



TEACHING GUIDE
Universidad Católica de Valencia

MEDIA AND INTELLECTUAL
PROPERTY LAW

Year 2023-2024

**COURSE GUIDE OF MEDIA AND INTELLECTUAL
PROPERTY LAW**

		ECTS
Subject: Media and Intellectual Property Law		6
Field: Law		
Module: Business and Legal framework		6
Type of learning: Basic	YEAR: 2023/2024 Semester: 2 nd	
Lecturer: Dr. Rosa Cernada Badía	E-mail: rosa.cernada@ucv.es	

MODULE ORGANIZATION

MEDIA AND INTELLECTUAL PROPERTY LAW			24 ECTS	
Duration and temporal location within the curriculum: This module is taught throughout all the degree since it involves all the information regarding private Law.				
Contents and Subject				
Contents	ECTS	SUBJECT	ECTS	Year/ semester
Business	18	Business Management	6	1/1
		Marketing and business communications		
Advertising innovation		Advertising innovation	6	2/1
Law		Media and Intellectual Property Law	6	1/2

**COURSE GUIDE OF MEDIA AND INTELLECTUAL PROPERTY LAW****PRELIMINAR REQUIREMENTS:** None**GENERAL AIMS**

- a. Understand legal concepts and regulations in force affecting the degree studied. Get used to the accurate use of legal language.
- b. Set the legal limits to the responsible practice of the profession.
- c. Introducing students to the use and checking of legal norms.
- d. Contribute to the comprehensive education of the students, not only providing new contents but also promoting their ability to find accurate legal information which they could need in their professional practice.
- e. Provide an adequate knowledge about the constitutional foundations of the State and the system of legal sources.

CROSS-CURRICULAR COMPETENCES	Competence measuring scale			
	1	2	3	4
Instrumental				
01.- Analysis and synthesis skills.			X	
02.- Organization and planning skills.			X	
03.- Oral and written communication skills in the student's native language.			X	
06.- Ability to manage information and to effectively obtain information from specialized books and journals as well as from other sources.				X
07.- Problem solving skills.				X
08.- Ability to properly submit a <i>curriculum vitae</i> , a sample of their own work like a portfolio and a professional presentation.			X	
09.- Decision making skills.				X



Interpersonal	1	2	3	4
10.- Teamwork.			X	
13.- Interpersonal relations skills.				X
14.- Critical thinking.				X
15.- Ethical commitment.				X
16.- Ability to assume responsibilities.				X

Systemic	1	2	3	4
18.- Self-learning and motivation for training throughout the student's career.			X	
21.- Leadership. Assessment and team management.		X		
22.- Ability to establish relationships with other professionals, specifically with professionals in other fields, and to identify suitable professionals to properly develop a creative work.				X
24.- Initiative and entrepreneurship.			X	
25.- Motivation for quality.				X
26.- Capacity for self-employment and job creation.				X
27.- Sensitivity to environmental issues.			X	
29.- Expression of social commitment.				X
30.- Show sensitivity to the problems of humankind.				X
31.- Show sensitivity to personal, environmental and institutional injustices.				X



SPECIFIC COMPETENCES				
Conceptual	1	2	3	4
E07. Ability to identify new areas of information society in which media technologies may be useful.			X	
E12. Sensitivity to evaluate the importance of design in the formulation of messages and the impact of transmission in different communication areas.			X	

Abilities	1	2	3	4
E15.- Knowledge of the legislative framework in Spain and Europe, specifically regarding the audiovisual field and the protection of intellectual and industrial property.				X
E16.- Understand and convey the importance of the communication strategy as a critical element in the processes of value creation and provision of such value to society by companies and organizations in general.			X	
E17.- Understanding of both the specific characteristics of digital production sector and its functioning and trends driving their current and future development.			X	

Professional	1	2	3	4
E18.- Recognize, value and understand ethical obligations of multimedia creation professionals as well as the implications involved when adjusting to them within the professional performance.			X	
E19.- Comprehensive understanding of media and artistic practices and the importance of their relationship with their socioeconomic and cultural context.			X	



LEARNING OUTCOMES	COMPETENCES
O1. – Understanding of the legal framework in which service activities are developed.	CT: 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 18, 21, 22, 24, 25, 26, 27, 29, 30, 31. CE: 7,12,15,16,17,18,19
O2. – Knowledge of the legal system regarding to Media.	CT: 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 18, 21, 22, 24, 25, 26, 27, 29, 30, 31. CE: 7,12,15,16,17,18,19
O3. – Proper management of the tools of intellectual property protection.	CT: 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 18, 21, 22, 24, 25, 26, 27, 29, 30, 31. CE: 7,12,15,16,17,18,19
O4. - Being able to understand the main elements of a company and their value propositions.	CT: 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 18, 21, 22, 24, 25, 26, 27, 29, 30, 31. CE: 7,12,15,16,17,18,19
O5.- Comprehensive understanding of business communication processes.	CT: 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 18, 21, 22, 24, 25, 26, 27, 29, 30, 31. CE: 7,12,15,16,17,18,19
O6. - Knowledge of the different strategies for business communication. Socioeconomic and cultural context.	CT: 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 18, 21, 22, 24, 25, 26, 27, 29, 30, 31. CE: 7,12,15,16,17,18,19
O7. – Understanding of the impact and applicability of European regulation regarding media activity and intellectual property.	CT: 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 18, 21, 22, 24, 25, 26, 27, 29, 30, 31. CE: 7,12,15,16,17,18,19
O8. – Understanding of the concept of author and copyrights affecting both individuals and employees.	CT: 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 18, 21, 22, 24, 25, 26, 27, 29, 30, 31. CE: 7,12,15,16,17,18,19
O9.- Distinguish between intellectual property law and industrial property law.	CT: 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 18, 21, 22, 24, 25, 26, 27, 29, 30, 31. CE: 7,12,15,16,17,18,19
O10.- Comprehend the limits of the right to honor, personal image and personal dignity.	CT: 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 18, 21, 22, 24, 25, 26, 27, 29, 30, 31. CE: 7,12,15,16,17,18,19



O11.- Apply data protection law.	CT: 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 18, 21, 22, 24, 25, 26, 27, 29, 30, 31. CE: 7,12,15,16,17,18,19
O12.- Acquire the ability of building up coherent and catholic positions on the issue of use and contents on the Internet and mass media techniques.	CT: 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 18, 21, 22, 24, 25, 26, 27, 29, 30, 31. CE: 7,12,15,16,17,18,19
O13.- Ability to assess the choice of assignment to one of the European programs on audiovisual or multimedia actions.	CT: 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 18, 21, 22, 24, 25, 26, 27, 29, 30, 31. CE: 7,12,15,16,17,18,19
O14.- Acquire professional ethics set to the values governing this University.	CT: 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 18, 21, 22, 24, 25, 26, 27, 29, 30, 31. CE: 7,12,15,16,17,18,19



LEARNING ACTIVITIES FOR PRESENTIAL WORK			
Assessment tool	Learning Outcomes Assessed	Allocated percentage	ECTS
IN-CLASS	Presentation of contents by the teacher, competence analysis, explanation and demonstration of abilities, skills and knowledge in the classroom.	O1 – O14	0,9
PRACTICAL LESSONS	Team work sessions supervised by the teacher. Case study, diagnosis, problems, field study, computer room, visits, data search, libraries, internet, etc. Significant knowledge building through interaction and student's activity.	O1 – O14	0,7
SEMINAR	Supervised monographic sessions with shared participation	O1 – O14	0
PRESENTATION OF TEAM WORK	Application of interdisciplinary expertise	O1 – O14	0,3
TUTORSHIP	Personal tutoring in a small group. Guidance and/or training period with a tutor aimed at revising and discussing the material and lessons presented in class, during seminars, readings, assignments, etc.	O1 – O14	0,2
ASSESSMENT	Set of oral and/or written tests used for the student's initial assessment or during the learning period.	O1 – O14	0,2
Total			(2,4*)



SELF-DIRECTED TRAINING ACTIVITIES			
ACTIVITY	Teaching-Learning Methodology	Relationship with Learning Outcomes of the Course	ECTS
TEAM WORK	Team work on readings, essays, problem-solving, seminars, memorandums, etc. To be presented or delivered during theory or practice sessions and/or small group tutoring. Work carried out on	O1 – O14	0,6
SELF-DIRECTED WORK	Self-directed study, preparing readings, essays, problem-solving, seminars, reports and memorandums, etc. To be presented or delivered during theory or practice sessions an/or small group tutoring. Work carried out on the University platform.	O1 – O14	3
Total			(3,06*)



ASSESSMENT SYSTEM ON COMPETENCE ACQUISITION AND GRADING SYSTEM		
ASSESSMENT TOOL	ASSESSED LEARNING OUTCOMES	ALLOCATED PERCENTAGE
Final theory written test	O1 – O14	50
Objective tests	O1 – O14	10
Theoretical-practical activities	O1 – O14	30
Attendance and participation	O1 – O14	10

ASSESSMENT CRITERIA AND DISTINCTION GRADES:

- Class attendance is necessary to obtain the qualification on active student participation
- Tests and written assignments, practice tests and activities will be assessed considering structure, layout and reasoning.
- To pass the subject is necessary to overcome the theory written test within a minimum rating of 5 out of 10.
- If the student fails at first call, the grade obtained in the evaluation assessment tools different from the final theory written test (attendance, practical activities) will average with the second call written test. However, the lecturer may allow students to deliver an individual assignment at second call (not to change a grade at the first call) that would average with the grade of the other first call assignments. Attendance grade is final.
- Grades of a course will never be kept for another.
- Distinction grades may be granted to the best students who must have obtained grades above 9. Priority will be given to those students who have obtained the mentioned grade in ordinary examination.



CONTENTS

Subject to a subsequent detailed development of the program contents and a detailed schedule, a brief description of contents is provided below.

DESCRIPTION OF CONTENTS	COMPETENCES
SECTION I. MEDIA LAW UNIT 1.- Media Law and digital creation: basic concepts UNIT 2.- Spanish legal system and legal sources	CT: 1, ,2, 3, 6, 7, 10, 14, 15, 16, 18, 25, 27, 29, 30, 31. CE: 7,12,15,16,17, 18,19
SECTION II. AFFECTED RIGHTS AND ITS PROTECTION IN THE DIGITAL MARKET UNIT 3.- Fundamental right to honour, to personal and family privacy and to the own image UNIT 4.- Right to data protection UNIT 5.- Intellectual property	CT: 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 18, 21, 22, 24, 25, 26, 27, 29, 30, 31. CE: 7,12,15,16, 17, 18,19
SECTION III. DIGITAL MARKET AND E-COMMERCE UNIT 6.- Legal aspects of the use of social networks UNIT 7.- Advertising regulation in Spain UNIT 8.- E-commerce	CT: 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 18, 21, 22, 24, 25, 26, 27, 29, 30, 31. CE: 7,12,15,16,17, 18,19



LEARNING SCHEDULE: DISTRIBUTIONS OF CLASS SESSIONS		
	SECTIONS/UNITS	# OF CLASS SESSION
1	MEDIA LAW	3
	UNIT 1.- Media Law and digital creation: basic concepts UNIT 2.- Spanish legal system and legal sources	
2	AFFECTED RIGHTS AND ITS PROTECTION IN THE DIGITAL MARKET	12
	UNIT 3.- Fundamental right to honour, to personal and family privacy and to the own image UNIT 4.- Right to data protection UNIT 5.- Intellectual property	
3	DIGITAL MARKET AND E-COMMERCE	15
	UNIT 6.- Legal aspects of the use of social networks UNIT 7.- Advertising regulation in Spain UNIT 8.- E-commerce	



BIBLIOGRAPHY

Essential Bibliography

- ALONSO PALMA, ÁNGEL LUIS. Propiedad intelectual y derecho audiovisual. Madrid: CEF, 3ª Edición. Puesta al día Julio 2015.
- BARRIO ANDRÉS, MOISÉS. Manual de Derecho digital. Valencia: Tirant lo Blanch. 1ª edición, 2020.

Complementary Bibliography

- APARICIO VAQUERO, JUAN PABLO. Estudios sobre la ley de propiedad intelectual: últimas reformas y materias pendientes. Dykinson, 2016.
- BERCOVITZ RODRÍGUEZ-CANO, RODRIGO (coord.). Manual de Propiedad Intelectual. Valencia: Tirant lo Blanch. 9ª Edición, 2019.
- COTINO HUESO, LORENZO (COORD). Libertades de expresión e información en Internet y las redes sociales: ejercicio, amenazas y garantías. Valencia: Universitat de València, 2011.
- ESTEVE PARDO, MARÍA ASUNCIÓN. Contratos multimedia. Ediciones Jurídicas y Sociales. 2004.
- FERNÁNDEZ FERNÁNDEZ, RODOLFO. El contrato electrónico: formación y cumplimiento. Vallirana, Barcelona: JMB, 2013.
- LINDE PANIAGUA, ENRIQUE; VIDAL BELTRÁN, JOSE MARÍA; MEDINA GONZÁLEZ, SARA. Derecho audiovisual. Majadahonda (Madrid): Colex. 5ª edición, 2013.
- MATA MARTÍN, RICARDO MANUEL; JAVATO MARTÍN, ANTONIO MARÍA. La propiedad intelectual en la era digital. Límites e infracciones a los derechos de autor en Internet. La Ley. Grupo Wolters Kluwer. 2011.
- MEDINA GUERRERO, MANUEL. La Protección de los Derechos Constitucionales en la Regulación del Audiovisual. Tirant Lo Blanch, 2015.
- O'CALLAGHAN MUÑOZ, XAVIER. Los derechos de propiedad intelectual en la obra audiovisual. Madrid: Dykinson, 2011.
- SANJURJO REBOLLO, BEATRIZ. Manual de Internet y redes sociales. Dykinson, S.L., 2015.



Basic Legislation

- Spanish Constitution
- Civil Code
- Ley Orgánica 1/1982, de 5 de mayo, de protección civil del Derecho al honor, a la intimidad personal y familiar y a la propia imagen
- Ley Orgánica 3/2018, de 5 de diciembre, de Protección de Datos Personales y garantía de los derechos digitales
- Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC
- Real Decreto Legislativo 1/1996, de 12 de abril, por el que se aprueba el Texto Refundido de la Ley de Propiedad Intelectual
- Ley 34/2002 de 11 de julio, de Servicios de Sociedad de la Información.
- Real Decreto Legislativo 1/1996, de 12 de abril, por el que se aprueba el Texto Refundido de la Ley de Propiedad Intelectual
- Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC
- Ley 34/2002 de 11 de julio, de Servicios de Sociedad de la Información.

Links

- World Intellectual Property Organization: <http://www.wipo.int/>
- Spanish Ministry of Culture: <http://www.mcu.es/propint/index.html/>
- Creative Commons: <http://creativecommons.org/>



DEVELOPMENT OF THE SUBJECT IN SECOND AND SUBSEQUENT ENROLLMENTS:

There will be a special group for students who are not enrolling for the first time if they exceed the occupancy limit of the classroom. The professor in charge of this group will conduct 6 sessions.

In each session the subject will be developed so as to reinforce the work on the skills that each student needs.

Assessment of content and skills will be made during the examination set in the official calendar for this course. Students in second or successive calls will have regular follow-up tutorial. These tutorials are aimed to guide students in their learning and progress and facilitate exercises and practical work. The assessment will be determined on the final exam on the official schedule for this subject. The blocks of content and tasks to develop in each session are as follows:

LEARNING SCHEDULE: DISTRIBUTIONS OF CLASS SESSIONS		
	SECTIONS/UNITS	# OF CLASS SESSION
1	Media Law	1
2	Affected rights and its protection in the digital market	2
3	Digital market and e-commerce	3