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SUBJECT DETAILS

Data on the subject	
Full Name	EU Competition, EU Intellectual Property Law
Code	E000001228
Degree	Postgraduate in Master in International and European Business Law
Year	2021-22
Nature	Fall
ECTS Credits	3
Department	Law
Area	Law
Teaching staff	Adela Gómez and Ignacio Temiño Cenicerros

Data on the teaching staff	
Teacher	
Name	Adela Gómez
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Tutoring Schedule	Upon request from students

Data on the teaching staff	
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Tutoring Schedule	Upon request from students

SPECIFIC DATA ON THE SUBJECT

Framework of 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> <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>

Competences – Goals
Competences to be developed
Generic Compétences
<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>

GC 8: Critical appraisal skills
GC 10: Ability to develop autonomous learning skills
GC 11: Concern for quality
GC 12: Ability to apply theoretical knowledge into practice
Specific Compétences
SC 7 Mastering the rules governing competition in the EU and in international markets, including specific aspects related to exclusive rights

COURSE SYLLABUS AND CONTENT FOR IP AND TRADEMARK (PROFESSOR TEMIÑO)

Content
Part I
Area 1.
Theme 1. Introduction to EU Competition Law: fundamental concepts, goals and hallmarks, legal and institutional framework.
Theme 2. Agreements between competitors (Collusion)
Fundamental concepts and rationale, forms of collusion including cartels, prohibition and exemptions, consequences of the infringement and leniency policy
Theme 3. Abuse of Dominant Position (I)
Concept and prohibition, assessing abusive behaviour (dominant position and relevant markets), categories of abuse, consequences of the infringement.
Theme 4. Abuse of Dominant Position (II) & Mergers (I)
Merger control: concentration of undertakings (control and “decisive influence”), assessment and categories of mergers, consequences of the assessment.
Theme 5. Mergers (II)
Theme 6. State Aids
Concept and forms, elements of a public aid and regulation: prohibition, exemptions and competences (scenarios and decisions by European Commission)
Part II
AREA 1. Introduction to Intellectual Property Law (I)

. Introduction to Intangible rights regulation

1. Economic justification
2. Brief history of Intangible rights
3. International harmonization
4. EU Legal Framework
5. Copyright vs Industrial Property vs Unfair competition

AREA 2. EU Trademark System

- 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 tradeseecrets
- 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
- 4.8.- Content of the patent right. Duration. Limits. .

TEACHING METHODOLOGY

General methodology of the subject
Contact hours methodology: Activities
<p>The methodology of the course will be based on a mixture of interactive (at the classroom and on-line) lectures, and case studies</p> <p>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.</p>
Outside class methodology: Activities
<p>Deep reading and comprehension of the legal texts and recommended lectures.</p> <p>Working on the individual case by not just looking at legal text and lectures at class but also making own proper research.</p> <p>With a view to having fruitful classes, students need to prepare the reading material that the professor will deliver in advance of each session</p>

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
ECTS CREDITS: 3 (75,00 hours)					

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/virtual attendance of a daily sessions	10%

BIBLIOGRAPHY AND RESOURCES

Basic Bibliography and Resources

TEXT BOOKS

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 and/or available on Moodle immediately after each session

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

European Competition Network: 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

www.oepm.es

http://ec.europa.eu/internal_market/indprop/docs/tm/20110308_allensbach-study_en.pdf

<http://curia.europa.eu/>

www.epo.org

**SUBJECT DETAILS: COMPETITION Law
(Prof. Gomez)**

Data on the subject

Name	EU COMPETITION LAW, IP AND TRADEMARK
Degree	Postgraduate in Master in International and European Business Law

Year	2020-21
Nature	Fall
ECTS Credits	2
Department	Law
Area	Law
Teaching staff	ADELA GÓMEZ ALONSO

Data on the teaching staff	
Teaching staff	Prof. Adela Gómez Alonso
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Telephone	+34 654 68 18 28
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
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).

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)	
	<p>SC 7 - Mastering the rules governing competition in the EU and in international markets, including specific aspects related to exclusive rights</p>

THEMATIC AREA AND CONTENT

Session 1	<p>TOPICS</p> <ul style="list-style-type: none"> • Presentation of the subject - review of Syllabus, expectations, objectives. • Introduction to EU Competition Law - fundamental concepts, goals and hallmarks, legal and institutional framework. <p>ACTIVITIES IN CLASS</p>
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	<ul style="list-style-type: none"> • Lecture and class discussion on the above topics. <p>REQUIRED READING</p> <ul style="list-style-type: none"> • 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.
<p>Session 2</p>	<p>TOPIC – Abuse of dominant position (I)</p> <ul style="list-style-type: none"> • The prohibition, establishing dominance (relevant markets), assessing abusive behaviour (concept and categories of abuse), consequences of the infringement. <p>ACTIVITIES IN CLASS</p> <ul style="list-style-type: none"> • Lecture and class discussion on Abuse. <p>REQUIRED READING</p> <ul style="list-style-type: none"> • Based on pieces of legislation, judgements, textbooks, academic papers, etc., required reading will be duly delivered by the professor in advance of each session.
<p>Session 3</p>	<p>TOPIC – Abuse of dominant position (II) & Restrictive agreements (I)</p> <ul style="list-style-type: none"> • Continuation of previous session on Abuse. • Agreements: fundamental concepts and rationale, forms of restrictive agreements including cartels, prohibition and exemptions, consequences of the infringement and leniency policy. <p>ACTIVITIES IN CLASS</p> <ul style="list-style-type: none"> • Case Study num. 1 on Abuse. • Lecture and class discussion on the above topics. • Organisational aspects of Written Group Assignments: creation of groups and allocation of topics (see “Grade Evaluation and Criteria”). <p>REQUIRED READING</p> <ul style="list-style-type: none"> • Based on pieces of legislation, judgements, textbooks, academic papers, etc., required reading will be duly delivered by the professor in advance of each session.
<p>Session 4</p>	<p>TOPIC – Restrictive agreements (II)</p> <ul style="list-style-type: none"> • Continuation of previous session on Agreements. <p>ACTIVITIES IN CLASS</p> <ul style="list-style-type: none"> • Lecture and class discussion on Agreements. • Case study num. 2 on Agreements.

	<p>REQUIRED READING</p> <ul style="list-style-type: none"> Based on pieces of legislation, judgements, textbooks, academic papers, etc., required reading will be duly delivered by the professor in advance of each session.
Session 5	<p>TOPIC - Mergers (I)</p> <ul style="list-style-type: none"> Merger control: fundamental concepts (control and “decisive influence”), categories of mergers and assessment, consequences of the assessment. <p>ACTIVITIES IN CLASS</p> <ul style="list-style-type: none"> Lecture and class discussion on Mergers. Organisational aspects of Group Presentations: creation of groups and allocation of topics (see Session 8). <p>REQUIRED READING</p> <ul style="list-style-type: none"> Based on pieces of legislation, judgements, textbooks, academic papers, etc., required reading will be duly delivered by the professor in advance of each session.
Session 6	<p>TOPIC - Mergers (II) & State aids</p> <ul style="list-style-type: none"> Continuation of previous session on Mergers. State aids: concept and forms, elements of a public aid and regulation: prohibition, exemptions and competences (scenarios and decisions by the European Commission). <p>ACTIVITIES IN CLASS</p> <ul style="list-style-type: none"> Case study num. 3 on Mergers. Lecture and class discussion on State aids. <p>REQUIRED READING</p> <ul style="list-style-type: none"> Based on pieces of legislation, judgements, textbooks, academic papers, etc., required reading will be duly delivered by the professor in advance of each session.
Session 7	<p>FINAL EXAM</p> <ul style="list-style-type: none"> The Final Exam will be taken in session 7 and represents 50% of the final grade of the course. It is an online exam (Moodle) that includes the content delivered in all previous sessions (1-6) and consists in multiple-choice and true-false questions. Wrong answers are not penalized. Following the Exam, the professor will go through the correct answers of the test.
Session 8	<p>GROUP PRESENTATIONS</p> <ul style="list-style-type: none"> Each student must participate in a Group Presentation that will be delivered in class in session 8 and represents 25% of the final grade of the course.

	<ul style="list-style-type: none"> • Group presentations tackle major Competition topics and are based on legislation, case law and/or decisions and documents produced by relevant stakeholders. • The groups will be created in session 5 and the relevant topics will be allocated also in this session. Precise instructions on timing, content and format will be duly conveyed to the students via Moodle. • The grading of the Group Presentations will assess both content (accurate and complete research, sound and well-structured analysis) and communication skills (verbal fluency, eloquence, body language). The content provided by the students will be assessed equally for all group members, but the assessment of communication skills will be based on the personal performance of each student. Therefore, the final grade obtained by the members of a group may vary among them. • As a “bimodalidad format” will be implemented this semester, the delivery of the Presentations in class will be staggered. Therefore: 1). group A Students will enter the room in the first place, will deliver their presentations and then will leave; 2). once the class is empty, group B Students will enter to deliver theirs. Organisational details will be duly conveyed by the professor.
Classroom code	Students must use their laptops for class-related purposes only.

TEACHING METHODOLOGY

General methodological aspects of the subject
Contact hours methodology: Activities
<ul style="list-style-type: none"> • The methodology of the course will be based on a combination of interactive lectures, analysis/discussion of case studies and group presentations by the students. • 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. Group presentations will allow to combine individual and teamwork, as well as develop research, analytical and communication skills.
Independent study methodology: Activities
<ul style="list-style-type: none"> • 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 activities 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
Lecture	5
Practical class	5
Class discussion	4
Work in collaboration	3
Final Exam	3
Other individual work	
ECTS Credits:	20

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 7 and represents 50% of the final grade of the course.
- It is an online exam (Moodle) that includes the content delivered in all previous sessions (1-6) and consists in multiple-choice and true-false questions. Wrong answers are not penalized.
- Following the Exam, the professor will go through the correct answers of the test.

CONTINUOUS EVALUATION

The Continuous Evaluation is based on two elements: Group Presentation and Written Group Assignment.

I. Group Presentation

- Each student must participate in a Group Presentation that will be delivered in class in session 8 and represents 25% of the final grade of the course.
- Group presentations tackle major Competition topics and are based on legislation, case law and/or decisions and documents produced by relevant stakeholders.
- The groups will be created in session 5 and the relevant topics will be allocated also in this session. Precise instructions on timing, content and format will be duly conveyed to the students via Moodle.
- The grading of the Group Presentations will assess both content (accurate and complete research, sound and well-structured analysis) and communication skills (verbal fluency, eloquence, body language). The content provided by the students will be equally graded for all group members, but the assessment of communication skills will be based on the personal

performance of each student. Therefore, the final grade obtained by the members of a group may vary among them.

- As a “bimodalidad format” will be implemented this semester, the delivery of the Presentations in class will be staggered. Therefore: 1). group A Students will enter the room in the first place, will deliver their presentations and then will leave; 2). once the class is empty, group B Students will enter to deliver theirs. Organisational details will be duly conveyed by the professor.

II. Written Group Assignment

- The students must produce a Written Group Assignment that will be submitted by university email to their professor in session 5. It accounts for 15% of the final grade of the course.
- This Assignment will consist in the preparation of a fiction case study on a major domain of EU Competition Law: Abuse of dominant position.
- The above work will be based on the contents delivered in class and may take as a reference real cases dealt with by the European Commission in Brussels.
- The groups will be created in session 3 and the specific topics will be allocated also in this session. Precise instructions on timing, content and format will be conveyed to the students in due course via Moodle.
- 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.

	Competences
Final Exam	<p>GC 1: Analysis and synthesis abilities.</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>SC 7 - Mastering the rules governing competition in the EU.</p>
Group Presentation		<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 12: Ability to apply theoretical knowledge into practice.</p> <p>SC 7 - Mastering the rules governing competition in the EU.</p>
Written Group Assignment		<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 12: Ability to apply theoretical knowledge into practice.</p> <p>SC 7 - Mastering the rules governing competition in the EU.</p>
Attendance		

BIBLIOGRAPHY AND RESOURCES

Basic materials
Lectures delivered by the professor + Slides (PowerPoint)
<ul style="list-style-type: none">• 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 delivered by the professor via Moodle after each session.
Websites
<ul style="list-style-type: none">• European Commission, DG COMP: http://ec.europa.eu/competition/index_en.html• European Competition Network: http://ec.europa.eu/competition/ecn/index_en.html• European Court of Justice: http://curia.europa.eu/• International Competition Network: http://www.internationalcompetitionnetwork.org/
Reference books
Recommended reference books (non-compulsory): <ul style="list-style-type: none">• Jones A. and Sufrin B., <i>EU Competition Law: Text, Cases and Materials</i>, 6th ed. (Oxford University Press, 2016).• Bellamy & Child, <i>European Union Law of Competition</i>, 8th ed. (Oxford University Press, 2018).
Other material
Other materials will be delivered by the professor in due course via Moodle.