Syllabus

INTERNATIONAL AND COMPARATIVE ASPECTS OF IP - 62696

Last update 02-09-2015

**HU Credits:** 4

**Degree/Cycle:** 2nd degree (Master)

**Responsible Department:** law

**Academic year:** 0

**Semester:** 2nd Semester

**Teaching Languages:** English

**Campus:** Mt. Scopus

**Course/Module Coordinator:** Dr. Guy Pessach

**Coordinator Email:** guy.pessach@mail.huji.ac.il

**Coordinator Office Hours:** by appointment

**Teaching Staff:**
Dr. Guy Pessach
Course/Module description:

This seminar covers the interface of international law and I.P, as well as comparative aspects of I.P. Students are required to write seminar works in particular topics that discuss international treaties and law making in areas such as copyright law, patents and trademarks, Alternatively, students may choose to focus on comparative research of mechanisms, doctrines and schemes in one of I.P law's branches, as well as more general topics, such as remedies against an infringement of an I.P right, defenses and exemptions in I.P law, collective administration mechanisms and other particular topics.
Course/Module aims:

This seminar covers the interface of international law and I.P, as well as comparative aspects of I.P. Students are required to write seminar works in particular topics that discuss international treaties and law making in areas such as copyright law, patents and trademarks, Alternatively, students may choose to focus on comparative research of mechanisms, doctrines and schemes in one of I.P law’s branches, as well as more general topics, such as remedies against an infringement of an I.P right, defenses and exemptions in I.P law, collective administration mechanisms and other particular topics.
Learning outcomes - On successful completion of this module, students should be able to:
To write a research work in the area of I.P while focusing on a particular research topic.

Attendance requirements(%):
100

Teaching arrangement and method of instruction: Lectures + Students' Presentations.

Course/Module Content:
1. Theories and Justifications of I.P

2. Economic Theories

3. Personality & Author's-Based Theories

4. Justice and Fairness Theories

5. Democratic Theories
6. Distributive Justice Theories

7. Commons Theories

8. User's Based Theories

9. The Originality Requirement

10. Database Protection

11. Exemptions and Limitations

12. Private Copying

13. Third Party Liability for Copyright Infringement — A Case Study of P2P File-Sharing

14. Authors v. Producers — Audio-Visual Works as a Case-Study

15. The Copyright-Free Speech Interface

16. The Author's Moral Rights
17. The International Arena  An Introduction

18. The Broadcasting Treaty  A Case Study in the Political Economy of International Copyright Law

19. Global v. Local

20. The Public Domain

21. Traditional Knowledge

22. A2K and the Development Agenda of WIPO

**Required Reading:**

Theories and Justifications of I.P


Available at SSRN: http://ssrn.com/abstract=413001 or DOI: 10.2139/ssrn.413001

**Economic Theories**


Personality & Author's-Based Theories


Justice and Fairness Theories


3. Wendy J. Gordon, Property Right in Self Expression: Equality and Individualism in

Democratic Theories


Distributive Justice Theories


Commons Theories


User's Based Theories


The Originality Requirement


Database Protection


2. First evaluation of Directive 96/9/EC on the legal protection of databases, 2005-12-12. Available at:

Exemptions and Limitations

1. Haochen Sun, Overcoming the Achilles Heel of Copyright Law, 5 NW. J. TECH. & INTELL. PROP. 265.

   Available at:


Private Copying


Third Party Liability for Copyright Infringement – A Case Study of P2P File-Sharing


Authors v. Producers – Audio-Visual Works as a Case-Study


The CopyrightFree Speech Interface


The Author's Moral Rights


The International Arena – An Introduction


available at www.wto.org/english/tratop_e/trips_e/t_agm0_e.htm

2. Berne Convention for the Protection of Literary and Artistic Works (1979),
available at

3. Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations,

available at


The Broadcasting Treaty – A Case Study in the Political Economy of International Copyright Law
1. Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, available at


3. Follow the materials at

Global v. Local


The Public Domain


Traditional Knowledge

1. Daniel Gervais, Traditional Knowledge & Intellectual Property: A TRIPS-

Available at SSRN: http://ssrn.com/abstract507302

2. Follow the materials in the following link:


A2K and the Development Agenda of WIPO


Available at

Additional Reading Material:
N/A

Course/Module evaluation:
End of year written/oral examination 0 %
Presentation 25 %
Participation in Tutorials 0 %
Project work 0 %
Assignments 0 %
Reports 0 %
Research project 75 %
Quizzes 0 %
Other 0 %

Additional information:
N/A