



Curso Académico: 2017-2018  
Asignatura: Seminario de Derecho Privado III: Case-law of the European Court of Justice in civil matters  
Código: 18192  
Titulación: Grado en Derecho  
Tipo: Optativa  
Número de créditos: 6 ECTS  
Grupos: 861

## 1. ASIGNATURA / COURSE TITLE

Seminario de Derecho Privado III: Jurisprudencia del Tribunal de Justicia Europeo en asuntos civiles / [Case-law of the European Court of Justice in civil matters](#)

### 1.1. Código / Course Code

18192

### 1.2. Titulación / Degree

Grado en Derecho / [Law Degree](#)

### 1.3. Tipo / Type of course

Formación optativa / [Elective subject](#)

### 1.4. Nivel / Level of course

Grado / [Undergraduate Studies](#)

### 1.5. Curso / Year

Cuarto curso / [Fourth year](#)

### 1.6. Semestre / Semester

Primer semestre / [First semester](#)

### 1.7. Número de créditos / Number of Credits Allocated

6 ECTS

### 1.8. Requisitos Previos / Prerequisites

Ninguno / [No prerequisites](#)

### 1.9. ¿Es obligatoria la asistencia? / Is attendance to class mandatory?

Es obligatoria la asistencia a clases magistrales y seminarios. También es obligatoria la asistencia a la tutoría de asignatura.  
/ [Attendance to class is mandatory. Attendance to tutorial session is also mandatory.](#)



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## 1.10. Datos del profesor/a / profesores / Faculty Data

### Profesores clases / Lectures

- Nombre / Name: Prof. Dra. Nieves Moralejo Imbernón  
Despacho / Office: núm. 31 (4ª Planta de la Facultad de Derecho).  
Correo electrónico / Email: nieves.moralejo@uam.es
- Nombre / Name: Prof. Dr. Sebastián López Maza  
Despacho / Office: núm. 17 (4ª Planta de la Facultad de Derecho).  
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- Nombre / Name: Prof. Dra. Gemma Minero Alejandre  
Despacho / Office: núm. 63 (4ª Planta de la Facultad de Derecho).  
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## 1.11. Objetivos del curso / Course objectives

### **1. General objectives:**

- G1. To acquire a critical attitude towards reality and towards ideas. To develop an open mind and an interest towards intellectual work and its outcomes.  
G3. To be able to express and transmit in an adequate way complex ideas, problems and solutions, both orally and in a written form, to both specialized and non-specialized audiences.  
G5. To be able to search, select, analyze and synthesize information on academically relevant topics so as to formulate evaluations based on personal reflections.  
G11. Knowledge and appreciation of diversity and multiculturalism.  
G12. Capacity to work in an international context.

### **2. Specific objectives:**

- E1. To understand the basic concepts of Comparative Law.  
E5. To search, analyze and sum up the Comparative Law information.  
E7. To acquire the necessary skills for discuss with a legal argumentation on complex theoretical issues.  
E10. To explain orally in a complex comprehensible legal argumentations.



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## 1.12. Contenidos del Programa / Course Contents

### A. Lectures

#### 1. Students' obligations:

— Prepare classes by previously reading the basic bibliography.

## 2. Programa:

The topics that will be studied during the course will be related to intellectual property, understood according to the Spanish concept (copyright and related rights).

Class 1. Parody of protected works: Judgment of the ECJ 3 September 2014 (Case C-201/13).

Class 2. Private copy limitation: Judgment of the ECJ 10 April 2014 (Case C-435/12).  
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Class 3. Public communication (I). Judgment of the ECJ 7 December 2006 (Case C-306/05).

Class 4. Public communication (II). Judgements of the ECJ 15 March 2012 (Cases C-135/10 and C-162/10).

Class 5. Concept of originality: Judgments of the ECJ 16 July 2009 (case C-5/08) and 17 January 2012 (case C-302/10)

Class 6. Protection of software and videogames by Intellectual Property Law: Judgments of the ECJ 22 December 2010 (case C-399/09) and 23 January 2014 (case C-355/12).

Class 7. Public communication (III). Judgement 24 November 2011 (Case C-283/10).

Class 8. Collective management (I). Judgement 13 July 1989. (Case C-395/87).

Class 9. Ephemeral recordings of works: Judgment of the ECJ 26 April 2012 (Case C-510/10).

Class 10. Collective management (II). Judgement 11 December 2008 (Case C-52/07).

Class 11. Protection of databases by Intellectual Property Law: Judgments of the ECJ of 15 January 2015 (Case C-30/14) and 29 October 2015 (Case C-490/14)

Class 12. Hyperlinking and Intellectual Property (I): Judgments of the ECJ of 13 February 2014 (Case C-466/12)



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Class 13. Quotation and the use of protected works for the purposes of public security: Judgment of the ECJ 1 December 2011 (Case C-145/10).

Class 14. Collective management (III). Judgement 27 February 2014 (Case C-351/12).

Class 15. Hyperlinking and Intellectual Property (II): Judgment of the ECJ 8 September 2016 (Case C-160/15)

Class 16. Uses of works for the benefit of people with a disability: Judgment of the ECJ 27 February 2014 (Case C-351/12).

Class 17. Exhaustion of distribution right (I): Judgment of the ECJ 22 January 2015 (case C-419/13)

Class 18. Infringement (I). Judgement 17 March 2016 (Case C-99/15)

Class 19. Exhaustion of distribution right (II) and online software licences: Judgment 3 July 2012 (case C-128/11)

Class 20. Public communication of protected works by dedicated terminals located in libraries: Judgment of the ECJ 11 September 2014 (Case C-117/13).

Class 21. Public communication of protected works: Judgments of the ECJ 27.2.2014 (case C-23/14) and 26.4.2017 (cases C-527/15)

Class 22. Fair compensation for private copy (I): Judgment of the ECJ 21 October 2010 (Case C-467/08).

Class 23. Infringement (II). Judgement 25 January 2017 (Case C-367/15).

Class 24. Fair compensation for private copy (II): Judgment of the ECJ 9 June 2016 (Case C-470/14).

## **B. Seminars**

### **1. Students' obligations:**

- Prepare classes by previously reading the basic bibliography and case-law.
- It is compulsory to do the 80% of the activities foreseen for this course.

### **2. Activities:**

Seminar 1: Exam of classes 1 to 9 (17 October).



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Seminar 2: Exam of classes 10 to 15 (14 November).

Seminar 3: Exam of classes 16 to 24 (19 December)

### 3. Materials:

Prior to the beginning of the course, materials shall be accessible for the students. Lecturers shall indicate the specific bibliography and case-law of each class.

### C. [Support tutorial sessions](#)

Tutorial session: 21 December

## 2.1. Referencias de Consulta Básicas / [Recommended Reading.](#)

### **BASIC BIBLIOGRAPHY:**

- BERCOVITZ RODRÍGUEZ-CANO, R., *Manual de Propiedad Intelectual*, Tirant, 2015.
- BERCOVITZ RODRÍGUEZ-CANO, R., *Comentarios a la Ley de Propiedad Intelectual*, Tecnos, 2017.
- TORREMANS, P., and STAMATOUDI, I., *EU Copyright Law*, Edward Edgar, 2014.
- GARROTE FERNÁNDEZ-DÍEZ, I., and MINERO ALEJANDRE, G., *European Challenges in Intellectual Property Law*, Bubok, 2015.
- DREIER, T., and HUGENHOLTZ, P. B., *Concise European Copyright Law*, Kluwer Law International, 2006.

### **LEGAL MATERIALS**

— Directives on Intellectual Property Law.



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### 3. Métodos Docentes / Teaching methods

#### A. Lectures:

- The Lecturer shall introduce and explain the subject matter of each class according to the program contained within 1.12 of this guide.
- Students shall previously prepare the classes by reading the basic bibliography contained within this guide.
- The Lecturer shall explain the main issues related with each one of the selected Judgements of the ECJ. The Lecturer's explanations should not be very detailed to allow the students to achieve a further knowledge by reading the recommended bibliography. Therefore, before attending classes, students should have read in advance all these materials which will be mostly available on the Moodle page.

#### B. Seminars:

There will be three seminars during the semester which will take place on week number 6, 10 and 15. Each of them will be devoted to sit an exam about the contents that had been explained so far. These exams could have a multiple choice part and/or an open question about any (or some) of the ECJ judgments and the problems that may arise from them in the terms that had been discussed in class.

Students can get a maximum of 4 points in seminars (out of the 10 of the final grade). One point maximum in each of the three seminar exams and an extra point in case of active participation during the course.

#### C. Support tutorial sessions:

- In collective tutorial sessions, students shall ask for clarification of issues that were explained in previous classes.



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#### 4. Tiempo estimado de Trabajo del Estudiante / **Estimated workload for the student**

<b>Lectures</b>	24 classes x 1 hour and 30 minutes = 36 hours/course
<b>Seminars</b>	3 seminars x 1 hour and 30 minutes = 5 hours/course
<b>Tutorial sessions</b>	1 tutorial session x 1 hour and 30 minutes = 1 hour and 30 minutes/course
<b>Preparation for lectures</b>	38.5 hours/course
<b>Preparation for seminars</b>	25 hours/course
<b>Preparation for final exam</b>	45 hours/course
<b>Total</b>	150 hours/course

#### 5. Métodos de Evaluación y Porcentaje en la Calificación Final / **Assessment**



## Methods and Percentage in the Final marks

### A. Ordinary assessment:

#### 1. Continuous assessment method: seminars:

It is compulsory to do the 80% of the activities foreseen for this course. The student may get 3 points in total (1 point in every exam of seminars). This mark will be applied not only in the ordinary assessment, but also in the extraordinary one.

The professors will take into account the participation of the students during the lectures and the marks got by them in Kahoot quizzes (until 1 point).

#### 2. Final exam:

— Requirements for doing the final exam:

- Students have to accomplish the 80% of the activities done in seminars.
- They have to get 1.5 points over the 4 points that they may obtain in seminars.

Those students that join the course later will have to justify their late registration. They will have to make up for the tests/activities during the previous sessions. The same assessment method will be applied to them.

— Object and content:

The final exam will be a test with questions about the topics developed during the lectures sessions. Students may get 6 points out of 10.

— Date and place of examination:

See the schedule of Law School webpage.

#### 3. Final mark:

The final mark will take into account the mark got in seminars (4 points) and the final exam (6 points).

A “not graded” note will appear in those cases where the students:

- a) have not taken part in any of the graded activities.
- b) has taken part in the activities of the course but not meet the minimum requirements to do the final exam.
- c) meet the requirements to do the final exam, but they did not do it.





In case of dishonest behaviour, the possibility of “not graded” is excluded.

**B. Extraordinary assessment:**

1. Requirements for doing the extraordinary exam:

Students need to have obtained, at least, a grade of 1 point over the 4 points that they may obtain in seminars.

2. Objet and content:

This exam will have the same characteristics of the exam done in the ordinary assessment.

A “not graded” note will appear in those cases where the students:

- a) has taken part in the activities of the course but not meet the minimum requirements to do the final exam.
- b) meet the requirements to do the final exam, but they did not do it.

In case of dishonest behaviour, the possibility of “not graded” is excluded.

3. Date and place of examination:

See the schedule of Law School webpage.

## 6. Cronograma de Actividades \* / Activities Cronogram \*

Week	Lectures	Seminars	Tutorial sessions
Week 1	Class 1 Class 2		
Week 2	Class 3 Class 4		
Week 3	Class 5 Class 6		
Week 4	Class 7 Class 8		
Week 5	Class 9		



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Week 6	Class 10	Seminar 1	
Week 7	Class 11 Class 12		
Week 8	Class 13 Class 14		
Week 9	Class 15		
Week 10	Class 16	Seminar 2	
Week 11	Class 17 Class 18		
Week 12	Class 19 Class 20		
Week 13	Class 21 Class 22		
Week 14	Class 23 Class 24		
Week 15		Seminar 3	Tutorial session

\* This cronogram has illustrative character.