

## Course SYLLABUS Form

<b>The basic data course</b>	
<b>Academic Unit:</b>	<b>Faculty of Law</b>
<b>Course title:</b>	<b>Industrial Property</b>
<b>Level:</b>	<b>Master</b>
<b>Course status:</b>	<b>Elective</b>
<b>Year of study:</b>	<b>I</b>
<b>Number of hours per week:</b>	<b>2+1</b>
<b>Credits – ECTS:</b>	<b>5</b>
<b>Time / location:</b>	<b>Prishtina</b>
<b>Lecturer of the course:</b>	<b>Prof. Dr. Haxhi Gashi; Prof. Dr. Abdulla Aliu, Asist. Mr. Sc. Qerkin Berisha; Asist. Luljeta Plakolli</b>
<b>Contact details:</b>	<a href="mailto:haxhi.gashi@uni-pr.edu">haxhi.gashi@uni-pr.edu</a> <a href="mailto:abdulla.aliu@uni-pr.edu">abdulla.aliu@uni-pr.edu</a> <a href="mailto:qerkin.berisha@gmail.com">qerkin.berisha@gmail.com</a> <a href="mailto:luljeta.plakolli@uni-pr.edu">luljeta.plakolli@uni-pr.edu</a>
<b>Course description</b>	
	<p>The purpose of this course is to review the law dealing with: patents, trademarks, trade secrets, breach of confidentiality, within the institutional organization at the international, European and national level. In recent years an expansion has taken place in the scope of industrial property rights and when we examine institutional arrangements on which the policies are established, we shall analyze the scope and impact of these rights within individual territories and their movements between the territories. Lectures will also highlight certain areas of current affairs where these rights have an impact, such as access to medicines, biotechnology, domain names and computer programs.</p>
<b>Course Objectives:</b>	<p>This course is intended that through treatment of the laws dealing with patents, trademarks, confidential information, trade secrets and other regimes, to examine the protection provided by law in connection with ideas, inventions, information and other forms of creative work. The course will cover copyright, since it is covered in a particular subject, but aims to explore how this law addresses a particular problem and how during problem solving, the law must balance the interests and to protect the investment by taking into account the public welfare and technological developments. The course will explore the interconnections between different regimes in the commercialization or</p>

	exploitation of industrial property. After completing the course, students will have basic knowledge of the law in this field, its limitations, policies and targets, including basic features of different systems of protection.
<b>Learning outcomes:</b>	<p>After completing this course the student will be able to:</p> <ol style="list-style-type: none"> <li>1. Interpret and enforce the legal provisions in the field of industrial property rights;</li> <li>2. Get acquainted with the principles of industrial property rights;</li> <li>3. Analyze the commercial aspects of industrial property through the sale and licensing;</li> <li>4. Map and interpret the contract of sale and / or licensing of industrial property;</li> <li>5. Analyze judicial decisions and to gain insights into the drafting of memoranda in favor of the parties;</li> <li>6. To develop presentation skills related to industrial property issues;</li> </ol>

<b>Student contribution ( which should correspond with student learning outcomes)</b>			
<b>Activity</b>	<b>hour</b>	<b>Day/week</b>	<b>Total</b>
Lecture	2	1/15	30
Theoretical exercises/laboratory	1	1/15	15
Practical work	1	1/15	15
Contact with lecturer/consultations	1	1/15	15
Field exercises	1	1/15	15
Kollokvium, seminars	2	2/5	10
Homework	2	1/5	10
Self learning time of student (at the library or at home)	2	1/15	15
Final preparation for the exam	2	1/5	10
Time spent on evaluation (tests, quiz, final examl)	5	1/1	5
Projects, presentations ,etc	10	1/1	10

<b>Total</b>	5 ECTS	Total	150

**Note: 1 ECTS credit = 30 hours of commitment, eg if the case has 7 ECTS credits a student must have 210 hours during term commitment**

<b>Teaching Methodology:</b>	<p><u>Traditional method of teaching:</u> One of the best forms for the transfer of knowledge about the law can be achieved through the classical method of teaching. For this subject it is planned to use a limited number of lectures to large groups to ensure that candidates have a strong foundation in legal doctrine of industrial property law. Practical method and simulation are intended to supplement the knowledge and understanding of the doctrine presented during the lectures by understanding its implication and its use in daily business activities.</p> <p><u>Workshops and practical sessions:</u> teaching methodology consists in combining theoretical and practical work. A feature common to all practice sessions, is a relatively small number of students who usually enroll in such sessions. Much of the practical sessions require students to write, draft or prepare a considerable number of forms of contracts. Workshops and practical work will be held in intense manner, simulating cases from our daily life; others will be organized by topic, including a close study of topics of contemporary interest.</p> <p><u>Simulation and problem solution:</u> In simulated clinical methodology, students are required to take a degree of responsibility for others and for themselves. Student's confidence and trust is very important to success in this regard. Problem-solving skills beyond the ability to understand the classical doctrine or to analyze the solutions defined by the courts are important in this regard. Candidates must learn to interact with people outside their school community. They should test the knowledge, skills and theories learned in practice against the realities of practice derived from day to day. Therefore, assessment and understanding of the practical realities of business life in the insurance industry becomes part of the candidate's academic training. Under this methodology, candidates are required to integrate knowledge, skills and legal processes learned during training. They should develop and issue evidence from interviews and reading the general conditions of insurance products and other</p>
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	documents rather than simply give them in the well organized form by their professors. They generate their actions, and define the timelines and priorities. Message of competent practice, legal ethics can be transmitted through this method: simulated representation of clients in a controlled environment of simulated legal office.												
<b>Evaluation methods:</b>	<p>You will be assessed on the basis of your participation, engagement in classroom tasks assigned and the final exam. You will be assigned two tasks before the final exam, the first will comprise 20% of the grade, and the second will comprise 20% of the grade. Your commitment to class will constitute 10% of the grade, and finally the exam will constitute 50% of grade.</p> <p>Although final assessment is required, the final grade of the student for this subject shall be based on the overall performance during the entire semester. For evaluation of students in the course of industrial property, the lecturer shall take into account the following criteria:</p> <ul style="list-style-type: none"> <li>- <i>Regular attendance at lectures</i>..... 5%</li> <li>- <i>Active participation in lectures/exercises</i>..... 5%</li> <li>- <i>Essay</i>..... 20%</li> <li>- <i>Hypothetical case</i>..... 20%</li> <li>- <i>Final exam</i>.....50%</li> </ul> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: left;"><u>%</u></th> <th style="text-align: left;"><u>Grade</u></th> </tr> </thead> <tbody> <tr> <td>91-100</td> <td>10 (ten)</td> </tr> <tr> <td>81-90</td> <td>9 ( nine)</td> </tr> <tr> <td>71-80</td> <td>8 (eight)</td> </tr> <tr> <td>61-70</td> <td>7 (seven)</td> </tr> <tr> <td>51-60</td> <td>6 (six)</td> </tr> </tbody> </table>	<u>%</u>	<u>Grade</u>	91-100	10 (ten)	81-90	9 ( nine)	71-80	8 (eight)	61-70	7 (seven)	51-60	6 (six)
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<b>Literature</b>													
<b>Basic Literature:</b>	<p>“Introduction to Intellectual Property Law”, by Allison Firth and Jeremy Philips, 4<sup>th</sup> edition, 2001 (ISBN-9780406997579)</p> <p>“Modern Intellectual Property Law”, Chatherine Colston, Jonathan Galloway, 24 June, 2010 (ISBN-978041555672)</p> <p>“The Economic Structure of Intellectual Property Law” by William M. Landes and Richard Posner, The Belknap Press of Harvard University (ISBN-0674012046)</p> <p>“Economics of Intellectual Property Law”, by Edward Eldgar, Berkeley Center for Law and Technology, 2007</p>												

	<p>“International Protection of IP rights in the light of the expansion of electronic commerce”, by Dr. Abdalla Ahmed Abdalla</p> <p>“Technology transfer and the new EU competition rules: Intellectual Property licensing after modernization”, by Anderman, Steven D, Oxford University Press, 2006 (ISBN-978-0199282142)</p> <p>“Intellectual Property” by Bainbridge, David I., Harlow, Essex/England, 2009 (ISBN- 978-1405859202)</p> <p>Summary of key international instruments and EU Directives in the field of industrial property.</p> <p>Trade Mark Law</p> <p>Patent Law</p> <p>Law on Industrial Design</p> <p><b>Other laws in the field of industrial property</b></p>
<b>Additional Literature:</b>	<p>“Zbatimi I markave tregtare në Kosovë”, nga Luljeta Plakolli-Kasumi, USAID/BearingPoint, 2008</p> <p>“Manuali I Pronësisë Intelektuale për Zhvilluesit e Programeve Softuerike në Kosovë”, nga Luljeta Plakolli-Kasumi, USAID/KPEP, Tetor 2010</p>
<b>Designed plan of lesson:</b>	
<b>Week</b>	<b>The lecture that will be held</b>
Week I:	<ul style="list-style-type: none"> <li>- Introduction to Industrial Property</li> <li>- Basis and purpose of trademarks</li> <li>- Preconditions for the protection of trade marks (distinctiveness and functionality of trade marks)</li> </ul>
Week II:	<ul style="list-style-type: none"> <li>- Limitations on Trademark Protection</li> <li>- Registration of trademarks and the right of priority</li> <li>- National and International Registration and Community Trade Marks</li> <li>- Nice’s Agreement of classification</li> </ul>
Week III:	<ul style="list-style-type: none"> <li>- The rights acquired by registration of trademark</li> <li>- Violation of Trademark (consumer confusion)</li> <li>- Remedies against trademark violation</li> </ul>
Week IV:	<ul style="list-style-type: none"> <li>- Loss of Property Rights in a trademark (non-exploitation and inappropriate use of the trademark)</li> <li>- Domain names and occupation in cyber (Cybersquatting)</li> </ul>
Week V:	<ul style="list-style-type: none"> <li>- Summary of chapter on trademarks</li> </ul>

	<ul style="list-style-type: none"> <li>- Introduction to Patents</li> <li>- The notion of 'invention'</li> <li>- Patentable invention</li> <li>- Inventor</li> <li>- The right of priority</li> </ul>
Week VI:	<ul style="list-style-type: none"> <li>- The contents of the patent application</li> <li>- Procedure until the publication of patent application</li> <li>- Publication of patent application</li> <li>- Grant of patent</li> <li>- The effect of the patent granted</li> <li>- Limitations on patent</li> </ul>
Week VII:	<ul style="list-style-type: none"> <li>- The declaration of nullification of patents</li> <li>- Annulment of the decision on granting a patent</li> <li>- Enforcement of patent rights</li> <li>- Violation of patent remedies</li> </ul>
Week VIII:	<ul style="list-style-type: none"> <li>- Summary of patents chapter</li> <li>- Trade Secrets</li> <li>- Confidentiality agreements</li> </ul>
Week IX:	<ul style="list-style-type: none"> <li>- Economic aspects of industrial property</li> <li>- The creation, evaluation and commercialization of industrial property</li> <li>- Commercialization of industrial property rights</li> <li>- The sale and licensing of industrial property rights</li> <li>- The contractual rights of industrial property</li> </ul>
Week X:	<ul style="list-style-type: none"> <li>- Introduction to Industrial Design</li> <li>- Requirements for protection (novelty and unique character design)</li> <li>- Functionality of design</li> <li>- Designer and profit of industrial design</li> <li>- Volume and duration of protection</li> </ul>
Week XI:	<ul style="list-style-type: none"> <li>- Exclusive rights to industrial design and restriction of these rights</li> <li>- The ratio of industrial design to other forms of protection (protection of copyright and trademark protection)</li> </ul>
Week XII:	<ul style="list-style-type: none"> <li>- Procedure for registration of industrial design</li> <li>- Commercialization of industrial design right</li> </ul>
Week XIII:	<ul style="list-style-type: none"> <li>- Violation of industrial design</li> <li>- Remedies for the protection of industrial design</li> </ul>
Week XIV:	<ul style="list-style-type: none"> <li>- Summary of chapter on industrial design</li> <li>- Summary of the course of industrial property right</li> </ul>

Week XV:	Final Exam

**Academic policies and rules of conduct:**

Disciplinary rules and academic integrity:

- a) During the course attendance should be kept personal and academic integrity of students and teachers
- b) The participation of students is required (any absence is reflected in the final assessment)
- c) Students must meet the obligations given in practical work and home work Lack of fulfillment of obligations will be reflected in final exam.
- d) Students must follow the disciplinary rules during lectures, exercises and exams.
- e) Plagiarism and various forms of cheating are forbidden and are reflected in negative assessment of student and other penalties under the relevant legal regulations