

Ministry of education and science of Ukraine
V. N. Karazin Kharkiv National University
Department of Civil Law disciplines

" APPROVED BY "



Dean of the Faculty of Law

Vitaliy SEROHIN

" 31 серпня 2023р.

WORKING PROGRAM OF EDUCATIONAL DISCIPLINE
INTELLECTUAL PROPERTY LAW OF THE EUROPEAN UNION

level higher education	bachelor level
branch of knowledge	29 International relations
specialty	293 International law
educational program	293 International law
type of discipline	mandatory
faculty	law

2023 /2024 year

The program is recommended for approval by the Academic Council of the Faculty of Law dated 31.08.2023, protocol No. 1

Program developers:

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The program was approved at a meeting of the Department of Civil Law Disciplines of the Faculty of Law
Protocol No. 14 dated June 26, 2023

Head of Department
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Olena USTYMENKO

The program was agreed with the guarantor of the educational and professional program "International Law"

Guarantor of educational and professional programs of the first (bachelor) level of higher education of education in the specialty 293



Lina FOMINA

The program was approved by the scientific and methodical commission of the Faculty of Law Protocol dated 08/31/2023 No. 1

Head of the Scientific and Methodological Commission of the Faculty of Law



Hanna ZUBENKO

INTRODUCTION

The program of the study discipline "Intellectual Property Law of the European Union" is compiled in accordance with the educational and professional training program for specialists of the first (bachelor's) level of higher education, specialty 293 "International Law"

1. Description of the academic discipline

1.1. The purpose of teaching the academic discipline is to operate and acquire general knowledge by students about the concepts, goals and principles of ensuring intellectual property rights at the national and supranational levels; theoretical provisions that allow distinguishing the forms and mechanisms of practical protection of intellectual property rights ; characteristics of the European Union as a modern integration model; basic legal information about intellectual property law; the specificity of the institutional mechanisms for the protection of intellectual property rights in the EU.

1.2. The main tasks of studying the discipline are the formation of students' relevant competencies:

GC2 – ability to apply knowledge in practical situations;

GC 3 – knowledge and understanding of the subject area and understanding of professional activity;

GC 11 - the ability to realize one's rights and responsibilities as a member of society, to realize the values of a civil (free democratic) society and the need for its sustainable development, the rule of law, the rights and freedoms of a person and a citizen in Ukraine;

GC 13 – the ability to preserve and multiply moral, cultural, scientific values and achievements of society based on an understanding of the history and laws of the development of law, its place in the general system of knowledge about nature and society and in the development of society, technology and technology.

SC7 – the ability to apply knowledge of tasks, principles and doctrines of national law, as well as the content of legal institutions, at least from such areas of law as: constitutional law, administrative law and administrative procedural law, civil and civil procedural law, criminal and criminal procedural law;

SC8 - knowledge and understanding of the peculiarities of the implementation and application of substantive and procedural law norms;

SC11 – the ability to determine relevant and acceptable facts for legal analysis;

SC13 - the ability to critically and systematically analyze legal phenomena and apply the acquired knowledge in professional activities

1.3. The number of credits is 5

1.4. The total number of hours is 150

1.5. Characteristics of the academic discipline	
By choice	
Full-time education	Correspondence (distance) form of education
A year of training	
4th	–
Semester	
the 8th	–
Lectures	

30 hours	8 hours
Practical, seminar classes	
30 hours	6 hours
Laboratory classes	
–	–
Independent work	
90 hours	136 hours
Individual tasks	

1.6. According to the requirements of the educational and professional EU program, students must achieve the following learning outcomes:

PRN 3. Collect and integrated analysis of materials from various sources.

PRN 8. Use a variety of information sources to fully and comprehensively establish certain circumstances.

PRN 9. Independently determine the circumstances in which clarification is needed, and act in accordance with the received recommendations.

PRN 13. Explain the nature of certain events and processes with an understanding of the professional and social context.

PRN 19. Demonstrate the necessary knowledge and understanding of the essence and content of the main legal institutions and norms of the fundamental branches of law.

PRN 20. Explain the nature and content of the main legal phenomena and processes.

PRN 21. Apply acquired knowledge in various legal situations, distinguish legally significant facts and form reasonable legal conclusions

2. Thematic plan of the educational discipline

Topic 1. General provisions on intellectual property rights

The concept of intellectual property rights. Features of intellectual property law. Evolution of legal protection of intellectual property in the world. Evolution of legal protection of intellectual property in Ukraine. Correlation of copyright and patent law.

Topic 2. General principles of intellectual property law in the EU

Prerequisites for the emergence of intellectual property rights in the EU. Features of the development of intellectual property rights in the EU. The role of EU institutions in the development of intellectual property law in the EU.

Topic 3. Intellectual property rights in the EU legal system

Development of intellectual property law as a field of EU law. Institutes of intellectual property law of the EU. Sources of EU intellectual property law.

Topic 4. Precedent regulation of intellectual property issues in the EU

Regulation of intellectual property relations in the EU and member countries. Court practice of the EU court in the field of intellectual property.

Topic 5. Copyright in the EU

Concept, subjects of copyright and peculiarities of its regulation in the EU. Sources of copyright in the EU. Copyright protection. Transfer of copyright. Exceptions to copyright.

Topic 6. Related rights in the EU

The concept of related rights in the EU. Sources of related rights in the EU. Protection of related rights in Germany.

Topic 7. Intellectual property rights for inventions and utility models in the EU

Concept of invention and useful model. Concept of patent, levels of its registration. Unification of EU law on the protection of intellectual property rights for inventions. The single European patent: issuing procedure, features of the legal regime. Institutional system of EU patent law.

Topic 8. Industrial samples in EU countries

Concept and classification of industrial samples. An industrial model in EU countries. Patenting of industrial designs in the EU. EU structures that regulate legal relations regarding industrial designs.

Topic 9. Trademarks and commercial names in EU countries

Concepts, signs and functions of trademarks in EU law. Commercial name: concepts, types and features of legal protection. EU experience in the field of trademark protection. Institute "passing off" . Separate issues of harmonization of Ukrainian and EU legislation in the context of EU trademark reform.

Topic 10. Protection of intellectual property rights within the framework of the World Intellectual Property Organization (WIPO)

The international legal basis of the activities of the World Intellectual Property Organization. Structure of the World Intellectual Property Organization. The main areas of activity of the World Intellectual Property Organization. Resolution of international disputes within the framework of the World Intellectual Property Organization.

Topic 11. Protection of intellectual property rights within the framework of the World Trade Organization (WTO)

Creation and goals of the World Trade Organization. Structure of the World Trade Organization. Principles of the World Trade Organization. Areas of activity of the World Trade Organization in the field of intellectual property. Settlement of international disputes within the framework of the World Trade Organization. Cooperation between the World Trade Organization and the World Intellectual Property Organization.

Topic 12. Adaptation of Ukrainian legislation to EU legislation in the field of intellectual property

General characteristics of adaptation of Ukrainian legislation to EU legislation in the field of intellectual property: concept, mechanism. Analysis of Ukrainian legislation in the field of intellectual property in comparison with EU legislation.

3. The structure of the academic discipline

Section names	Number of hours											
	Full-time						extramural form					
	everything	including					everything	including				
		medicine	Ave.	lab	ind.	s.r.		l.	Ave.	lab	and.	s.r.
1	2	3	4	5	6	7	8	9	10	11	12	13
Topic 1. General provisions on intellectual property rights.	12	2	2	-	-	8	8	2	2	-	-	4
Topic 2. General principles of intellectual property law in the EU.	12	4	2	-	-	6	16	2	2	-	-	12
Topic 3. Intellectual property	14	2	4	-	-	8	16	2	2	-	-	12

rights in the EU legal system.												
Topic 4. Precedent regulation of intellectual property issues in the EU	1 2	2	2	-	-	8	14	2	-	-	-	12
Topic 5. Copyright in the EU	1 4	4	2	-	-	8	12	-	-	-	-	12
Topic 6. Related rights in the EU	1 2	2	2	-	-	8	12	-	-	-	-	12
Topic 7. Intellectual property right to inventions and utility models in the EU .	1 2	2	2	-	-	8	12	-	-	-	-	12
Topic 8. Industrial samples in EU countries	10	2	2	-	-	6	12	-	-	-	-	12
Topic 9. Trademarks and commercial names in EU countries	1 2	2	2	-	-	8	12	-	-	-	-	12
Topic 10. Protection of intellectual property rights within the framework of the World Intellectual Property Organization (WIPO).	1 2	2	2	-	-	8	12	-	-	-	-	12
Topic 11. Protection of intellectual property rights within the framework of the World Trade Organization (WTO)	10	2	4	-	-	6	12	-	-	-	-	12
Topic 12. Adaptation of Ukrainian legislation to EU legislation in the field of intellectual property	1 8	4	4	-	-	8	12	-	-	-	-	12
Together:	1 5 0	30	30			90	150	8	6	-	-	136

4. Topics of seminar (practical, laboratory) classes

No s/p	Topic name	Number hours
1.	General provisions on the right of intellectual property.	2 (2)
2.	General principles of intellectual property law in the EU.	2 (2)
3.	Intellectual property rights in the EU legal system.	4 (2)
4.	Precedent regulation of intellectual property issues in the EU	2
5.	Copyright in the EU.	2
6.	Related rights in the EU.	2
7.	Intellectual property right to inventions and utility models in the EU .	2
8.	Industrial samples in EU countries.	2
9.	Trademarks and commercial names in EU countries .	2
10.	Protection of intellectual property rights within the framework of the World Intellectual Property Organization (WIPO).	2
11.	Protection of intellectual property rights within the framework of the World Trade Organization (WTO)	4
12.	Adaptation of Ukrainian legislation to EU legislation in the field of intellectual property.	4
Together:		30 (6)

5. Tasks for independent work

No s/p	Types, content of independent work	Number hours
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1.	Topic 1: General provisions on intellectual property law Task: familiarize yourself with the lecture material; to work out the theoretical foundations of the educational discipline ; compile a thesaurus (dictionary) of special legal terms for the topic	8 (4)
2.	Topic 2 General principles of intellectual property law in the EU. Task: familiarize yourself with the lecture material; to work out the theoretical foundations of the educational discipline ; compile a thesaurus (dictionary) of special legal terms for the topic; prepare answers to control questions	6 (12)
3.	Topic 3. Intellectual property rights in the EU legal system. Task: familiarize yourself with the lecture material; to work out the theoretical foundations of the educational discipline ; compile a thesaurus (dictionary) of special legal terms for the topic; prepare answers to control questions	8 (12)
4.	Topic 4. Precedent regulation of intellectual property issues in the EU . Task: familiarize yourself with the lecture material; to work out the theoretical foundations of the educational discipline ; compile a thesaurus (dictionary) of special legal terms for the topic; prepare answers to control questions	8 (12)
5.	Topic 5. Copyright in the EU Task: familiarize yourself with the lecture material; to work out the theoretical foundations of the educational discipline ; compile a thesaurus (dictionary) of special legal terms for the topic; prepare answers to control questions	8 (12)
6.	Topic 6. Related rights in the EU. Task: familiarize yourself with the lecture material; familiarize yourself with key international documents on the topic; compile a thesaurus (dictionary) of special legal terms for the topic; prepare answers to control questions	8 (12)
7.	Topic 7. Intellectual property rights for inventions and utility models in the EU. Task: familiarize yourself with the lecture material; familiarize yourself with key international documents on the topic; compile a thesaurus (dictionary) of special legal terms for the topic; prepare answers to control questions	8 (12)
8.	Topic 8. Industrial samples in EU countries. Task: familiarize yourself with the lecture material; familiarize yourself with key international documents on the topic; compile a thesaurus (dictionary) of special legal terms for the topic; prepare answers to control questions	6 (12)
9.	Topic 9. Trademarks and commercial names in EU countries . Task: familiarize yourself with the lecture material; to work out the theoretical foundations of the educational discipline ; compile a thesaurus (dictionary) of special legal terms for the topic	8 (12)
10.	Topic 10. Protection of intellectual property rights within the framework of the World Intellectual Property Organization (WIPO). Task: familiarize yourself with the lecture material; to work out the theoretical foundations of the educational discipline ; compile a thesaurus (dictionary) of special legal terms for the topic; prepare answers to control questions	8 (12)
11.	Topic 11. Protection of intellectual property rights within the framework of the World Trade Organization (WTO) . Task: familiarize yourself with the lecture material; familiarize yourself with key international documents on the topic; compile a thesaurus (dictionary) of special legal terms for the topic; prepare answers to control questions	6 (12)
12.	Topic 12. Adaptation of Ukrainian legislation to EU legislation in the field of intellectual property. Task: familiarize yourself with the lecture material; familiarize yourself with key international documents and documents of national law on the topic; compile a thesaurus (dictionary) of special legal terms for the topic; prepare answers to control questions	8 (12)

6. Individual tasks

Not provided for in the working curriculum.

7. Teaching methods

Teaching methods are ordered methods of activity of the teacher and students, aimed at the effective solution of educational tasks. They are implemented through a system of methods and means of educational activity.

Three groups of teaching methods are used:

1. verbal - descriptive disclosure of the educational material, explanation of the essence of the relevant phenomenon, concept, process, instruction on the specifics of the application of individual norms, checking the level of independent processing of the educational material, etc.;
2. visual - demonstration of schemes, tables, drawings (if available);
3. practical – formation of abilities and skills of operating legal categories, application of legal norms and use of acquired knowledge during seminar classes.

8. Control methods

Control methods are methods of diagnostic activity that allow for feedback in the learning process in order to obtain data on the success of learning and the effectiveness of the learning process.

Control measures determine the compliance of the level of knowledge, skills and abilities acquired by students with the requirements of normative documents on higher education.

Entrance control is used to find out the level of students' knowledge of the subjects that are basic for studying this subject. It is held on the beginning of studying the discipline through an oral survey or express control (testing).

Current control is carried out at each seminar class in the form of an oral survey, student presentations, writing and defense of abstracts, control papers.

The current control is carried out in the form of a written test for the purpose of evaluating the knowledge and skills acquired during the study of the topics of the corresponding section. Written test work may involve detailed answers to questions, answers to tests.

At the end of the course, an exam is held in the form of a written exam paper . Written examination work may involve detailed answers to questions, answers to tests.

A student is allowed to take the semester final examination if he or she has scored at least 10 points. The maximum number of points that a student can score in the final examination is 40. The maximum amount of points that a student can score in a discipline is 100.

List of questions for assessment

1. The concept of intellectual property rights.
2. Features of intellectual property law.
3. Evolution of legal protection of intellectual property in the world.
4. Evolution of legal protection of intellectual property in Ukraine.
5. Correlation of copyright and patent law.
6. General principles of intellectual property law in the EU
7. Prerequisites for the emergence of intellectual property rights in the EU.
8. Features of the development of intellectual property rights in the EU.
9. The role of EU institutions in the development of intellectual property rights in the EU.
10. Intellectual property rights in the EU legal system

11. Development of intellectual property law as a field of EU law
12. Institutes of intellectual property law of the EU.
13. Sources of EU intellectual property law.
14. Precedent regulation of intellectual property issues in the EU.
15. Regulation of intellectual property relations in the EU and member countries.
16. Court practice of the EU court in the field of intellectual property.
17. Copyright in the EU
18. Concept, subjects of copyright and peculiarities of its regulation in the EU.
19. Sources of copyright in the EU.
20. Copyright protection. Transfer of copyright.
21. Copyright Exceptions.
22. Related rights in the EU
23. The concept of related rights in the EU
24. Sources of related rights in the EU
25. Protection of related rights in Germany.
26. Intellectual property right to inventions and utility models in the EU
27. Concept of invention and useful model.
28. Concept of patent, levels of its registration.
29. Unification of EU law regarding the protection of intellectual property rights for inventions.
30. Single European patent: issuing procedure, features of the legal regime.
31. Institutional system of EU patent law.
32. Industrial designs in EU countries
33. Concept and classification of industrial samples.
34. Industrial model in EU countries.
35. Patenting of industrial designs in the EU.
36. EU structures that regulate legal relations regarding industrial designs.
37. Trademarks and commercial names in EU countries
38. Concepts, features and functions of trademarks in EU law.
39. Commercial name: concept, types and features of legal protection.
40. EU experience in the field of trademark protection. Institute «passing off».
41. Separate issues of harmonization of Ukrainian legislation and EU legislation in context EU trademark reforms.
42. Protection of intellectual property rights within the framework of the World Intellectual Organization property (WIPO)
43. International legal basis of activity of the World Intellectual Property Organization.
44. Structure of the World Intellectual Property Organization.
45. Main areas of activity of the World Intellectual Property Organization.
46. Settlement of international disputes within the framework of the World Intellectual Property Organization.
47. Protection of intellectual property rights within the framework of the World Trade Organization (WTO)
48. Creation and goals of the World Trade Organization.
49. Structure of the World Trade Organization.
50. Principles of the World Trade Organization.
51. Areas of activity of the World Trade Organization in the field of intellectual property.
52. Settlement of international disputes within the framework of the World Trade Organization.
53. Cooperation of the World Trade Organization with the World Intellectual Organization property
54. Adaptation of Ukrainian legislation to EU legislation in the field of intellectual property

55. General characteristics of the adaptation of Ukrainian legislation to EU legislation in sphere of intellectual property: concept, mechanism

56. Analysis of Ukrainian legislation in the field of intellectual property in comparison with EU legislation.

9. Points calculation scheme

The total number of points is 100.

The number of points for the exam/credit is 40.

The number of points during the semester is 60:

Number of points for answers in seminar classes $\sum 40 = 40$:

Calculation formula

$\sum 1$

$\sum 40 = \dots \times 8$ (eight)

$\sum 2$

Note:

$\sum 40$ – the sum of the maximum number of points

$\sum 1$ – the sum of points received by the student for answers in seminar classes.

$\sum 2$ – the number of seminar classes during the semester.

8 is the coefficient

Individual task - 10 points

Control work - 10 points.

Current Control												Control work provided by the curriculum	Tog ether	Exa m / asse ssm ent	Su m
T1	T2	T3	T4	T5	T6	T7	T8	T9	T10	T11	T12				
$\sum 40$												20	60	40	100

The answer at the seminar is **1-5 points**.

Evaluation criteria for an oral answer

Current control is carried out, in particular, in the form of a survey and checking the results of performances at seminars and practical classes in a five-point rating scale.

5 points are assigned under the following conditions:

- the student works actively during the entire practical session;
- gives a complete, correct, consistent, coherent, well-founded presentation of the issue, accompanied by correct examples from doctrinal sources and a reference to current legislation;
- everything that is taught should indicate a deep understanding and orientation in the phenomena and processes being studied;
- correct comprehensive answers to the teacher's additional questions.

4 points are given under the following conditions:

- the student works actively during the practical session;

- gives a correct, complete description of the content of the textbook and the material presented by the teacher, but answers additional control questions that the teacher asks to clarify the depth of understanding and the ability to navigate phenomena and processes, only with some help from the teacher or colleagues;

- insufficiently comprehensive answers to the teacher's additional questions.

3 points are given under the following conditions:

- the student behaves passively during class, responds only when called upon by the teacher;

- in general demonstrates knowledge of the main educational material under consideration, but makes mistakes during the answer and becomes aware of them only after the instruction of the teacher;

- does not give answers to questions immediately, but only after some strain of memory, and the answers are unclear;

- unable to derive the relationship with other problems of the studied discipline without the help of a teacher;

2 points are given under the following conditions:

- makes significant mistakes or completely misses the material and partially corrects these mistakes only after the instruction of the teacher;

- the student shows ignorance of a significant part of the educational material, explains it illogically and uncertainly, there are pauses and interruptions in the answer, he cannot explain the problem, although he understands it;

- does not present the material sufficiently coherently and consistently.

1 point is given under the following conditions:

- the student makes gross mistakes when presenting the material and does not correct these mistakes even when the teacher points them out;

- reveals a lack of understanding of the educational material and, as a result, a complete lack of skills both in the analysis of phenomena and in the subsequent performance of practical tasks.

Evaluation criteria of control and examination/credit papers

Control and examination (credit) works are performed in written form. The control work consists of 10 test tasks, the examination/credit work consists of 40 test tasks. Each test task has five answer options, only one of which is correct; one point is awarded for each correct answer.

Rating scale

The sum of points for all types of training activities during the semester	Evaluation on a national scale	
	On a four-level rating scale	On a two-level rating scale
90-100	perfectly	counted
70-89	fine	counted
50-69	satisfactorily	counted
1-49	unsatisfactorily	not counted

10. Recommended literature

Basic literature

1. Actual problems of intellectual property law: study guide / V.K. Matviychuk, S.A. Pylypenko, T.P. Ustymenko and others. / edited by I.S. Timush, Yu.V. Nikitina, V.P. Myronenko. Kyiv: National Academy of Management, 2014. p. 278
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17. Kapitsa Yu.M. Intellectual property law of the European Union: formation, institutions, directions of development: monograph. Kyiv: Akadempriodika Publishing House, 2017. 664 p.
18. Kapitsa Yu.M. Protection of rights to industrial designs in the European Union . *University scientific notes of the Khmelnytskyi University of Management and Law* : Journal Khmelnytskyi University of Management and Law. 2005. Issue 4. P. 73-78.
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Supporting literature

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2. Bazilevich V.D. Intellectual property: a textbook. Kyiv: Znannia, 2006. 431 p.

3. Bondarenko, S.V. Copyright and related rights. Kyiv: Institute of Intellectual Property

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11. Links to information resources on the Internet, video lectures, other methodical support

1. Official website of the Verkhovna Rada of Ukraine.
<http://zakon4.rada.gov.ua/laws/main/c/stru3/spi>.

2. Official website of the European Union <http://europa.eu/>