COURSE DATA

Data Subject	
Code	35232
Name	Competition Law
Cycle	Grade
ECTS Credits	4.5
Academic year	2020 - 2021

Study (s)

Degree	Center	Acad. year	Period
1303 - Degree in Law	Faculty of Law	4	First term

Subject-matter

Degree	Subject-matter	Character
1303 - Degree in Law	25 - Competition law	Optional

Coordination

Name	Department
ESTEVAN DE QUESADA, CARMEN	70 - Mercantile Law 'Manuel Broseta Pont'

SUMMARY

The course “Competition Law” is an optional, one-term course of 4.5 credits, taught in the 4th year of the Law Degree.

According to the “Verifica” of the Study Plan, this course studies the following topics:

- Competition as an economic system
- Unfair competition (regulation, delimitation of scope of application of the different rules) and Antitrust Law (regulation of collusive and abusive practices, antitrust authorities, etc.)
- Distinctive signs (especially trademarks)
- Industrial design

- Inventions

PREVIOUS KNOWLEDGE

Relationship to other subjects of the same degree

There are no specified enrollment restrictions with other subjects of the curriculum.

Other requirements

The Study Plan of the Law Degree does not establish any previous requirements to follow the course on Competition Law. Nevertheless, its study assumes that the student knows the statute of the commercial entrepreneur (Commercial Law I), the general theory of contracts and obligations (Civil Law II) and commercial contracts (Commercial Law II).

OUTCOMES

1303 - Degree in Law

- Know the content and application of each of the branches of the legal system.
- Understand the legal system as unitary and have an interdisciplinary perspective of legal problems.
- Understand the constitutional regulatory framework, the political institutions of the State and their functioning.
- Know the community and international regulatory framework, its institutions and their functioning.
- Be able to use legal sources (legal, jurisprudential and doctrinal).
- Be able to read and interpret legal texts.
- Be able to communicate correctly both orally and in writing in the field of law.
- Be able to analyse legal problems and synthesise their approach and resolution.
- Be able to use information and communication technology to obtain and select legal information.

LEARNING OUTCOMES

The course “Competition Law” focuses on the student acquiring the following basic learning results:

- Capacity to know the antitrust authorities, its competencies and its relationship with the judiciary in the application of Competition Law (related to Degree Capacities CE 2,3,5,6,7)

- Capacity to know the actions that constitute unfair competition and the applicable sanctions (CE 2,3,7,8,9,10,13)

- Capacity to know the different aspects of industrial property (distinctive signs, desing, models, patents) and the protection offered by the legal system against their violation (CE 2,3,7,8,9,10,13

DESCRIPTION OF CONTENTS

1. COMPETITION AND LAW

I. Competition as an economic system
II. Competition law systems. Globalisation and competition law.
III. Competition and the European Union
Double barrier
Effects on the trade between the Member States
IV. Spanish constitutional framework
V. Competition Law rules
a) Unfair Competition Law
b) Antitrust Law
c) Consumer protection legislation.
VI. Competition authorities: decentralization at national and EU level.
VII. Courts and administrative and jurisdictional enforcement.

2. UNFAIR COMPETITION

I. General remarks and historical background. Protected interests served by the unfair competition legislation.
II. International, European and comparative approach to unfair competition law.
III. Unfair competition legislation.
IV. Scope of application of LCD
V. General clauses: B2B, B2b and B2C conducts
VI. General prohibitions
VII. Commercial practices prohibited for consumer protection
VIII. Codes of conduct
IX. Actions against unfair conducts and illegal advertising
X. Self-regulation in advertising
XI. Unfair conducts considered antitrust violations.

3. INTRODUCTION TO ANTITRUST LAW

I. General concepts
a) Concept of undertaking
b) Relevant market
c) Prohibited conducts v controlled conducts
d) Market power and effects on the market
II. Administrative and jurisdictional enforcement
Proceedings before the competition authorities

Inspection, confidentiality and procedure
Types of proceedings termination
Jurisdictional enforcement
Legality control of competition authorities decisions.
Nullity and actions for damages

4. PROHIBITED CONDUCTS

I. Collusive practices
a) General prohibition
b) More frequent collusive conducts
c) National legal exception
d) Auto-evaluation system
e) Block exemptions
II. Abusive practices
a) Dominant position: definition and assessment criteria
b) Abuse concept
c) More frequent abusive conducts

5. INTRODUCTION TO INDUSTRIAL AND INTELLECTUAL PROPERTY

I. Theory of intangible assets.
II. Intellectual creations and distinctive signs.
III. Types of intellectual creations and their protection
IV. Types of distinctive signs and their protection.
V. Intangible assets and the European Union.
VI. Globalization and intangible assets.
VII. Valuation of intangible assets.
VIII. Actions.

6. PROTECTION OF DISTINCTIVE SIGNS

I. Distinctive signs.
a) Concept and types.
b) Economic functions and legally protected functions.
c) Legal protection of distinctive signs.
II. Trademarks.
a) Regulation of trademarks.
b) Signs susceptible of constituting a trademark.
c) Absolute prohibitions and relative prohibitions.
d) Protection of unregistered trademarks.
e) Content and limits of the trademark right.
f) Nullity, surrender and revocation.
g) Collective trademarks and guarantee trademarks.
III. Trademarks and domain names.

IV. Trademarks, Designations of Origin and Geographical Indications.
V. Trademarks and commercial denominations of plant varieties.
VI. Non-distinctive use of another partys trademark.

7. PROTECTION OF DESIGN

I. Protection of aesthetics, singularity and design.
II. Requirements for the protection of design.
III. Concept and economic function.
IV. The legal regime of registered drawings and models.
V. Legal regime of unregistered drawings and models.
VI. Design and trademarks.
VII. Protection of design by means of the authors rights.
VIII. Exclusion of the protection of the characteristics that are exclusively dictated by the technical function.

8. PROTECTION OF INVENTIONS

I. Knowledge, discovery and intellectual creation: the invention as an applied intellectual creation.
II. Legal protection of patents.
a) Creations that are not inventions.
b) Patentability requirements.
c) Non-patentable inventions.
d) Right to obtain a patent.
e) Description and claims.
f) Content of the right.
g) Compulsory licenses.
h) Additions to the patent.
i) Nullity of the patent.
III. Complementary certificates
IV. Utility models.
V. Complementary know-how.
VI. Other modalities of protection.
a) Plant varieties.
b) Integrated circuits layout rights.

WORKLOAD

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	45,00	100
Attendance at events and external activities	5,00	0
Development of individual work	6,00	0
Study and independent work	26,00	0
Readings supplementary material	3,00	0
Preparation of evaluation activities	6,00	0
Preparing lectures	8,00	0
Preparation of practical classes and problem	6,00	0
Resolution of case studies	7,50	0
TOTAL	**112,50**	

TEACHING METHODOLOGY

Teaching is based primarily in lectures, which will be combined with other materials that have to be used by students to complement the course.

Books to follow the course will be recommended.

- Attendance to lectures, seminars and classroom activities: classroom lectures, case study, problem solving

- Preparation of lectures, works and tutorials: schemes, concept mapping, summaries, individual and/or group presentations, attendance to tutorials

- Preparation of exams and evaluation tests: reading comprehension of texts and other study materials

Performance of exams and evaluation tests: oral or written expression of knowledge

EVALUATION

English version is not available

REFERENCES

Basic

- BERCOVITZ RODRIGUEZ-CANO, A., Apuntes de derecho mercantil: derecho mercantil, derecho de la competencia y propiedad industrial, Thomson/Aranzadi.2016
- BERCOVITZ RODRIGUEZ-CANO, A., (Dir.) Comentarios a la Ley de Competencia Desleal, Thomson/Aranzadi.2011
- FERNÁNDEZ NOVOA, C OTERO LASTRES, J.M. BOTANA AGRA, M., Manual de la propiedad industrial. Marcial Pons. 2013.
- GUTIÉRREZ, MASSAGUER, SALA ARQUER, FOLGUERA CRESPO (dirs.), Comentario a la Ley de Defensa de la Competencia, Civitas, 2015.
- BERCOVITZ RODRÍGUEZ-CANO, A., La nueva Ley de patentes: Ley 24/2015, de 24 de julio, Aranzadi, 2015.

ADDENDUM COVID-19

This addendum will only be activated if the health situation requires so and with the prior agreement of the Governing Council

English version is not available

ADENDA DOCENCIA HÍBRIDA

La presente adenda a la guía académica de la asignatura será de aplicación durante el primer semestre del curso 2020/2021 y mientras se mantenga el sistema de *docencia híbrida* o de *presencialidad por turnos rotatorios* impuesta por razones sanitarias.

La docencia durante este período estará determinada por la Guía Académica de la asignatura, esta adenda que establece el marco general del período de docencia híbrida, y el anexo a la guía del profesor/a que concretará para cada grupo la aplicación de estas directrices.

1. Contenidos.

Los contenidos de la asignatura se mantienen en los términos de la guía docente.

2. Volumen de trabajo y planificación temporal de la docencia.

Durante el período de docencia híbrida las clases presenciales se limitarán a la mitad de los matriculados en el grupo, que rotarán cada semana de acuerdo con el turno que les haya sido asignado en el momento de la matrícula.

Teniendo en cuenta esa limitación del aforo, el profesor en su anexo a la guía académica podrá escoger entre dos modelos docentes durante este período:

Modelo 1.- Clase presencial con retransmisión de vídeo síncrona al 50% de los estudiantes que no estén en el aula.

En este modelo las sesiones del profesor se desarrollarán de forma lineal, con rotación semanal de los estudiantes presentes en el aula. Los estudiantes no presentes podrán seguir la sesión en streaming.

Modelo 2.- Clase presencial teórico-práctica (aplicada) con el 50% de los estudiantes de forma rotatoria sin retransmisión en streaming.

En este modelo el profesor proporcionará diverso material para la preparación autónoma de los fundamentos teóricos de la asignatura (presentaciones, vídeos, apuntes y documentos en línea, etc.). Cada semana del curso, de forma rotatoria, los estudiantes que estén en casa prepararán los conceptos teóricos siguiendo el cronograma del anexo a la guía y los estudiantes presentes en el aula trabajarán la materia de forma teórico-práctica (resolución de dudas, análisis jurisprudenciales, resolución de casos prácticos, elaboración de contratos y escritos, etc.).

4. Evaluación.

En caso de que el examen oral no pudiera celebrarse de forma no presencial se realizará a través de BBC o plataformas alternativas.

5. Bibliografía.

ADENDA COVID-19

La presente adenda a la guía académica de la asignatura será de aplicación en el supuesto de que un rebrote de la pandemia determine el cierre temporal de las aulas (con carácter general o particular del grupo afectado), y sólo mientras se prolongue, en su caso, la situación de confinamiento.

1. Contenidos.

Los contenidos de la asignatura se mantienen en los términos de la guía docente.

2. Volumen de trabajo y la planificación temporal de la docencia.

El volumen de trabajo y la planifación de la asignatura se mantienen en los términos de la guía docente.

3. Metodología docente.

Materiales y ejercicios:

- Subida de materiales al Aula virtual: presentaciones de powerpoint, jurisprudencia seleccionada y materiales bibliográficos complementarios.

- Propuesta de actividades por aula virtual: realización de trabajos y/o casos prácticos sobre la materia impartida de forma no presencial.

Dinámica docente:

La docencia teórica se impartirá, en su caso, por el/la profesor/a mediante videoconferencias por la

plataforma Blackboard collaborate.

Las dudas se resuelven de forma individual mediante correo electrónico, o colectivamente mediante tutorías colectivas en la plataforma Blackboard collaborate o en el foro de debate del Aula virtual.

4. Evaluación.

El examen oral se realizará a través de Blackboard Collaborate o plataformas alternativas.

5. Bibliografía.

A la bibliografía recomendada en la guía docente (solo parcialmente disponible en línea) se añade el material puesto a disposición de los/las estudiantes a través del aula virtual (presentaciónes de ppt y otro tipo de documentación)