# Industrial Law

## Prof. Vincenzo Vinciguerra

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

The course aims to provide students with a general understanding of industrial and intellectual property laws. Therefore, it aims to help students acquire the key concepts of industrial property and competition, in the light of national, EU, and international regulations. In particular, the course will analyse the topics related to brand and other distinctive features; designs and models (either registered or unregistered); inventions and utility models; new plant varieties; the protection of trade secrets; the protection of author's rights, original works, and the so-called "useful" articles (e.g. software and databases); the prohibition of unfair competition (including misleading and comparative advertising and unfair trade practices); the protection of competition (general profiles). Furthermore, the course will study in depth specific profiles of the industrial and intellectual property laws under analysis, in order to provide a better understanding, in the light of the latest and most important EU and national case law.

At the end of the course, students will be able to know the key industrial and intellectual property laws, and understand the different issues related to them and influencing the activities of a company operating in the competitive market. Thanks to the analysis carried out during the course – based on legislative data and supported by the study of the most relevant case law – students will be able to understand the peculiarity of the different laws in order to elaborate and assess, with a high degree of autonomy, the best commercial strategy in terms of business activities.

***COURSE CONTENT***

1. The regulations governing unfair competition (including an introduction to comparative and misleading advertising, and unfair trade practices)
2. Brands and other distinctive features
3. Registered and unregistered designs and models
4. Technological inventions. Invention and utility model patents; the protection of trade secrets; new plant varieties.
5. Copyright and the protection of author's rights in useful articles (software and databases)
6. The EU and national laws for the protection of competition (general profiles)

***READING LIST***

A. Vanzetti-V. Di Cataldo, *Manuale di Diritto Industriale,* Giuffrè, Milan, 2018, following the instructions indicated below, where students can find the list of chapters they will have to study for the final exam, together with a selection of additional readings (indicated as "suggested readings"):

Part 1: Unfair competition, chapters I-VIII.

Part 2: The distinctive features, chapters I-VII. Suggested readings: chapters: from VIII to XIII.

Part 3: Inventions. The models, chapters I-IX and XI. Suggested readings: chapters X, XII, and XIII.

Part 4: Proceedings and sanctions, Suggested reading.

Part 5: Antitrust law, chapters I-VI.

Part 6: The laws of the civil code protecting competition, paragraphs 1-5. Suggested readings: paragraphs 6-10.

Alternatively, for an in-depth analysis: Auteri, Floridia, Mangini, Olivieri, Ricolfi, Romano, Spada, *Diritto Industriale, Proprietà intellettuale e concorrenza,* Giappichelli Editore, 2020.

***TEACHING METHOD***

The course will be based on frontal lectures (held in class) and *online* activities.

From home, students will have to attend video-classes and carry out the proposed activities.

In addition, the course will include seminars with subject matter experts on specific topics (e.g. patents and pharmaceutical products; patents and biotechnological inventions; new plant varieties; industrial design; etc.).

***ASSESSMENT METHOD AND CRITERIA***

1. *Progressive assessment*

The students opting for a progressive assessment will have to take two tests during the course and a final exam. In particular:

* the two progressive assessment tests, that will determine 50% of the final mark, will consist in:

(i) a written individual test – aimed to assess the knowledge of the contents of module 1 and 2 – to be taken in person during the class indicated on Blackboard, and consisting in n. 4 "open-ended" questions, selected from a pool of questions, that students will have to answer in no more than 50 minutes; one of the questions may be based on a case law analysed during the course;

(ii) an online test, aimed to assess the knowledge of the contents of module 3 and 4;

The assessment criteria adopted to determine the final mark will include also the use of an appropriate language to answer the questions.

* the final exam, that will determine 50% of the final mark, will consist in an oral test to be taken on one of the three official exam dates after the end of the semester in which the course is held.

In addition, students are invited to note that:

- if the mark obtained in the written test (to be taken in class) is positive, the theoretical contents of modules 1 and 2 will be excluded from the final exam;

- in case students are absent, get an insufficient mark, or refuse the mark obtained in the written test, they will be given the possibility to repeat it only once, on the same date as the final exam (that is to say, on one of the 3 official exam dates following the semester in which the course is held). On this occasion, the assessment will consist in a written test based on the contents of modules 1 and 2; if students get a sufficient mark, they will be allowed to take, on the same day, also the final oral exam; if they get an insufficient mark, instead, they will have to switch to the summative assessment mode (sub B) on one of the following official exam dates;

- students will not be allowed to fail the online test (absences and insufficient marks are not accepted); in case of negative mark, they will have to switch to the summative assessment mode (sub B);

- 50% of the final mark will result from the simple average of the 2 progressive assessment tests;

- students can decide to take also the final exam on the same date, using only one of the 3 official exam dates following the semester in which the course is held. The final mark must be sufficient;

- students will not be allowed to refuse a sufficient mark obtained in the online test and/or in the final exam (50%), by asking to repeat the same assessment. Should they refuse it, they will have to switch to the summative assessment mode;

- students will be allowed to switch from the progressive to the summative assessment mode (and vice versa) and refuse the mark obtained in the summative assessment (repeating, therefore, the exam in the same mode) at any time.

1. *Summative assessment*

Oral exam, preceded – on the same day – by a written test (based on the first four modules) that will be corrected immediately, if possible; the students who pass the written test will be allowed to take the oral exam.

***NOTES AND PREREQUISITES***

Students should have a basic knowledge of private and commercial law. Furthermore, they are invited to pass the private law exam (or, at least, attend the private law course) before taking the industrial law exam.

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.