



## Information about the subject

**Degree:** Bachelor of Arts Degree in Law

**Faculty:** Faculty of Legal, Economic and Social Sciences

**Code:** 312016 **Name:** -International and Comparative Law of Brands, Designs and Unfair Competition

**Credits:** 6,00 **ECTS Year:** 4 **Semester:** 2

**Module:** Optional Courses

**Subject Matter:** Itinerary of Economic Law **Type:** Elective

**Field of knowledge:** Social and Legal Sciences

**Department:** Private Law

**Type of learning:** Classroom-based learning

**Languages in which it is taught:** Spanish

**Lecturer/-s:**

OP3110 Adargelio Garrido De La Grana (**Responsible Lecturer**)

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## Module organization

### Optional Courses

Subject Matter	ECTS	Subject	ECTS	Year/semester
Itineraries of Basic Legal Sciences	36,00	-Canon Law Institutions	6,00	4/2
		-History of European Construction	6,00	4/2
		-Human Rights	6,00	4/2
		-Roman Law	6,00	This elective is not offered in the academic year 25/26
		-Social Doctrine of the Catholic Church	6,00	This elective is not offered in the academic year 25/26
		-State Ecclesiastical Law	6,00	4/2
Itinerary of Economic Law	60,00	Banking Law	6,00	This elective is not offered in the academic year 25/26
		Consumer Law	6,00	This elective is not offered in the academic year 25/26
		Corporate Finance	6,00	4/0
		-Insurance Law	6,00	3, 4/2



## 312016 - -International and Comparative Law of Brands, Designs and Unfair Competition

Itinerary of Economic Law		Intellectual Property Law	6,00	This elective is not offered in the academic year 25/26
		-International and Comparative Law of Brands, Designs and Unfair Competition	6,00	4/2
		International Commercial Law	6,00	This elective is not offered in the academic year 25/26
		-International Commercial Transactions	6,00	4/1
		-International Taxation Law	6,00	4/0
		Law and Notary Practice	6,00	4/2
Itinerary of Sectorial Administrative and Specialized Labour Law	72,00	Air and Maritime Law	6,00	4/2
		-Employment Procedural Law	6,00	This elective is not offered in the academic year 25/26
		Energy Law	6,00	This elective is not offered in the academic year 25/26
		Environmental Law	6,00	4/1
		European Union Competition Law	6,00	4/1
		Information and Communication Technology Law	6,00	4/0



Itinerary of Sectorial Administrative and Specialized Labour Law	National Health System Law	6,00	This elective is not offered in the academic year 25/26
	Public Contract Award Law	6,00	This elective is not offered in the academic year 25/26
	-Real Estate Law	6,00	This elective is not offered in the academic year 25/26
	-Trade Union Law	6,00	This elective is not offered in the academic year 25/26
	Transport Law	6,00	This elective is not offered in the academic year 25/26
	Water Law	6,00	This elective is not offered in the academic year 25/26

## Prerequisites

Students must have passed at least the 48 ECTS of Basic Training of the first two semesters. Students are free to choose the electives they wish, breaking with the grouping proposed. As explained above, the Study Plan has three optional subjects that are grouped in this way:

- 1 optional subject in the seventh semester.
- 2 optional subjects in the eighth semester.



## Learning outcomes

At the end of the course, the student must be able to prove that he/she has acquired the following learning outcomes:

- R1 To be able to situate themselves in the legal framework of trademarks, designs and unfair competition, differentiating each of these areas.
- R2 To understand the relationship between trademarks, designs and unfair competition.
- R3 To apply the international standards related to trademarks, designs and unfair competition in the national scope.
- R4 To be confident in the use of the procedures for the registration of trademarks and patents.
- R5 To know the legislation relating to unfair competition, both European and transposed into national and international law.  
Knowledge of the national, international and Community legal framework for intellectual property.
- R6 To know the national, international and Community legal framework for intellectual property.
- R7 The student will know the intellectual property protection systems.



## Competencies

Depending on the learning outcomes, the competencies to which the subject contributes are (please score from 1 to 4, being 4 the highest score):

GENERAL		Weighting			
		1	2	3	4
CG1	Knowledge of the Science being studied, in this case of the science of Law, fundamentally of the most practical branches, with their international and economic implications and their specialized language.			X	
CG2	Analysis and synthesis capacity	X			
CG4	Problem-solving capacity.	X			
CG8	Ethical commitment to information management.	X			
CG10	Knowledge of a foreign language in relation to the Science of Law.			X	
CG12	To be able to develop audiovisual presentations.		X		
CG13	Information management capacity.	X			
CG15	Ability to work in interdisciplinary teams.		X		
CG16	Ability to develop and maintain one's own competencies, skills and knowledge according to the standards of the profession.	X			
SPECIFIC		Weighting			
		1	2	3	4
CE2	Understanding of the different ways of creation of Law in its historical evolution and in its current reality, assimilating the existence of subordinate and supranational legal systems and the forms in which they are articulated.			X	



CE3	Ability to use constitutional principles and values as a working tool in the interpretation of the legal system.	x		
CE4	Ability to understand and know how local, regional, state, community, and international institutions work, in their genesis and as a whole, and to identify the competent institution or administration in each case as well as the sectoral law applicable in each case.	x		
CE6	Ability to identify and know the rights of the workers and their means of defence.	x		
CE8	Ability to know the law applicable to intra-community transactions and to international transactions outside the community and the means of enforcing it.	x		
CE9	Ability to enforce legal norms with the economic environment.	x		
CE10	Ability to negotiate accounting instruments,	x		
CE11	Ability to legally analyze the feasibility of the main financial operations.	x		
CE12	Ability to know the forms of taxation in our legal system.	x		
CE14	Ability to lodge appeals against acts of the different bodies of the various administrations or institutions.	x		
CE20	Mastery of computer techniques in obtaining legal information and communication of legal data (Internet, databases of legislation, jurisprudence, bibliography).	x		



## Assessment system for the acquisition of competencies and grading system

Assessed learning outcomes	Granted percentage	Assessment method
R1, R2, R3, R4, R5, R6, R7	40,00%	Practical tests
R1, R2, R3, R4, R5, R6, R7	40,00%	Attendance, active participation and favourable attitude in the subject/ course/ module
R1, R2, R3, R4, R5, R6, R7	20,00%	Written theoretical tests

### Observations

According to Article 9 of the General Regulations for Evaluation and Grading of Official Studies and UCV's own degrees, the single evaluation is linked to the impossibility of attendance of students enrolled in a degree of face-to-face mode. It is, therefore, an extraordinary and exceptional evaluation system available to those students who, in a justified and accredited way, cannot undergo the continuous evaluation system, and so request it to the professor responsible for the subject who will decide expressly on the admission of the student's request for a single evaluation and will communicate the acceptance/denial.

As far as the subject of International and Comparative Law of Trademarks, Designs and Unfair Competition is concerned, the minimum attendance percentage required is 70%, this being the limit to be taken into consideration for the potential request for a single evaluation. This, if granted, will be articulated on the basis of the following criteria:

-In 1st call, the 20% corresponding to attendance, active participation and favorable attitude in the subject will add to the percentage of the final theoretical (by 10%) and practical (by 10%) tests taken during the official exam period.

-And in the 2nd call, the same evaluation criteria will be applied as for students who do not have the single evaluation recognized (attendance, active participation and favorable attitude in the course will not be taken into account for them).

Students will be able to use the IA for consultations related to the subject, as long as they are contrasted and validated by the students themselves. To this end, the faculty may make the appropriate checks.



## CLASS ATTENDANCE IN FACE-TO-FACE DEGREES

In accordance with the development guidelines of the General Regulations for the Evaluation and Qualification of Official Teachings and Own Degrees of the UCV, in face-to-face degrees, class attendance with a minimum of 80% of the sessions of each subject will be required as a requirement to be evaluated. This means that, if a student does not attend the sessions of each subject, in a percentage greater than 20%, he/she will not be able to be evaluated, neither in the first nor in the second call, unless the person responsible for the subject, with the approval of the person responsible for degree, in view of duly justified exceptional circumstances, exempt from the minimum attendance percentage. The same criterion will be applicable for hybrid or virtual degrees in which teachers must maintain the same percentage in the requirement of "presence" in the different training activities, if any, even if these are carried out in virtual environments.

### MENTION OF DISTINCTION:

The mention of "Honors" may be awarded to students who have obtained a grade equal to or greater than 9.0. Their number may not exceed five percent of the students enrolled in a group in the corresponding academic year, unless the number of students enrolled is lower.

## Learning activities

The following methodologies will be used so that the students can achieve the learning outcomes of the subject:

- |     |   |
|-----|---|
| M1  | Group work sessions supervised by the teacher. Study of legal cases, both true and fictitious. Significant construction of knowledge through student interaction and activity. Critical analysis of values and social commitment.                           |
| M8  | Exposition of contents by the teacher, analysis of competences, explanation and demonstration of capacities, skills and knowledge in the classroom.   |
| M9  | Supervised monographic sessions with shared participation.  |
| M11 | Personalised attention and in small groups. Period of instruction and/or orientation carried out by a tutor with the aim of reviewing and discussing the materials and topics presented in the classes, seminars, readings, completion of assignments, etc. |
| M12 | Set of written and/or oral tests used in the initial, formative or summative evaluation of the student.   |
| M13 | Group preparation of readings, essays, resolution of problems, seminars, papers, dossiers, etc., to be presented or delivered in theory classes, practical classes, and/or small group tutorials.   |



- M14 Student's study: individual preparation of readings, essays, problem-solving, seminars, works, reports, etc. to present or deliver in the theoretical classes, practical classes and/or small group tutorials.

## IN-CLASS LEARNING ACTIVITIES

	LEARNING OUTCOMES	HOURS	ECTS
Practical cases. M1, M8, M9	R1, R2, R3, R4	10,00	0,40
Theoretical classes. M1, M8, M9	R1, R2, R3, R4	34,00	1,36
Assessment M1, M8, M9	R1, R2, R3, R4	2,00	0,08
<b>TOTAL</b>		<b>46,00</b>	<b>1,84</b>

## LEARNING ACTIVITIES OF AUTONOMOUS WORK

	LEARNING OUTCOMES	HOURS	ECTS
Individual work.		104,00	4,16
<b>TOTAL</b>		<b>104,00</b>	<b>4,16</b>



## Description of the contents

Description of the necessary contents to acquire the learning outcomes.

### Theoretical contents:

Content block	Contents
Introduction to the concept of trademark, other distinctive signs and inventions	Introduction to Industrial Property and its institutions: Inventions and Distinctive Signs. Protection systems (Spain, European Union and international agreements). Introduction to the concept of trademark and its generalities. Trademark protection in Spain, European Union and International Registration. The role of the European Court of Justice.
International agreements	Studies of general international agreements related to Industrial Property: Paris Convention and TRIPS Agreement.
Industrial designs	Study of industrial designs: Generalities. Protection in Spain, the European Union and internationally.
Introduction to Unfair Competition	Introduction to unfair competition. The unfair competition system: the general clause and acts of unfair competition in Spanish law and its relationship with international agreements.
Comparative Advertising	Introduction to comparative advertising; its relationship with unfair competition. Case analysis.



## Temporary organization of learning:

Block of content	Number of sessions	Hours
Introduction to the concept of trademark, other distinctive signs and inventions	11,00	22,00
International agreements	2,00	4,00
Industrial designs	3,00	6,00
Introduction to Unfair Competition	6,00	12,00
Comparative Advertising	1,00	2,00

## References

GUIDE-HANDBOOK Intellectual Property for entrepreneurs and technology-based companies.  
Jorge García Domínguez

References MANUAL OF INDUSTRIAL PROPERTY, Third Edition. Prof. Dr. Carlos Fernández  
Novo / Prof. Dr. José Manuel Otero Lastres / Prof. Dr. Manuel Botana Agra. Marcial Pons, 2017.  
ISBN: 9788491232636

Tratado de Derecho de la Competencia y de la Publicidad. José Antonio García-Cruces. José  
Antonio García-Cruces González. Tirant lo Blach, 2014. ISBN: 978-84-90536858 Comparative  
Advertising. Current situation and analysis. Salvador del Barrio García. Prentice Hall, 2003. ISBN:  
9788420534435 Industrial Property Law. Arazandi, 2020. ISBN: 9788413467368

Reflexiones sobre la propiedad industrial en el siglo XXI First Edition. M.<sup>a</sup> Mercedes Curto Polo,  
Arazandi