



FICHA TÉCNICA DE LA ASIGNATURA

Datos de la asignatura	
Nombre completo	Derecho comunitario de la competencia, propiedad industrial e intelectual / EU Competition, IP and Trademark Law
Código	E900001228
Créditos	3,0 ECTS
Carácter	Obligatoria
Responsable	Marta Marañón
Descriptor	marta.maranon@enel.com

Datos del profesorado

DATOS ESPECÍFICOS DE LA ASIGNATURA

Contextualización de la asignatura

Competencias - Objetivos

BLOQUES TEMÁTICOS Y CONTENIDOS

Contenidos – Bloques Temáticos

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

Content

Part I: EU Competition Law and interaction with Intellectual Property Rights- Prof. Marta Marañón Hermoso

Theme1. Introduction to EU Competition Law and interaction with IPRs

- i. Why is it important to comply with antitrust rules?
- ii. Review of main infringements:
 - a. Anti-competitive agreements: analysis of specific horizontal agreements, exchanges of information between competitors and certain vertical agreements that restrict competition.
 - b. Abuse of dominance.
- iii. Licensing and Competition Law in the European Union
- iv. How to act in the event of an antitrust inspection.



Theme 2. Horizontal Agreements. Cases in the field of IPRs

- i. Cartels and exchange of sensitive information.
- ii. Other types of agreements:
 - R&D agreements.
 - Joint production agreements.
 - Joint sale agreements.
 - Joint purchasing agreements.
- iii. Case study in the field of IPRs.

Theme 3. Vertical Agreements. Cases in the field of IPRs

- i. Analysis of vertical agreements carried out between operators at different levels of the production chain. Hardcore restrictions.
- ii. Particular analysis of the following agreements: single branding, exclusive distribution, selective distribution, franchise, exclusive supply, tying, etc.
- iii. Case study in the field of IPRs.

Theme 4. Abuse of dominance. Cases in the field of IPRs

- i. Legal basis and concept of dominance.
- ii. Market definition.
- iii. Types of abuse (exclusionary and exploitative practices). Discriminatory practices, margin squeeze, tying, fidelity rebates, predatory prices, etc.
- iv. Case study in the field of IPRs.

Theme 5. Concentrations of Undertakings: mergers, acquisition and jointventures

Fundamental concepts will be analyzed:

- when does a transaction constitute an economic concentration?
- jurisdictional thresholds for notification of the transaction. Is it necessary to notify the concentration before the European Commission or before a national competition authority?;
- restrictions ancillary to the concentration;
- procedural aspects, etc.

In addition, concentrations involving IPRs will also be analyzed.

Theme 6. StateAids.

During this session, questions relating to the applicable rules, the concept of State aid, analysis of the compatibility of State aid, procedural aspects, the application of State aid rules by national authorities, etc. will be discussed.



Part II. Prof. Marta Marañón Hermoso

AREA 1. IP AND TRADEMARK

1. Introduction
2. EU Trademark System
3. EU Design System
4. European Patent System

AREA 2. FINAL CASE STUDIES

1. Case C-7/97, **Bronner**
2. Case C-418/01 **IMS Health**
3. Case T-201/04 **Microsoft v. Commission**

METODOLOGÍA DOCENTE

Aspectos metodológicos generales de la asignatura

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, 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

RESUMEN HORAS DE TRABAJO DEL ALUMNO



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)					

EVALUACIÓN Y CRITERIOS DE CALIFICACIÓN

GRADE EVALUATION AND CRITERIA

Evaluation Activities		Evaluation weighting
Continuous evaluation		40 %
Evaluation: exam(final)		50%



Attendance

10%

BIBLIOGRAFÍA Y RECURSOS

Bibliografía Básica

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 student takes notes during the class. The lectures will be supported by slides (PowerPoint) that are purely for guidance and do not 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*. 10th edition. Oxford University Press, 2021.
- Jones, Alison and Sufrin, Brenda. *EU Competition Law: Texts, Cases and Materials*. 7th 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 Act 15/2007, 3 July, on Defense of Competition

Spanish Law 17/2001 of December 7, 2001, on Trademarks Spanish Law 3/1991 of January 10, on Unfair Competition



Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings.

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 trademarks (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 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

Classroom code

Students must use their laptops for related purposes only.