# Intellectual property and labour law

## Prof. Michele Faioli; Prof. Giulio Enrico Sironi

Labour Law - I Module: *Prof. Michele Faioli*

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

This is a class in tech and labour law. Topics covered are related to national and transnational impact of tech 4.0 on labour law, jurisdiction, collective bargaining (CBAs), gig-workers, privacy and cyber-security, digital transformation at firm-level. What links such areas of labour law is that in each of them, digital tools and technologies 4.0 are challenging normal legal understandings in similar ways. We will explore such patterns, focusing on cases and facts regarding the manufacturing/production of the future. Cross-cutting themes will include: how law affects the balance of power and responsibility between workers and AI machines, the incorporation of values into AI decision-making frameworks at firm level, the interplay of norms and formal norms (law and CBA’s).

Students who complete this class will be able to

1. know and understand through the likely legal and labour implications of technologies 4.0, with new ideas and critical thinking
2. apply complex reasoning and formulate successful legal and labour strategies, with problem solving method, in relation to artificial intelligence, workplace process transformation, big data, encryption, blockchain, job tasks, vocational training, collective bargaining in tech/firms 4.0
3. clearly communicate the contents of their research themes, and, on the basis of the acquired knowledge in tech&labor 4.0, interlock with experts and not experts.

***COURSE CONTENT***

The areas we will explore are below indicated:

1. *Work, Labour, and Capital in the Global Economy* (introduction to how globalization is changing the nature of work, labour regulations and capital; introduction to the regulation of labour standards, the mobility of capital, the rise of global production systems, international labour and responses to globalization).
2. *The Strategic Level of Labour Relations* (framework; labour, management and government interactions; legal systems and self-regulation).
3. *The Workplace Level of Regulation* (collective bargaining; work councils and its functions; positional and interest-based CBAs; process of negotiation).
4. *The European Social Model* (comparison among the major areas of labour market policy across European countries – Italy/France/Germany, including industrial relations, collective bargaining, pay, classification and job rotation, dismissal, information/consultation, parental leave, employment protection, and working time flexibility)
5. *Labour&Tech 4.0* (artificial intelligence, jurisdiction, industry 4.0 and labour, gig-economy and flexible workers, case studies, comparison EU/USA - speech, privacy, control&cyber-security); beyond the internet (blockchain and job organization).

***READING LIST[[1]](#footnote-1)***

Most readings will be taken from these casebooks and from materials I developed during my recent researches (see blackboard):

U. liukkunen, *Collective Bargaining in Labour Law Regimes*, Springer, 2019.

M. Faioli, *Artificial Intelligence: The Third Element of the Labour* *Relations, in The Future of Work (A. Perulli, T. Treu eds.),* Wolters Kluwer*, 2021*

E. Palmerini, al., *Regulatory challenges of robotics: some guidelines for addressing legal and ethical issues*, in *Law, Innovation and Technology*, 2017, 9, 1, 1 ss.

Intellectual Property Law - II Module: *Prof. Giulio Enrico Sironi*

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

The aim of this module is to provide students with theoretical and practical knowledge of the main legal issues regarding the interplay between Intellectual Property Law and Industry 4.0. During the lessons and through discussion of cases we will study how intellectual property rights - and in particular patents, trade secrets, copyright and related rights - can be used to protect and foster the development of the new technologies and digital tools of Industry 4.0, including Artificial Intelligence, the Internet of Things, data analytics systems applied to big data and blockchain.

By the end of the course students will have acquired

1. basic legal notions regarding intellectual property protection for the new technologies and digital tools of Industry 4.0
2. the ability to apply these notions in order to understand whether,
3. how and to what extent Intellectual Property Law can be used to protect the business investments needed to create and develop such technologies and tools.

***COURSE CONTENT***

1. Notion of intellectual property rights. Fundamental principles.

2. Patent Law and Industry 4.0: software and computer implemented inventions; the Internet of Things; Artificial Intelligence; machine learning and inventions made by machine.

3. Trade secrets legislation and Industry 4.0: confidential information and data; technical and commercial know-how.

4. Copyright and related rights on utilitarian works: the rules applied to software and databases and their relevance to Industry 4.0.

***READING LIST[[2]](#footnote-2)***

All readings, materials and case studies will be published on Blackboard.

***TEACHING METHOD***

Students are requested to: (i) do the assigned readings (see the materials published on blackboard and the related timetable); (ii) participate in class discussions on one or two principal problems that will be listed by means of blackboard; (iii) keep materials in digital folders. Our class discussions will be directed and focused to solve cases and to come up with a collective answer to the problem. Most of the readings consist of excerpts from casebooks, doctrines, judicial opinions, case law, statutes, law, CBAs.

***ASSESSMENT METHOD AND CRITERIA***

Written exam. For each module the grade will be based on the answer to the query related to a legal case (i.e. students will receive a set of facts that have legal implications, and will be required to provide someone - a client, a judge, a legislator, etc. - with good advice on what to do in light of those facts). Students should identify the legal questions those facts raise and do the best to answer those questions based on the law they learned in the course (pursuant to the IRAC Template [- link).](https://web.law.columbia.edu/sites/default/files/microsites/writing-center/files/organizing_a_legal_discussion.pdf) The student’s capacity will be assessed on the basis of the attitudes to (i) synthetize the case, (ii) identify and apply relevant principles, (iii) conduct legal research, (iv) communicate effectively the legal concepts.

The overall grade will be based on the answer to the query related to the Labour Law module (1/2) and on the answer to the query related to the Intellectual Property Law module (1/2).

***NOTES AND PREREQUISITES***

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.

1. I testi indicati nella bibliografia sono acquistabili presso le librerie di Ateneo; è possibile acquistarli anche presso altri rivenditori. [↑](#footnote-ref-1)
2. I testi indicati nella bibliografia sono acquistabili presso le librerie di Ateneo; è possibile acquistarli anche presso altri rivenditori. [↑](#footnote-ref-2)