



Teaching Guide				
Identifying Data				2022/23
Subject (*)	EU Competition Law and Intellectual property	Code	612G01011	
Study programme	Grao en Dereito			
Descriptors				
Cycle	Period	Year	Type	Credits
First and Second Cycle	1st four-month period	Second	Basic training	6
Language	SpanishGalician			
Teaching method	Face-to-face			
Prerequisites				
Department	Dereito Privado			
Coordinador	Vazquez Pena, Manuel Jose	E-mail	manuel.jose.vazquez.pena@udc.es	
Lecturers	Arevano Fuentes, M <sup>a</sup> de la Cruz Cachafeiro Garcia, Fernando Cernadas Lázare, Marta Vazquez Pena, Manuel Jose	E-mail	m.arevano@udc.es fernando.garcia@udc.es marta.cernadas.lazare@udc.es manuel.jose.vazquez.pena@udc.es	
Web				
General description	This course examines the Law of Intellectual Property and Competition. In particular, the different rights on industrial creations, distinctive signs, copyright and related rights, competition law and, finally, unfair competition and advertising are studied.			

Study programme competences / results	
Code	Study programme competences / results
A1	Knowledge of the main legal institutions
A2	Knowledge of the role of law as a regulatory system of social relations
A3	Grasping the systematic nature of the legal system
A4	Appreciating the interdisciplinary nature of legal problems
A5	Knowing the constitutional principles and values.
A6	Understanding the different manifestations of law in its historical evolution and in its current reality.
A8	Basic knowledge of legal argumentation.
A9	Ability to handle legal sources (legal, jurisprudential and doctrinal).
A10	Ability to interpret and critically assess the legal system.
A11	Ability to understand and write legal documents.
B2	Ability to know how to apply their knowledge to their work or vocation in a professional way and possess the skills that are usually demonstrated through the elaboration and defense of arguments and the resolution of problems within their area of study.
B3	Ability to gather and interpret relevant data (usually within their area of study) to make judgments that include a reflection on social, scientific or ethical relevant issues.
B4	Ability to transmit information, ideas, problems and solutions to a specialized and non-specialized public.
B5	Acquisition and assessment of those learning skills necessary to undertake further studies with a high degree of autonomy
B7	Effective problem solving.
B8	Critical, logical, and creative thinking.
C3	Using ICT in working contexts and lifelong learning.
C4	Exercising an open, educated, critical, committed, democratic and supportive citizenship for the sake of the common good.
C5	Understanding the importance of entrepreneurial culture and knowing the useful means for enterprising people.
C6	Critically assess the knowledge, technology and information available to solve the problems they face.
C7	Assume as a professional and citizen the importance of lifelong learning.
C8	Valuing the importance of research, innovation and technological development for the socioeconomic and cultural progress of society.

Learning outcomes
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Learning outcomes	Study programme competences / results		
Coñecemento do concepto e das características xerais do Dereito Mercantil.	A1 A2 A3 A4 A5 A6	B8	C3 C4 C5 C7
Manexo adecuado das fontes do Dereito Mercantil.	A1 A2 A3 A4 A6 A8 A9 A10	B7 B8 B2 B3 B5	C3 C4 C5 C7
Coñecemento dos conceptos fundamentais do estatuto xurídico da empresa e dos problemas prácticos que o mesmo plantexa.	A1 A2 A4 A8 A9 A10 A11	B7 B8 B2 B3 B5	C3 C4 C5 C6 C7 C8
Coñecemento dos conceptos fundamentais do estatuto xurídico do empresario e dos problemas prácticos que o mesmo plantexa.	A1 A2 A4 A8 A9 A10 A11	B7 B8 B2 B3 B5	C3 C4 C5 C6 C7 C8
Destrezas básicas no funcionamento do Rexistro Mercantil.	A1 A2 A9 A10 A11	B7 B8 B2 B3 B5	C3 C6
Coñecemento básico do réxime xurídico propio da contabilidade do empresario.	A1 A4 A9 A10	B7 B8 B2 B3 B5	C3
Coñecemento do réxime xurídico dos distintos colaboradores do empresario e dos problemas prácticos que o mesmo plantexa.	A1 A2 A8 A9 A10 A11	B7 B8 B2 B3 B5	C3 C5



Basic skills in the General Theory of Intellectual Property and Competition Law.	A1 A2 A3 A4 A5 A6 A10	B7 B8 B2 B3 B4 B5	C3 C4 C5 C7
Proper management of the legal categories of rights in industrial creations (patents, designs, etc.).	A1 A2 A3 A4 A6 A8 A9 A10 A11	B7 B8 B2 B3 B4 B5	C3 C4 C5 C6 C7 C8
Proper management of the legal categories of the Law of distinctive signs /trade marks, etc.).	A1 A2 A4 A6 A8 A9 A10 A11	B7 B8 B2 B3 B4 B5	C3 C4 C5 C6 C7 C8
Knowledge of Copyright and related rights, as well as the practical problems they pose.	A1 A2 A4 A6 A8 A9 A10 A11	B7 B8 B2 B3 B4 B5	C3 C4 C5 C6 C7 C8
Proper management of the legal categories of the Competition Law.	A1 A2 A4 A6 A8 A9 A10 A11	B7 B8 B2 B3 B4 B5	C3 C4 C5 C6 C7 C8
Proper management of the legal categories of the Law of Unfair Competition and Economic Advertising.	A1 A2 A4 A6 A8 A9 A10 A11	B7 B8 B2 B3 B4 B5	C3 C4 C5 C6 C7 C8



Topic	Sub-topic
Lección 1.- Concepto e características xerais do Dereito Mercantil.	<ol style="list-style-type: none"><li>1.- O concepto de Dereito Mercantil.</li><li>2.- O Dereito Mercantil como categoría histórica.</li><li>3.- O Dereito Mercantil contemporáneo: A Constitución económica.</li></ol>
Lección 2.- As fontes do Dereito Mercantil.	<ol style="list-style-type: none"><li>1.- Plantexamento xeral: A especialidade do Dereito Mercantil.</li><li>2.- As Leis mercantís.</li><li>3.- Os usos de comercio.</li><li>4.- Os Xuzgados do Mercantil, a arbitraje e a mediación en asuntos mercantís.</li></ol>
Lección 3.- A empresa.	<ol style="list-style-type: none"><li>1.- O concepto de empresa.</li><li>2.- A compraventa da empresa.</li><li>3.- O arrendamento da empresa.</li><li>4.- A transmisión mortis causa da empresa.</li></ol>
Lección 4.- O empresario.	<ol style="list-style-type: none"><li>1.- O concepto de empresario.</li><li>2.- Clases de empresarios.</li><li>3.- A responsabilidade do empresario.</li><li>4.- A capacidade do empresario.</li><li>5.- O exercizo da actividade mercantil por persoa casada.</li><li>6.- Prohibicións e restricións ao exercizo da actividade empresarial. Perda da condición de empresario.</li></ol>
Lección 5.- O Rexistro Mercantil.	<ol style="list-style-type: none"><li>1.- Nocións fundamentais sobre o Rexistro Mercantil.</li><li>2.- Suxeitos e actos inscribibles.</li><li>3.- Os Rexistros Mercantís Territoriais e as súas funcións.</li><li>4.- O Rexistro Mercantil Central e as súas funcións.</li></ol>
Lección 6.- A contabilidade do empresario.	<ol style="list-style-type: none"><li>1.- Nocións introductorias.</li><li>2.- A contabilidade formal: O deber de contabilidade, o segredo contable e a contabilidade como medio de proba.</li><li>3.- A contabilidade material: As contas anuais e a auditoría de contas.</li></ol>
Lección 7.- A representación do empresario.	<ol style="list-style-type: none"><li>1.- Nocións introductorias.</li><li>2.- O apoderado xeral ou factor.</li><li>3.- Os apoderados singulares.</li></ol>
Lección 8.- Teoría xeral da Propiedade Intelectual e da Competencia.	<ol style="list-style-type: none"><li>1.- A Propiedade Intelectual e o Dereito da Competencia.</li><li>2.- Características do réxime da Propiedade Intelectual.</li><li>3.- Características do réxime do Dereito da Competencia.</li><li>4.- Modalidades.</li></ol>
Lección 9.- As patentes.	<ol style="list-style-type: none"><li>1.- A patente de invención: Concepto, natureza e clases.</li><li>2.- A regulación española das patentes de invención.</li><li>3.- O Dereito supranacional de patentes.</li></ol>
Lección 10.- Outras creacións industriais.	<ol style="list-style-type: none"><li>1.- O modelo de utilidade.</li><li>2.- O deseño industrial.</li><li>3.- Outras modalidades.</li></ol>
Lección 11.- As marcas.	<ol style="list-style-type: none"><li>1.- Concepto e funcións da marca.</li><li>2.- O nacemento do dereito sobre a marca: Prohibicións.</li><li>3.- Contido do dereito sobre a marca.</li><li>4.- Nulidade e caducidade da marca rexistrada.</li><li>5.- Marcas internacionais e marcas da Unión Europea.</li></ol>
Lección 12.- Outros signos distintivos.	<ol style="list-style-type: none"><li>1.- O nome comercial.</li><li>2.- O rótulo de establecemento.</li><li>3.- As denominacións xeográficas dos produtos.</li><li>4.- Os nomes de dominio.</li></ol>



Lección 13.- O Dereito de Autor.	1.- O dereito de autor de obras literarias, artísticas e científicas. 2.- Os dereitos afíns. 3.- A protección do dereito de autor.
PART ONE. INTELLECTUAL PROPERTY	1. Introduction to IP Law. 2. Trademarks. 3. Patents. 4. Copyright. 5. Designs. 6. Geographical Indications.
PART TWO. COMPETITION LAW	6. Introduction to the Laws of Competition. 7. Unfair Competition Law. 8. EU Competition Law.

Planning				
Methodologies / tests	Competencies / Results	Teaching hours (in-person & virtual)	Student?s personal work hours	Total hours
Case study	A1 A2 A3 A4 A5 A6 A8 A9 A10 A11 B7 B8 B2 B3 B4 B5 C3 C4 C5 C6 C7 C8	26	0	26
Directed discussion	A1 A2 A3 A4 A5 A6 A8 A9 A10 A11 B7 B8 B2 B3 B4 B5 C3 C4 C5 C6 C7 C8	16	0	16
Guest lecture / keynote speech	A1 A2 A3 A4 A5 A6 A8 A9 A10 A11 C4 C5 C6 C7	28	0	28
Mixed objective/subjective test	A1 A2 A3 A4 A5 A6 A8 A9 A10 A11 B7 B8 B2 B3 B4 B5 C4 C5 C6 C7	2	40	42
Long answer / essay questions	A1 A2 A3 A4 A5 A6 A8 A9 A10 A11 B7 B8 B2 B3 B4 B5 C4 C5 C6 C7	2	12	14
Personalized attention		24	0	24

(\*)The information in the planning table is for guidance only and does not take into account the heterogeneity of the students.

Methodologies	
Methodologies	Description
Case study	Judgments of the courts will be analyzed and, especially, legal problems raised in case studies.
Directed discussion	The teacher will raise a legal problem in class and will try to reach its solution with the interventions of students.
Guest lecture / keynote speech	Oral presentation of each of the lessons that integrate the contents of the subject, with the purpose of transmitting knowledge and facilitate learning.
Mixed objective/subjective test	Evaluation method consisting of a written test (exam) that each student must take individually.
Long answer / essay questions	Throughout the course, from time to time, students will take a test that they will have to give to the teacher for their evaluation. It will also help students to check their progress in the subject matter of the subject.



Personalized attention

Methodologies	Description
Mixed objective/subjective test	<p>Generic personalized attention consists of the traditional tutoring through which the teacher makes himself available to students at a specific time, so that they can consult or solve any problem with him individually.</p> <p>Personalized attention in the mixed test takes place after your evaluation. In the traditional exam's review, the teacher will attend personally to the student who requests it, showing the test already done and explaining the correctness of it.</p> <p>PERSONALIZED CARE MEASURES SPECIFIC TO STUDENTS WITH RECOGNITION OF PARTIAL TIME DEDICATION will focus, always taking into account student availability, in establishing substitute options for those evaluation parties that, due to their special circumstances, cannot be fully developed. In this way, the continuous evaluation of students with recognition of dedication on time Partial will not be exactly the same as that of students with full dedication, being modulated and adapted to each case specifically, in attention to the personal circumstances of each one.</p>

Assessment

Methodologies	Competencies / Results	Description	Qualification
Long answer / essay questions	A1 A2 A3 A4 A5 A6 A8 A9 A10 A11 B7 B8 B2 B3 B4 B5 C4 C5 C6 C7	Proba, de moi variada índole (test, análise xurisprudencial, estudo e análise xurídico de casos concretos, elaboración de contratos ou documentos, discusións dirixidas, etc.), que realizan os/as alumnos/as ao longo do curso para comprobar os coñecementos adquiridos.	30
Mixed objective/subjective test	A1 A2 A3 A4 A5 A6 A8 A9 A10 A11 B7 B8 B2 B3 B4 B5 C4 C5 C6 C7	Tests, of a very varied nature (test, jurisprudential analysis, study and analysis legal of concrete cases, elaboration of contracts or documents, discussions directed, etc.), which students do throughout the course to check the acquired knowledge.	70
Case study	A1 A2 A3 A4 A5 A6 A8 A9 A10 A11 B7 B8 B2 B3 B4 B5 C3 C4 C5 C6 C7 C8	Students during the face-to-face sessions will speak orally exposing its solution to the proposed cases, discussing, where appropriate, with the teacher and his companions.	0
Directed discussion	A1 A2 A3 A4 A5 A6 A8 A9 A10 A11 B7 B8 B2 B3 B4 B5 C3 C4 C5 C6 C7 C8	Students will participate in the discussion, trying to show their knowledge and skills.	0

Assessment comments

<p><b>IMPORTANT: TEST / DEVELOPMENT TESTS, WHICH ALLOW THE CONTINUOUS ASSESSMENT OF THE STUDENT, ONLY MAY BE PERFORMED BY THOSE STUDENTS WHO ATTEND AND REGULARLY PARTICIPATE IN THE CLASSES OR CLASSROOMS OF THE SUBJECT.</b></p> <p>The evaluation in the SECOND CHANCE will follow exactly the same criteria as in the first. Thus, it should be taken into account that IN THE SECOND OPPORTUNITY, THE EXAM GRADE ALWAYS SUPPOSES 70% OF THE COURSE'S GRADE.</p> <p>In the case of students with recognition of part-time dedication, the test must be taken into account for mandatory evaluation, Mixed and test tests. The mixed test, as with the other students, will be worth seventy percent of the final grade. In this case, also the essay / development tests will account for thirty percent of the final grade for the subject. But in the latter case it will be taken into account the availability of the students, being able to establish substitute dates of those initially planned for the rest of the students.</p> <p>Any attempt at fraud or plagiarism in any of the activities that take place during the course, in the essay tests or in the final exam, will be penalized with an automatic failure in the matter (score: 0).</p>
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## Sources of information

<b>Basic</b>	<ul style="list-style-type: none"><li>- SÁNCHEZ CALERO, F./SÁNCHEZ-CALERO GUILARTE, J. (Última edición). Principios de Derecho Mercantil, t. I. Aranzadi</li><li>- Aurelio MENÉNDEZ &amp; Ángel ROJO (directores) (Última edición). Lecciones de Derecho Mercantil, vol. I. Thomson Reuters</li></ul> <p>É absolutamente necesario manexar as Leis mercantís relativas aos contidos da asignatura.</p>
<b>Complementary</b>	<ul style="list-style-type: none"><li>- BERCOVITZ RODRÍGUEZ-CANO, A. (Última edición). Apuntes de Derecho Mercantil. Aranzadi</li><li>- BROSETA PONT, M./MARTÍNEZ SANZ, F. (Última edición). Manual de Derecho Mercantil, t. I. Tecnos</li><li>- JIMÉNEZ SANCHEZ, G. J./ANGULO RODRÍGUEZ, L. (Última edición). Lecciones de Derecho Mercantil. Tecnos</li><li>- VARIOS AUTORES (Última edición). Lecciones de Derecho Empresarial. Tirant lo Blanch</li></ul>

## Recommendations

### Subjects that it is recommended to have taken before

### Subjects that are recommended to be taken simultaneously

### Subjects that continue the syllabus

Commercial Law: Company Law and Securities/612G01022

Commercial Law: Business, Contracts, Bankruptcy Law and Maritime Law/612G01035

### Other comments

Continuous study is advisable, and from the beginning of the course, of the subject.

(\* )The teaching guide is the document in which the URV publishes the information about all its courses. It is a public document and cannot be modified. Only in exceptional cases can it be revised by the competent agent or duly revised so that it is in line with current legislation.