of the patent right
- 4.2. Categories of patents. Patents vs tradesecrets
- 4.3. The EPO and National patent registration systems.
- 4.4.- The "Unitary patent" system and the UPC
- 4.5. International protection. PCT and other tools
- 4.6. Conditions to achieve registration
- 4.7 Registration procedure before EPO
- 4.7 Registration procedure before EPO
- 4.8.- Content of the patent right. Duration. Limits. .

## TEACHING METHODOLOGY

### General methodology of the subject

#### Contact hours methodology: Activities

The methodology of the course will be based on a combination of in person interactive lectures and case studies.

Lectures will be dedicated to explain the main concepts and theories related to the topic of the session, whilst practical aspects will be explored by means of case studies based on legislation, case law, fiction texts, academic papers, etc.

#### Outside class methodology: Activities

Deep reading and comprehension of the legal texts and recommended lectures.

Working on the individual case by not just looking at legal text and lectures at class but also making own proper research.

With a view to having fruitful classes, students need to prepare the reading material that the professor will deliver in advance of each session

## SUMMARY OF STUDENT WORK HOURS

NUMBER OF CONTACT HOURS					
Lecture	Practical class	Debate	Individual work	Work in collaboration	Evaluation
8	7		7	4	4
NUMBER OF INDEPENDENT WORK HOURS					
Lecture	Practical class	Debate	Individual work	Work in collaboration	Evaluation
9	6		10	5	15
<b>ECTS CREDITS: 3 (75,00 hours)</b>					

## GRADE EVALUATION AND CRITERIA

Evaluation Activities	Indicators	Evaluation weighting
Continuous evaluation	See simplified syllabus	40 %

Evaluation: exam (final)	See simplified syllabus	50%
Attendance	Regular attendance to classes – control by signature or other appropriate means.	10%

## BIBLIOGRAPHY AND RESOURCES

### Basic Bibliography and Resources

#### TEXT BOOKS

##### EU Competition Law

In this course there are no compulsory textbooks. The study of the relevant topics will not be based on any specific textbook, but on the lectures delivered by the professor. Therefore, it is extremely important that the students take notes during the class. The lectures will be supported by slides (PowerPoint) that are purely for guidance and in no case can replace the explanations of the professor. Consequently, the notes need to be accurate and complete. The slides will be duly delivered by the professor via Moodle.

Recommended books:

- Whish, Richard. *Competition Law*. 10<sup>th</sup> edition. Oxford University Press, 2021.
- Jones, Alison and Sufrin, Brenda. *EU Competition Law: Texts, Cases and Materials*. 7<sup>th</sup> edition. Oxford University Press, 2019.

#### CHAPTER OF BOOKS

EU INTELLECTUAL PROPERTY LAW

Text, cases and materials

Annette Kur and Thomas Dreier

Edward Elgar 2019

#### SUGGESTED ARTICLES

Spanish Law 17/2001 of December 7, 2001, on Trademarks

Spanish Law 3/1991 of January 10, on Unfair Competition

COUNCIL REGULATION (EC) No 2424/2015 of 16 December 2015 on the Community trade mark (codified version)

DIRECTIVE 2436/2015/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 December 2008 to approximate the laws of the Member States relating to trade marks (Codified version)

DIRECTIVE 2005/29/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive')

**WEBSITES**

European Commission, DG COMP: [http://ec.europa.eu/competition/index\\_en.html](http://ec.europa.eu/competition/index_en.html)  
 European Competition Network: [http://ec.europa.eu/competition/ecn/index\\_en.html](http://ec.europa.eu/competition/ecn/index_en.html)  
 European Court of Justice: <http://curia.europa.eu/>  
 International Competition Network: <http://www.internationalcompetitionnetwork.org/www.oami.europa.eu>  
[www.wipo.int](http://www.wipo.int)  
[www.oepm.es](http://www.oepm.es)  
[http://ec.europa.eu/internal\\_market/indprop/docs/tm/20110308\\_allensbach-study\\_en.pdf](http://ec.europa.eu/internal_market/indprop/docs/tm/20110308_allensbach-study_en.pdf)  
<http://curia.europa.eu/>  
[www.epo.org](http://www.epo.org)

**SUBJECT DETAILS: EU COMPETITION LAW (Prof. Gómez Alonso)**

Data on the subject	
Name	<b>EU COMPETITION LAW, IP AND TRADEMARK</b>
Degree	Postgraduate in Master in International and European Business Law
Year	2023-24
Nature	Fall
ECTS	2
Department	Law
Area	Law
Teaching	ADELA GÓMEZ ALONSO

Data on the teaching staff	
Teaching staff	Prof. Adela Gómez Alonso
e-mail	agonalso@icade.comillas.edu
Telephone	
Office	Not applicable
Tutoring Schedule	Upon request from students

### SPECIFIC DATA ON THE SUBJECT

Pre-requisites
None
Contribution of the degree to the professional profile
<p>This subject allows students to identify risks and opportunities derived from the regulatory framework that sets the rules for market competition. The study of EU Competition law complements the knowledge of other areas of Economic law and is particularly relevant in terms of corporate compliance and corporate strategy. Therefore, this subject helps develop professional skills relevant to business counsel (both external and in-house).</p>

Generic Competences
Instrumental
<p>GC 1: Analysis and synthesis abilities</p> <p>GC 6: Teamwork skills</p> <p>GC 7: Ability to work in an international context</p> <p>GC 8: Critical appraisal skills</p> <p>GC 10: Ability to develop autonomous learning skills</p> <p>GC 11: Concern for quality</p> <p>GC 12: Ability to apply theoretical knowledge into practice</p>
Specific competences of the subject
Conceptual (knowing)

### THEMATIC AREA AND CONTENT

<p><b>Session 1</b> - 18.9.23</p>	<p>TOPICS</p> <ul style="list-style-type: none"> <li>• <b>Presentation of the subject</b> - review of Syllabus, expectations, objectives.</li> <li>• <b>Introduction to EU Competition Law</b> - fundamental concepts, goals and hallmarks, legal and institutional framework.</li> </ul> <p>ACTIVITIES IN CLASS</p> <ul style="list-style-type: none"> <li>• Lecture and class discussion on the above topics.</li> </ul> <p>REQUIRED READING</p> <ul style="list-style-type: none"> <li>• Based on pieces of legislation, case law, textbooks, academic papers, etc., required reading will be duly delivered by the professor in advance of each session.</li> </ul>
<p><b>Session 2</b> - 25.9.23</p>	<p>TOPIC – <b>Abuse of dominant position (I)</b></p> <ul style="list-style-type: none"> <li>• The prohibition, establishing dominance (relevant markets), assessing abusive behavior (concept and categories of abuse), consequences of the infringement.</li> </ul> <p>ACTIVITIES IN CLASS</p> <ul style="list-style-type: none"> <li>• Lecture and class discussion on Abuse.</li> </ul> <p>REQUIRED READING</p> <ul style="list-style-type: none"> <li>• Based on pieces of legislation, judgements, textbooks, academic papers, etc., required reading will be duly delivered by the professor in advance of each session.</li> </ul>
<p><b>Session 3</b> - 2.10.23</p>	<p>TOPICS – <b>Abuse of dominant position (II) &amp; Agreements between competitors (I)</b></p> <ul style="list-style-type: none"> <li>• Continuation of previous session on Abuse.</li> <li>• Agreements: fundamental concepts and rationale, forms of restrictive agreements including cartels, prohibition and exemptions, consequences of the infringement.</li> </ul> <p>ACTIVITIES IN CLASS</p> <ul style="list-style-type: none"> <li>• Case Study num. 1 on Abuse: The Google case.</li> </ul>

	<ul style="list-style-type: none"> <li>• Lecture and class discussion on the above topics.</li> <li>• Organizational aspects of <b>Continuous Evaluation - Group Case Study</b>: creation of groups and allocation of topics (see “Grade Evaluation and Criteria”).</li> </ul> <p>REQUIRED READING</p> <ul style="list-style-type: none"> <li>• Based on pieces of legislation, judgements, textbooks, academic papers, etc., required reading will be duly delivered by the professor in advance of each session.</li> </ul>
<p><b>Session 4</b> - 9.10.23</p>	<p>TOPIC – <b>Agreements between competitors (II)</b></p> <ul style="list-style-type: none"> <li>• Continuation of previous session on Agreements.</li> </ul> <p>ACTIVITIES IN CLASS</p> <ul style="list-style-type: none"> <li>• Lecture and class discussion on Agreements.</li> <li>• Case study num. 2 on Agreements: The Sugar Cartel case</li> </ul> <p>REQUIRED READING</p> <ul style="list-style-type: none"> <li>• Based on pieces of legislation, judgements, textbooks, academic papers, etc., required reading will be duly delivered by the professor in advance of each session.</li> </ul>
<p><b>Session 5</b> - 16.10.23</p>	<p>TOPIC – <b>Concentrations of undertakings: mergers, acquisitions, joint ventures (I)</b></p> <ul style="list-style-type: none"> <li>• Fundamental concepts (“control” and “decisive influence”), types of concentrations (mergers, acquisitions, joint ventures), assessment by the European Commission, consequences of the assessment.</li> </ul> <p>ACTIVITIES IN CLASS</p> <ul style="list-style-type: none"> <li>• Lecture and class discussion on Concentrations.</li> </ul> <p>REQUIRED READING</p> <ul style="list-style-type: none"> <li>• Based on pieces of legislation, judgements, textbooks, academic papers, etc., required reading will be duly delivered by the professor in advance of each session.</li> </ul>
<p><b>Session 6</b> - 30.10.23</p>	<p>TOPICS – <b>Concentrations of undertakings (II) &amp; State aids</b></p> <ul style="list-style-type: none"> <li>• Continuation of previous session on Concentrations.</li> <li>• State aids: concept and forms, elements of a public aid and regulation: prohibition, exemptions and competences (scenarios and decisions by the European Commission).</li> </ul> <p>ACTIVITIES IN CLASS</p> <ul style="list-style-type: none"> <li>• Case study num. 3 on Mergers: The Facebook/WhatsApp operation</li> <li>• Lecture and class discussion on the above topics.</li> </ul>

	<p>REQUIRED READING</p> <ul style="list-style-type: none"> <li>Based on pieces of legislation, judgements, textbooks, academic papers, etc., required reading will be duly delivered by the professor in advance of each session.</li> </ul>
<p><b>Session 7</b> - 6.11.23</p>	<p><b>TOPIC – Content revision – Preparation of Final Exam</b></p> <ul style="list-style-type: none"> <li>Revision of theory and case studies dealt with over the course.</li> </ul> <p>ACTIVITIES IN CLASS</p> <ul style="list-style-type: none"> <li>Questions &amp; Answers on (a) relevant topics and (b) the Final Exam.</li> </ul> <p>REQUIRED READING</p> <ul style="list-style-type: none"> <li>Revision of content delivered in previous sessions (theory and cases).</li> </ul>
<p><b>Session 8</b> - 13.11.23</p>	<p><b>FINAL EXAM &amp; Review of correct answers</b></p> <ul style="list-style-type: none"> <li>The Final Exam will be taken in session 8 and represents 50% of the final grade of the course.</li> <li>It is a paper, in person, closed-book exam that includes the content delivered in all previous sessions (1-7) and consists in multiple-choice and true-false questions. Wrong answers are not penalized.</li> <li>Review: Following the Exam, the professor will go through the correct answers of the test. Attendance is mandatory.</li> </ul>
<p><b>Classroom code</b></p>	<p>Students must use their laptops for class-related purposes only.</p>

### TEACHING METHODOLOGY

General methodological aspects of the subject
Contact hours methodology: Activities
The methodology of the course will be based on a combination of in person interactive lectures and case studies.

Lectures will be dedicated to explaining the main concepts and theories related to the topic of the session, whilst practical aspects will be explored by means of case studies based on legislation, case law, fiction texts, academic papers, etc.

**Independent study methodology: Activities**

- With a view to having fruitful classes, students need to prepare the reading material that the professor will deliver in advance of each session.
- The Continuous Evaluation activity and, primarily, the preparation of the Final Exam, as well as night readings, will involve an important workload in terms of independent study (see "Grade Evaluation and Criteria").

**SUMMARY OF STUDENT WORK HOURS**

Activity	Number of class hours	Number of independent study hours	Total number of hours
Lecture	5		5
Practical class	5		5
Class discussion	4		4
Work in collaboratio	3	10	13
Final Exam	3	15	18
Other individual work		5	5
ECTS	20	30	50

## **GRADE EVALUATION AND CRITERIA**

The grade distribution of the course is as follows:

- Final Exam = 50% of the final grade of the course
- Continuous Evaluation = 40% of the final grade of the course
- Attendance = 10% of the final grade of the course

### FINAL EXAM

- The Final Exam will be taken in session 8 and represents 50% of the final grade of the course.
- It is a paper, in person, closed-booked exam that includes the content delivered in all previous sessions (1-7) and consists in multiple-choice and true-false questions. Wrong answers are not penalized.

Review: Following the Exam, the professor will go through the correct answers of the test. Attendance is mandatory.

### CONTINUOUS EVALUATION: Group Case Study

- The students must produce a Written Group Assignment that accounts for 40% of the final grade of the course.
- This Assignment is a grading activity that will consist in the preparation of a fiction case study on a major domain of EU Competition Law: Abuse of dominant position. The students will have the opportunity to choose one working topic among different options.
- The above work will be based on the contents delivered in class.
- The groups will be created in session 3 (Monday 2<sup>nd</sup> October) and the working topics will be allocated also in this session. Precise instructions on timing, content and format will be available on Moodle on the same day.
- DUE DATE: the Assignment will be submitted to the professor by university email on Monday 16<sup>th</sup> October.
- The grade of the Assignment will be the same for all group members.

### ATTENDANCE

- Attendance is mandatory and represents 10% of the final grade of the course.
- I refer to the MIEBL policy on student attendance and lateness.

Evaluation Activities	Indicators	Evaluation Weighting
Final Exam	Preparation at home and resolution/submission in class.	50%
Continuous Evaluation (Group Case Study)	Preparation at home and submission via university email.	40%
Attendance		10%

### BIBLIOGRAPHY AND RESOURCES

Basic materials
Lectures delivered by the professor + Slides (PowerPoint)
<ul style="list-style-type: none"> <li>In this course there are no compulsory textbooks. The study of the relevant topics will not be based on any specific textbook, but on the lectures delivered by the professor. Therefore, it is extremely important that the students take notes during the class. The lectures will be supported by slides (PowerPoint) that are purely for guidance and in no case can replace the explanations of the professor. Consequently, the notes need to be accurate and complete.</li> <li>The slides will be duly delivered by the professor via Moodle.</li> </ul>
Websites
<ul style="list-style-type: none"> <li>European Commission, DG COMP: <a href="http://ec.europa.eu/competition/index_en.html">http://ec.europa.eu/competition/index_en.html</a></li> <li>European Competition Network: <a href="http://ec.europa.eu/competition/ecn/index_en.html">http://ec.europa.eu/competition/ecn/index_en.html</a></li> <li>European Court of Justice: <a href="http://curia.europa.eu/">http://curia.europa.eu/</a></li> <li>International Competition Network: <a href="http://www.internationalcompetitionnetwork.org/">http://www.internationalcompetitionnetwork.org/</a></li> </ul>
Reference books
Recommended reference books (non-compulsory):
<ul style="list-style-type: none"> <li>Jones, Alison and Sufrin, Brenda. <i>EU Competition Law: Text, Cases and Materials</i>. 7<sup>th</sup> edition. Oxford University Press, 2019.</li> <li>Whish, Richard. <i>Competition Law</i>. 10<sup>th</sup> edition. Oxford University Press, 2021.</li> </ul>
Other material
Other materials will be delivered by the professor in due course via Moodle.

**GRADE EVALUATION AND CRITERIA (Prof. Ignacio Temiño)**

<b>Evaluation Activities</b>	<b>Indicators</b>	<b>Evaluation Weighting</b>
Attendance	Preparation and presentation of examples and cases at the end of each lecture for open discussion in group	10%
Evaluation: exam (final)	Resolution of home exam, with consultation materials available and case study to comment	50%
Student case preparation	Preparation and delivery to professor within ten days after the last class.	40%