



Syllabus

Academic Year	2020/2021
Program	Law, Digital innovation and Sustainability
course	Intellectual Property Law
Term	II semester
Year	1
SSD	IUS 04- Diritto Commerciale
Credits	6

	<p>The course will discuss and analyze Intellectual Property Law, with a special focus on the challenges of the emerging paradigm of open and collaborative Innovation.</p> <p>A first goal of the course is to equip students with tools to understand the foundations of EU, international and national Intellectual Property laws and their evolution in the multi-level EU legal system.</p>
INSTRUCTIONAL GOALS	<p>Another goal of the class is to examine the mechanisms of open and collaborative innovation both in the private and in the public sectors in order to analyze their interplay with Intellectual Property System and Regulation.</p>
	<p>Knowledge and understanding:</p> <p>By the end of the course, students should be able to:</p> <ul style="list-style-type: none">• develop a critical comprehension of the interplay between intellectual property law and economic, social and technological development;• understand different forms and tools of open and collaborative innovation (Open Source, Crowdsourcing, Innovation Intermediaries, Blockchain and so forth) with an empirical methodology and approach;• comprehend the role of Intellectual Property Rights in Open Innovation contexts
INTENDED LEARNING OUTCOMES	<p>Applying knowledge and understanding:</p> <p>Upon completing the study program, students will be able to:</p> <ul style="list-style-type: none">• evaluate the impact of economic and social changes on Intellectual Property multi-level regulation• assess and interpret the open and collaborative innovation mechanisms and tools and be able to correctly apply intellectual property rules in different contexts and situations.• effectively communicate and work, as an expert in the interplay between Open Innovation and Intellectual Property
	<p>Making judgements:</p> <p>Upon completing the study program, students will be able to:</p> <ul style="list-style-type: none">• present an informed scientific opinion in the public debate concerning the current challenges of intellectual property systems.• apply reasoning in business and institutional decisions concerning open innovation management and challenges• gather and interpret information and data from different sources, in order to make



judgements in an independent way

- prepare original research supported by relevant bibliography and data analysis, and debate different perspectives to address the issue.

Communications Skills:

Upon completing the study program, students will be able to:

- develop the ability to communicate in written form through completing the assignment and oral form through the final exam and the class debate.
- use the notions and the communication of Intellectual property Law
- foster the development relational skills in international and multicultural settings
- participate in a public policy debate, by researching and expressing expert opinions

Learning skills:

Upon completing the study program, students will be able to:

- build an analytic toolbox from both empirical and legal analysis
- solve problems in dynamics settings (such as those of open and collaborative innovation) and develop critical positions

This ability will be acquired through: class participation, class debate, and research carried out for the drafting of the written assignment.

Pre-requisites

Good knowledge of English is required (oral and written). Compulsory course attendance.

Course content

The course is divided into two main parts.

The first part of the course explores the historical and philosophical foundations of Intellectual Property and the evolution of the regulation of IP Rights (and in particular copyright, trademarks and patents) in the international, EU and multi-level context.

The course will then emphasize the Intellectual property Rights' exploitation through contracts and enforcement measures.

The second part of the course focuses on open and collaborative innovation's mechanisms from empirical perspectives and the challenging interplay between open innovation and IP in dynamic contexts.

After an introduction on the paradigm of open and collaborative innovation and its tools (open source, crowdsourcing, Fab lab, OI platforms, Blockchain and so forth), the course will explore the main issues revolving around Open Innovation management and regulation, including:

- Authorship and ownership allocation of intellectual property rights
- Collective authorship and ownership
- Contractual regulation and non-disclosure agreements
- Patenting Open innovation
- Patent pools
- Competition issues of Open Innovation

Reference Books

References for the first part of the course:

- Justine Pila – Paul Torremans, European Intellectual Property Law, Oxford University Press, 2016



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- G. Ghidini, Innovation, Competition and Consumer Welfare in Intellectual Property Law, EE, 2010
 - G. Olivieri, S. Scalzini, *La proprietà intellettuale*, Il volume - "Le sfide della scienza" a cura di Cinzia Caporale, Juan Carlos De Martin, Vittorio Marchis, Lamberto Maffei, dell'opera "Europa", Istituto della Enciclopedia Italiana Treccani, 2018, pp. 598-606
 - Dusollier, Severine, "Pruning the European Intellectual Property Tree – In Search of Common Principles and Roots", in: C. Geiger (ed.), Constructing European Intellectual Property: Achievements and New Perspectives (EIPIN Series, Vol. 1, Cheltenham, UK / Northampton, MA, Edward Elgar, 2013), p. 24, available at SSRN: <http://ssrn.com/abstract=2127737>
 - Geiger, Christophe, "The Construction of Intellectual Property in the European Union: Searching for Coherence", in: C. Geiger (ed.), Constructing European Intellectual Property: Achievements and New Perspectives (EIPIN Series, Vol. 1, Cheltenham, UK / Northampton, MA, Edward Elgar, 2013), p. 5

References for the second part of the course:

- S. Dusollier, Open Source and Copyleft: Authorship Reconsidered?, Columbia Journal of Law & Arts, 2003, vol. 26, pp. 281-296
- P. Troxler, Commons-based Peer-Production of Physical Goods: Is there Room for a Hybrid Innovation Ecology?, (October 8, 2010). Paper presented at the 3rd Free Culture Research Conference, Berlin, October 8-9, 2010. Disponibile all'indirizzo <https://ssrn.com/abstract=1692617> o <http://dx.doi.org/10.2139/ssrn.1692617>. Students are expected to read the papers/articles assigned each week
- R.M. Ballardini, J. Lindman, I. Flores Ituarte, Co- creation, commercialization and intellectual property – challenges with 3d printing, in European Journal of Law and Technology, Vol 7, No 3, (2016).

Teaching Methods	Frontal teaching, case studies and workshops, short student presentations, seminars, interactive discussions.
Assessment	Oral presentations and final written exam (paper). The assessment will be confirmed during the final oral exam session.
