

**COURSE DATA****Data Subject**

Code	42676
Name	Mediation and arbitration in intellectual property, industrial property and ICT
Cycle	Master's degree
ECTS Credits	3.0
Academic year	2023 - 2024

Study (s)

Degree	Center	Acad. year	Period
2122 - M.U. en Mediac, arbitr y gest de conflictos en dcho privado	Faculty of Law	1	First term

Subject-matter

Degree	Subject-matter	Character
2122 - M.U. en Mediac, arbitr y gest de conflictos en dcho privado	11 - Mediation and arbitration in intellectual property, industrial property and ICT	Obligatory

Coordination

Name	Department
SAIZ GARCIA, CONCEPCION	50 - Civil Law

SUMMARY

The speed and expertise in resolving conflicts affecting the rights of intellectual, industrial and ownership of new technologies is key in today's world. The workload that weighs on the courts seeking power extrajudicial dispute resolution methods, among which arbitration and mediation, both nationally and internationally.

In this sense, mediation and arbitration as alternative methods of resolving disputes relating to copyright, industrial property, both national and international aspect will be discussed, as well as in the field of information technology and communication. To do the various regulations which govern these matters and issues raised by its resolution through these alternative means particularities and various existing procedures will be presented.



PREVIOUS KNOWLEDGE

Relationship to other subjects of the same degree

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

Other requirements

OUTCOMES

2122 - M.U. en Mediac, arbitr y gest de conflictos en dcho privado

- Students should be able to integrate knowledge and address the complexity of making informed judgments based on incomplete or limited information, including reflections on the social and ethical responsibilities associated with the application of their knowledge and judgments.
- Students should communicate conclusions and underlying knowledge clearly and unambiguously to both specialized and non-specialized audiences.
- Students should demonstrate self-directed learning skills for continued academic growth.
- Elaborar y manejar los escritos, informes y procedimientos de actuación más idóneos para los problemas suscitados.
- Adquirir los instrumentos para poder planificar, ordenar y encauzar actividades de manera que se eviten en lo posible los imprevistos, se prevean y minimicen los eventuales problemas y se anticipen sus soluciones.
- Contemplar en conjunto y tener en cuenta los distintos aspectos y las implicaciones en los distintos aspectos de las decisiones y opciones adoptadas, sabiendo elegir o aconsejar las más convenientes dentro de la ética, la legalidad y los valores de la convivencia social.
- Use different presentation formats (oral, written, slide presentations, boards, etc.) to communicate knowledge, proposals and positions.
- Proyectar sobre problemas concretos sus conocimientos y saber resumir y extraer los argumentos y las conclusiones más relevantes para su resolución.
- Conocer y usar con fluidez las categorías, prescripciones y procedimientos relevantes para cada caso y sus antecedentes y soluciones más significativas.
- Analizar y delimitar el ámbito de derecho dispositivo específico de la materia en cada supuesto de la resolución alternativa de controversias.
- Aplicar las diferentes técnicas y conocimientos jurídicos a la resolución práctica de los proceso de mediación y arbitraje de materias específicas.



LEARNING OUTCOMES

Identify which model of protection of intellectual and industrial property that is best suited to each case. Know who and when can record creation and his content. Know the rights and duties of the holder. Knowing the mechanisms of protection of creations and solutions of conflicts through mediation and arbitration at national, EU and international levels.

DESCRIPTION OF CONTENTS

1. Mediation and arbitration in the field of intellectual Property

1. Intellectual property.
2. Utility of mediation and arbitration intellectual property.
3. The general arbitration of intellectual property under Law 60/2003.
4. Special mediation and arbitration Commission of Intellectual Property.
5. The alternative dispute resolution in the field of TIC.

2. Mediation and arbitration in the field of Industrial Property

1. Intellectual property: patents, utility models, plant varieties, industrial design, trademarks and trade names.
2. Resolving cases on industrial property.

3. International aspects of mediation and arbitration in the field of Intellectual Property

1. International rules on Intellectual Property.
2. WIPO mediation and arbitration.

WORKLOAD

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	18,00	100
Tutorials	12,00	100
TOTAL	30,00	

TEACHING METHODOLOGY

Theoretical explanation: The Lecturer will present and explain in a dynamic way the basic elements which must lead students to understand the subject, using practical cases, analysis of case law and doctrine. The student shall be engaged actively to participate in the learning process.



Applied activities: They will consist, above all, resolution of practical cases. They will help students to become familiar with the relevant materials and legislation of this field.

Office hours: Any question or concern students may have related with this subject will be resolved during the office hours which every Lecturer establishes to this end.

EVALUATION

The final mark is composed of:

100%: evaluable tests (each teacher will send some case studies to be solved, being afterwards added the respective marks which, as a whole, will amount to a maximum of 10 in the final mark or the corresponding proportion)

The evaluation system of the second call will consist of carrying out assessable tests (practical cases) (100% of the grade).

REFERENCES

Basic

- Martínez García, E., El arbitraje como solución de conflictos en propiedad intelectual, Tirant Lo Blanch, Valencia, 2002.

Actas de Derecho Industrial y Derecho de Autor (Marcial Pons, AAVV, anual)

WIPO Arbitration and Mediation Center, Course on Dispute Settlement in International Trade, Investment, and Intellectual Property (UNCTAD), 2003
(www.unctad.org/en/docs//edmmisc232add25_en.pdf)

Alonso Puig, J.M. y Bonnín Reynés, V. (Coord.), Memento Arbitraje, Francis Lefebvre, 2020.

Gil Seaton, A., Arbitraje y Propiedad Industrial, La Ley, 2020

Additional

- Armengot Vilaplana, A., La nuevas funciones de la Comisión de Propiedad Intelectual, Revista General de Derecho Procesal, núm. 27, 2012.

Anuario de Justicia Alternativa (AAVV, Tribunal Arbitral de Barcelona, anual)

Gandía Sellens, M.A., El arbitraje frente a los litigios internacionales en materia de propiedad intelectual: la arbitrabilidad y la adopción de medidas cautelares, Revista Aranzadi de Derecho Patrimonial, monografía nº 32, Thomson Reuters - Aranzadi, 2014.