# Industrial Property Law

## Prof. Marco Saverio Spolidoro

***COURSE AIMS AND INTENDED LEARNING OUTCOMES***

The course deals with unfair competition law, property law and certain aspects of antitrust law. Students who intend to actively attend the course are offered the opportunity to prepare the exam with the so-called Socratic method. After an introductory stage, the course will include a series of discussions on legal issues taken from practical cases. The assistant professors will supervise the lectures during the first stage of the course and will be available to students for interviews and the practical organisation of the different educational aspects.

The intended learning outcomes are the following:

* “Knowledge and understanding”: All the students who have attended the course in any form or who have studied the course material will know the functions and purposes of the principles studied, will have memorised the contents of the provisions, mastering subject-specific terminology, and will have a very clear understanding of the distinction between law and interpretations of the law.
* "Ability to apply knowledge and understanding": All students will be able, starting from a specific factual situation, described in unambiguous terms, to qualify it correctly and to argue it, although in a simple way, to support a possible conclusion in order to solve the concrete case.
* “Independent judgment”: All students, and in particular those who take an active part in lectures, are encouraged to discuss cases not only on the basis of the concepts learnt in the course, but above all on the basis of what they have previously learnt in other courses and their general culture.
* "Communication skills". Students' communication skills are assessed during the exam. For students who actively participate in the lectures, these skills will be subject to corrective interventions by the lecturer or his collaborators.
* "Learning skills": At the end of the course, students will be able to perform in a "work" situation or preparatory situation to professional work in the field of industrial law as a potential "resource" and not as an "apprentice" to be trained from scratch.

***COURSE CONTENT***

Unfair competition. Registered trademarks and unregistered distinctive marks. Designations of origin and provenance. Drawings and models. Design. Inventions. Software. Biotechnology. Utility models. Judicial defence of industrial property. Antitrust.

***READING LIST***

For students’ self-study it is possible to use any manual on industrial property law, provided it is updated. The suggested textbook is:

Vanzetti - Di Cataldo – Spolidoro, *Manuale di diritto industriale,* 10th edition, Giuffré, Milan, 2022.

Students are recommended to have laws references always available. The most complete collection is:

Code of industrial law edited by G. Sena-S. Giudici, Giuffré, 2019 or later edition, if available.

***TEACHING METHOD***

Teaching consists of seminar lectures and case discussions. Office hours and exams are also considered part of the teaching activity. The lecturer believes the exams are, amongst other things, an occasion for learning.

Attendance is strongly recommended, but it is not compulsory. Since the so-called *Socratic method* is not applicable in large classes, the lecturer reserves the right to divide the classes, entrusting seminar cycles to tutors who work under his supervision and coordination. The tutors are long-time collaborators of the lecturer and his predecessor and Master, Mr. Adriano Vanzetti, and have numerous publications to their credit. Part of them are full professors or are qualified for second level university teaching or are about to obtain such qualifications.

If requested by the majority of the actively attending students, a part of the lectures (about one third) will be held in a foreign language (English or French).

***ASSESSMENT METHOD AND CRITERIA***

The exam is oral and consists of three or more questions, of which at least one will focus on knowledge of the applicable rules ("notion-based contents") and one consisting in the examination of a practical case ("applicative question").

Students who have actively and commendably participated in the course will be granted reductions in the mnemonic learning syllabus. The written papers produced by these students may be assessed, provided that their subject and delivery time have been previously agreed with the lecturer.

There are different examination boards. Younger academics support the older ones. Any student, attending or not, may ask to be questioned by the lecturer.

Each question is assessed first independently and then together with the other questions. The mark will depend on students’ knowledge, their application and presentation skills, as well as their correct argumentation skills. There should not be serious gaps in the conceptual part. Deficiencies in their application ability may be compensated for by excellence in another area and vice versa.

In the oral interview, candidates will have to demonstrate that they are familiar with the themes and the fundamental issues discussed during lectures, with particular attention to the single-subject section of the course and to the practical exercises part. In this context, emphasis will be placed on the readings included in the reading material that will have to be carried out accurately, although with special reference to the relevant aspects of the course. Assessment will be based on promptness and relevance of students’ answers, their appropriate use of specific terminology, argumentative and consistent structure of speech, and their ability to identify conceptual links and open issues.

If the candidate is not sufficiently prepared, the exam may be suspended or repeated, upon their personal request or if requested by the examiner. The requirements of the Faculty remain unchanged.

***NOTES AND PREREQUISITES***

Students are expected to have operational knowledge of private law and civil procedural law. A basic knowledge of criminal law and administrative law is also appreciated. The Faculty requirements remain unchanged.

In case the current Covid-19 health emergency does not allow frontal teaching, remote teaching will be carried out following procedures that will be promptly notified to students.

Further information can be found on the lecturer's webpage at http://docenti.unicatt.it/web/searchByName.do?language=ENG or on the Faculty notice board.