



## Teaching Guide

Identifying Data					2019/20
Subject (*)	EU Competition Law and Intellectual property			Code	612G01011
Study programme	Grao en Dereito				
Descriptors					
Cycle	Period	Year	Type	Credits	
Graduate	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	Cachafeiro Garcia, Fernando Vazquez Pena, Manuel Jose	E-mail	fernando.garcia@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.				
Contingency plan					

## Study programme competences

Code	Study programme competences
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

Learning outcomes	Study programme competences



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
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
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
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 do concepto e da evolución histórica do Dereito Mercantil.	A1 A2 A3 A4 A5 A6	B8	C3 C4 C5 C7



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 evolución histórica 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: Orixe e evolución.</li><li>3.- A codificación mercantil.</li><li>4.- O Dereito Mercantil contemporáneo.</li></ol>
Lección 2.- As fontes do Dereito Mercantil.	<ol style="list-style-type: none"><li>1.- Plantexamento xeral.</li><li>2.- A Lei mercantil.</li><li>3.- Os usos de comercio.</li><li>4.- O Dereito común.</li></ol>
Lección 3.- A empresa.	<ol style="list-style-type: none"><li>1.- O concepto de empresa.</li><li>2.- Problemática xeral da transmisión &amp;quot;inter vivos&amp;quot; da empresa.</li><li>3.- A compraventa da empresa.</li><li>4.- O arrendamento e o usufructo 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.- O empresario individual.</li><li>5.- O exercizo da actividade mercantil por persoa casada.</li><li>6.- O empresario persoa xurídica.</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, os principios contables 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.- As denominacións xeográficas dos produtos.</li><li>3.- 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.
PART TWO. COMPETITION LAW	6. Introduction to the Laws of Competition. 7. Unfair Competition Law. 8. EU Competition Law.

Planning				
Methodologies / tests	Competencies	Ordinary class hours	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	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 alumnos 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



**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.**

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 its 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 in it counts the availability of the students, being able to establish substitute dates of those initially planned for the rest of the students.

### Sources of information

<b>Basic</b>	- Aurelio MENÉNDEZ & Ángel ROJO (directors) (Last edition). Lecciones de Derecho Mercantil, vol. I. Thomson Reuters É absolutamente necesario manexar as Leis mercantís relativas aos contidos da asignatura.
<b>Complementary</b>	- BERCOVITZ RODRÍGUEZ-CANO, A. (Last edition). Apuntes de Derecho Mercantil. Aranzadi - BROSETA PONT, M./MARTÍNEZ SANZ, F. (Last edition). Manual de Derecho Mercantil, t. I. Tecnos - JIMÉNEZ SANCHEZ, G. J./DÍAZ MORENO, A. (coordinators) (Last edition). Derecho Mercantil, vols. I y II. Marcial Pons - SÁNCHEZ CALERO, F./SÁNCHEZ-CALERO GUILARTE, J. (Last edition). Instituciones de Derecho Mercantil, t. I. Aranzadi - VICENT CHULIÁ, F. (Last edition). Introducción al Derecho Mercantil. Tirant lo Blanch

### 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

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

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