

Valid for 2021.FS

| Module Name: Competition and Intellectual Property Law | |
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| Module Code | w.BA.XX.2WIGR-BL.XX |
| Module Description | Students understand cartel law and intellectual property rights as part of comprehensive (national/international) competition policy. They master intervention in merger control for major market players as well as for cartels. Students are able to draft agreements and guidelines for unilateral conduct in line with cartel law. Students also investigate the world of intellectual property rights. They learn about various intellectual property protection laws and apply these to specific cases. In addition, students develop protection strategies and concepts for various intellectual creations. |
| Program and Specialization | Business Law |
| Legal Framework | Academic Regulations BSc dated 29.01.2009, Appendix to the Academic Regulations for the degree programs in Business Administration, Business Information Technology, and Business Law, first adopted on 12.05.2009 |
| Module Category | Module Type: Compulsory |
| | Program Phase: Main Study Period |
| ECTS | 6 |
| Organizational Unit | W Abteilung Business Law |
| Module Coordinator | Patrick Krauskopf (krpa) |
| Deputy Module Coordinator | Marc Schwenninger (sema) |
| Prerequisite Knowledge | Modules: Bases for claims in civil law, legal transactions in civil law, company law, constitutional and administrative law, international public and private law, European law |
| Contribution to Program Learning Goals (Affected by Module) | <ul style="list-style-type: none"> § Professional Competence § Methodological Competence § Social Competence § Self-Competence |
| Contribution to Program Learning Objectives | Professional Competence <ul style="list-style-type: none"> § Knowing and Understanding Content of Theoretical and Practical Relevance § Apply, Analyze, and Synthesize Content of Theoretical and Practical Relevance § Evaluate Content of Theoretical and Practical Relevance Methodological Competence <ul style="list-style-type: none"> § Problem-Solving & Critical Thinking § Scientific Methodology § Work Methods, Techniques, and Procedures § Information Literacy § Creativity & Innovation Social Competence <ul style="list-style-type: none"> § Written Communication § Oral Communication § Teamwork & Conflict Management § Intercultural Insight & Ability to Change Perspective Self-Competence <ul style="list-style-type: none"> § Self-Management & Self-Reflection § Ethical & Social Responsibility § Learning & Change |
| Module Learning Objectives | Students... <ul style="list-style-type: none"> § are able to list competition law and intellectual property protection legal sources on a national and international level. § are able to elaborate on the complex interconnections between these legal sources. § are able to explain key competition law principles and their practical scope. § are able to describe intellectual property law property rights, their prerequisites, and effects. § are able to demonstrate the areas of conflict between the basic principles of administrative law, contract law, and criminal law, which are all relevant simultaneously in cartel law. § are able to demonstrate the areas of conflict between economics and the law such as in the previously named government regulations. § are able to assess specific cases in the context of a short assessment. § are able to formulate both operational and licensing agreements (value chain) as well as forms of cooperation between competitors (R&D, joint venture) which conform to cartel law. § are able to detect cartel law violations in corporations and apply selected tools to contain the damage. |

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| | § are able to define protection strategies for brand names, corporate names and logos, defense of corporate identity, as well as for technical innovations (defense from competitive advantage). § are able to link legal and commercial considerations for protection concepts. | | |
| Module Content | § Cartel law: Review and outlook § (i) Tools of competition and industrial policy; (ii) regulation and error regulation; (iii) from the beginning until now; (iv) the path to global cartel law § Swiss cartel law: Basic principles § (i) Constitutional law and cultural assumptions; (ii) per-se prohibitions vs. rule-of-reason; (iii) conflict areas of international business law § Swiss cartel law: Corporations in the firing line of the authorities § (i) Merger control - procedure, prohibitions, and remedies; (ii) major market players - exploitative and predatory competition; (iii) cartels - hardcore restrictions and distribution contracts; (iv) special issues - state witness regulations, house searches, hearings, fines, and imprisonment § Swiss cartel law: Corporations as targets (victims) of the other corporations § (i) Defense strategies; (ii) prohibitory injunctions and claims for damages; (iii) class actions. § EU cartel law § (i) Main features - merger control, major power abuses, and cartels; (ii) state subsidies; (iii) investigative tools; (iv) sanctions; (v) significance for Switzerland. § US cartel law § (i) Main features - mergers; monopoly and monopolizing; cartels; (ii) investigative tools from the US DoJ / FBI; (iii) sanctions; (iv) Harvard vs. Chicago School. § Overview of the intellectual property protection laws and the legal sources of intellectual property law on a national and international level § Trademark law (protection of corporate identity) § Protection of inventions (protection of competitive technical advantage) § Copyright law § Development of protection strategies from legal and commercial perspectives § Administration and utilization of protection law portfolios § Licensing of protection laws § Conflict management and proceedings in intellectual property law disputes | | |
| Links to other modules | - | | |
| Methods of Instruction | § Lecture § Interactive Instruction § Case Studies § Exercises § Literature Review § Discussion | Social Settings Used: § Individual Work § Group Work | |
| Digital Resources | § Reader § Case Studies (with Key) | | |
| Type of Instruction | Classroom Instruction | Guided Self-Study | Autonomous Self-Study |
| Large Class | 28 h | - | |
| Small Class | 28 h | 40 h | |
| Group Instruction | - | - | |
| Practical Work | - | - | |
| Seminar | - | - | |
| Total | 56 h | 40 h | |
| Performance Assessment | | | |
| End-of-module exam | Form | Length (min.) | Weighting |
| Written exam | Open book | 90 | 100,00 % |
| Permitted Resources | Free choice of calculator | With dictionary | |
| Others | | | |
| | Assessment | Length (min.) | Weighting |
| Written Assignment | Pass/Fail | - | - |
| Classroom Attendance Requirement | Mandatory Attendance: None | | |
| Language of Instruction/Examination | German | | |
| Compulsory Reading | § Zuberbühler, I., Münch, P. & Schwenniger, M. (2015). Immaterialgüterrecht in kommentierten Leitentscheiden. Zürich: Schulthess Verlag. ISBN 978-3-7255-7102-4. | | |

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| Recommended Reading | § Zäch, R. (2005). Schweizerisches Kartellrecht. 2nd edition. Bern: Stämpfli. ISBN 3-7272-0787-6. 2nd ed. out of print / 3rd ed. coming soon. § Geiser, T., Krauskopf, P. & Münch, P. (2005). Schweizerisches und europäisches Wettbewerbsrecht. Basel: Helbing & Lichtenhahn. ISBN 3-7190-2284-6.. § Marbach, E., Ducrey, P. & Wild, G. (2017). Immaterialgüter- und Wettbewerbsrecht. 4th edition. Bern: Stämpfli Verlag AG. ISBN 978-3-7272-1023-5. |
| Comments | - |