

Educational institution  
"Belarusian State Economic University"

APPROVED

Rector of the educational institution  
"Belarusian State Economic University"

  
\_\_\_\_\_ V. Shutsilin

"          "            2021

Registration №           

**Trade aspects of intellectual property rights**

The curriculum of the institution of higher education in the academic discipline for  
the specialty

1-24 80 01 Jurisprudence

The curriculum is based on the curriculum for undergraduates with a period of study of 1 year in the specialty 1-24 80 01 Jurisprudence (Profiling "Legal support of economic activity").

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**RECOMMENDED FOR APPROVAL:**

Department of Civil Law Disciplines of the Educational Institution "Belarusian State Economic University"

(protocol No. \_\_\_\_ dated \_\_\_\_\_);

Scientific and Methodological Council of the Educational Institution "Belarusian State Economic University"

(protocol No. \_\_\_\_ dated \_\_\_\_\_).

## Explanatory note

### Objectives and Tasks of teaching and learning

The academic discipline "Trade aspects of intellectual property rights" is an independent discipline for students in the specialty 1-24 80 01 "Jurisprudence". In this course, undergraduates study the theoretical and methodological aspects of intellectual property rights, acquire knowledge about the peculiarities of trade in intellectual property rights, get an idea of the methods and peculiarities of managing trade activities with intellectual property objects. The academic discipline "Trade Aspects of Intellectual Property Rights" is aimed at the formation of analytical creative thinking, the development of skills and abilities to use methods, analytical tools and incentives in practical work, taking into account the instability of internal and external conditions, as well as the development of special approaches to decision-making.

**The purpose of the discipline** "Trade aspects of intellectual property rights" is the formation of undergraduates in-depth theoretical and practical knowledge about the basic concepts in the field of intellectual property, as well as the basic principles and minimum standards for the protection of intellectual property rights provided for by the agreements of the World Trade Organization.

#### **Objectives of the discipline:**

- development of professional competencies in the field of research on patterns, processes and forms of development of intellectual property rights at the national, regional and international levels;
- development of competencies in the analysis of the use of intellectual property rights, patterns of development of the intellectual property market, trends in the protection of such property;
- mastering skills, knowledge and competencies in the selection of intellectual property objects based on the goals and objectives of trade and innovation management;
- formation of skills to substantiate the optimal protection of authors of intellectual property objects and other rightholders, the procedure for resolving disputes on infringement of intellectual property rights.

The structure of the program and the teaching methodology of the academic discipline take into account the new results of economic research and the latest achievements in the field of pedagogy and information technology, orienting undergraduates to the acquisition of relevant professional competencies. The academic discipline is based on the study of economic theory, world economy, international economic law.

As a result of studying the academic discipline "Trade Aspects of Intellectual Property Rights", students should:

#### **know:**

- basic concepts of international law and national legislation in the field of intellectual property;

- interpretation of basic concepts and terms in the field of intellectual property;
- mechanism for the protection of exclusive rights;
- the content, structure and main models of the implementation of intellectual property rights and factors affecting the development of the system of trade in intellectual property rights at the national and global levels;
  - the role of the state in the creation and development of the national system for the protection of intellectual property rights, as well as the promotion of trade in intellectual property;
  - formation and development of strategies for the management of intellectual property rights in the organization;
  - forms and methods of increasing the competitiveness of an organization based on the use and trade of intellectual property rights;
  - approaches to the management and trade of intellectual property in an organization:
    - the minimum standards for the protection and enforcement of intellectual property rights established by the Agreement on Trade-Related Aspects of Intellectual Property Rights;
    - the procedure for resolving trade disputes related to intellectual property rights within the framework of the World Trade Organization;
    - main elements of the process of commercialization of intellectual property rights.

**be able to:**

- analyze the processes taking place in the field of trade in intellectual property rights at the national and global levels;
- formulate a strategy for the management of intellectual property rights, as well as the corresponding policy of the organization;
- determine the specifics of trade in objects containing intellectual property;
- assess the prospects of intellectual property objects based on the possibilities of their practical application;
- assess the possibilities of legal support for the commercialization of intellectual property rights.

**have skills:**

- work with scientific and methodological literature, regulatory legal acts regulating relations in the field of intellectual property rights at the national, regional and international levels;
  - the use of modern information technologies in the trade of objects of intellectual property rights of the organization;
  - evaluating the effectiveness of the commercialization of intellectual property rights;
  - analysis of legal norms and practice of their application in the field of protection of the use of intellectual property rights.

In accordance with the curriculum of the specialty 1-24 80 01 "Jurisprudence", the curriculum is designed for 202 hours, of which only 52 hours are classroom hours

for the daytime form of study. Distribution by type of occupation for full-time education: lectures - 36 hours, seminars - 16 hours.

The recommended form of control is an exam.

## **COURSE CONTENT**

### **Topic 1. The concept of intellectual property**

Intellectual property concept. Definition of Intellectual Property in the 1967 Stockholm Convention Establishing the World Intellectual Property Organization (WIPO). The system of protected objects of intellectual property rights. Protected results of intellectual activity. Protected means of individualization of participants in civil circulation, goods, works, services. Protected information. Avoiding unfair competition. The concept of exclusive rights. Place of exclusive rights in the system of private rights. Protection of intellectual property rights in national legislation. Principles of International Protection of Intellectual Property Rights. Multilateral international treaties for the protection of intellectual property rights administered by WIPO. Interaction of WIPO with the WTO.

### **Topic 2. Basic principles of the TRIPS Agreement**

Impact of the protection of intellectual property rights on the international trade system. Objectives of protection and enforcement of intellectual property rights. Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) in the system of agreements establishing the World Trade Organization. Relationship of the TRIPS Agreement with the main international treaties in the field of intellectual property rights protection (Berne Convention for the Protection of Literary and Artistic Works of 1886, Paris Convention for the Protection of Industrial Property of 1883, Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations of 1961) ., 1989 Integrated Circuit Intellectual Property Treaty). National treatment in accordance with the TRIPS Agreement. Permitted exceptions to the principle of national treatment. Most favored nation treatment in accordance with the TRIPS Agreement. Most Favored Nation Exceptions for the Protection of Intellectual Property Rights. Exhaustion of intellectual property rights. Principles for the formation of national legislation and permitted restrictions on intellectual property rights. Structure of the TRIPS Agreement. Standards regarding the availability, scope and use of intellectual property rights. Standards for the protection of intellectual property rights. Acquisition and preservation of intellectual property rights. Settlement of disputes. Transitional provisions. Exhaustion of intellectual property rights. Principles for the formation of national legislation and permitted restrictions on intellectual property rights. Structure of the TRIPS Agreement. Standards regarding the availability, scope and use of intellectual property rights. Standards for the protection of intellectual property rights. Acquisition and preservation of intellectual property rights. Settlement of disputes. Transitional provisions. Exhaustion of intellectual property rights. Principles for the formation of national legislation and permitted restrictions on intellectual property rights. Structure of the TRIPS Agreement. Standards regarding the availability, scope and use of intellectual property rights. Standards for the protection of intellectual property rights. Acquisition and preservation of intellectual property rights. Settlement of disputes. Transitional provisions.

### **Topic 3. Copyright and related rights**

Relationship with copyright obligations under the Berne Convention for the Protection of Literary and Artistic Works of 1886. Main provisions of the Berne Convention. Objects of copyright. Types of protected works. Protection of computer programs. Database protection. Recognition of rental rights. Minimum terms of copyright protection. Permitted limitations and exceptions in relation to exclusive rights to objects of copyright. "Three-step" test. Protection of the rights of performers, producers of phonograms, broadcasting organizations. The minimum terms of protection of the rights of performers and producers of phonograms. Permitted restrictions on the rights of performers, phonogram producers, broadcasting organizations.

### **Topic 4. Trademarks**

Trademark concept. Types of designations that can act as trademarks. Principles of granting legal protection to trademarks. Service marks protection. Connection of the protection of a mark with its use. Rights granted to the owner of the trademark. The rights of owners of well-known trademarks. Permitted restrictions on the rights of the owner of the trademark. The minimum term of protection for a trademark. Termination of protection of a trademark due to its non-use. Licensing and transfer of rights to a trademark.

### **Topic 5. Geographical indications**

The concept of geographical indication. Conditions for the protection of geographical indications. Minimum Scope of Protection Granting in Relation to Geographical Indications. Additional protection of geographical indications for wines and spirits. Grounds for refusal to register trademarks containing geographical indications. Special exceptions for the protection of geographical indications.

### **Topic 6. Industrial designs**

Industrial design concept. Conditions of legal protection of industrial designs. Requirements for the procedure to be followed when granting legal protection. Possibility of protecting industrial designs by copyright. Content of the rights of the owner of the industrial design. Permitted restrictions on the rights granted to the owner of the industrial design. The minimum term of protection for industrial designs.

### **Topic 7. Patents. Protection of undisclosed information**

Patentable objects. Invention concept. Objects of the invention. Conditions for granting legal protection to an invention. The concept of a utility model. Conditions for granting legal protection of a utility model. Permitted exceptions to patentable solutions. Rights granted to the owner of the patent. Requirements for patent applicants. Exceptions to Granted Rights. Application of the "three-step" test in determining exemptions from the rights of a patent holder in national legislation. Permitted cases of free use of patented objects. Cancellation of a patent. Forfeiture of patent rights. Minimum patent validity period. Burden of Proof of Use of a Patent-

Protected Method.

The concept of undisclosed information. Conditions for the protection of undisclosed information. The connection between the protection of undisclosed information and the suppression of unfair competition. Special rules for the protection of information on the test results of pharmaceutical and agrochemical products. Implementation of the norms on the protection of undisclosed information in national legislation.

### **Topic 8. Protection of intellectual property rights**

General obligations regarding procedures for the implementation and protection of intellectual property rights in the national legislation of the WTO member states. Civil and administrative procedures and remedies. Injunctions. Rules applicable to damages. Other measures of judicial protection. Interim measures to prevent infringement of intellectual property rights and provide evidence. Requirements for border measures.

### **Topic 9. Settlement of trade disputes related to intellectual property**

Council on Trade Aspects of Intellectual Property Rights. Application of the WTO dispute resolution procedure in relation to trade disputes related to intellectual property rights. Review of the decisions of the WTO commissions on disputes related to intellectual property.

### **Topic 10. Commercialization of intellectual property objects**

Legal basis for the commercialization of intellectual property. World experience in trade in intellectual property. Features of sales of intellectual property objects. Organization of foreign trade in goods containing intellectual property rights. Technology transfer.



**Educational-methodical map of the academic discipline "Trade aspects of intellectual property rights"  
FOR DAY FORM OF THE SECOND LEVEL OF HIGHER EDUCATION (MA)**

№	Section title, topics	Number of classroom hours						Other *	form of control knowledge
		Lectures	Practical classes	Seminar classes	Laboratory classes	Number of hours of CPD			
						L	PZ / SZ		
1	2	3	4	5	6	7	8	9	10
1	Intellectual property concept	4		1				[1-5. 6. 8. 14]	Poll, test
2	Basic Principles of the TRIPS Agreement	4		1				[1-5. 6. 10]	Poll, test
3	Copyright and related rights	4		2				[1-5. 6. 7. 12. 15]	Poll, test
4	Trademarks	4		2				[1-5. 12. 13. 14]	Poll, test
5	Geographical indications	2		1				[1-5. 7. 10. 15]	Poll, test
6	Industrial designs	2		1				[1-5. 7. 13]	Poll, test
7	Patents. Protection of undisclosed information	4		2				[1-5. 9. 13. 15]	Poll, test
8	Protection of intellectual property rights	4		2				[1-5. 7. 11. 14]	Poll, test
9	Settlement of trade disputes related to intellectual property objects	4		2				[1-5. 9. 11. 14]	Poll, test
10	Commercialization of intellectual property objects	4		2				[1-5. 8. 13. 15]	Poll, test
	<b>Total hours</b>	<b>36</b>		<b>16</b>					<b>Exam</b>

## INFORMATION AND METHODOLOGICAL PART

Methodical recommendations for the organization of independent work of undergraduates in the academic discipline  
"Trade Aspects of Intellectual Property Rights"

In mastering the knowledge of an academic discipline, an important stage is independent work. The main areas of independent work are:

- initially detailed acquaintance with the curriculum of the academic discipline;
- familiarization with the list of recommended literature on the discipline as a whole and its sections, its presence in the library and other available sources, study of the necessary literature on the topic, selection of additional literature;
- studying and expanding the lecture material of the teacher through special literature, consultations;
- preparation for seminars according to specially developed plans with the study of basic and additional literature;
- preparation for the implementation of diagnostic forms of control (tests, control work, etc.);
- preparation for the test.

### List of Recommended Competency Diagnostic Tools

1. Oral forms of competence diagnostics: interviews, oral reports at seminars, reports at conferences, assessment based on discussion.
2. Written forms of competence diagnostics: tests, quizzes, tests, essays, abstracts, publications of articles, reports.
3. Oral-written forms of competence diagnostics: reports on classroom practical exercises with their oral defense.
4. Technical form of competence diagnostics: electronic tests.

## **Regulations and laws**

1. Strategy of the Republic of Belarus in the field of intellectual property for 2012–2020: Resolution of the Council of Ministers of the Republic of Belarus dated March 02, 2012 No. 205 // Nat. register of legal acts of the Republic of Belarus. - 06 March 2012 - No. 5/35360.

2. State program of innovative development of the Republic of Belarus for 2016–2020: Decree of the President of the Republic of Belarus of January 31, 2017 No. 31 // Nat. register of legal acts of the Republic of Belarus. - 02 February 2017 - No. 1/16888.

3. On the commercialization of the results of scientific and scientific and technical activities, created at the expense of public funds: Decree of the President of the Republic of Belarus dated February 4, 2013 No. 59 // Nat. register of legal acts of the Republic of Belarus. - February 05, 2013 - No. 1/14056.

## **LITERATURE**

### **Basic:**

1. Nechepurenko, Yu. V. Objects of industrial property in the Republic of Belarus: statistical analysis / Yu. V. Nechepurenko; Belarusian State University. - Minsk: BSU, 2016. - 133, [2] p. : tab.

2. Nechepurenko, Yu. V. Commercialization of the results of scientific and technical activities in the Republic of Belarus / Yu. V. Nechepurenko; Belarusian State University. - Minsk: BSU, 2019. - 142, [1] p. : tab.

3. Nechepurenko, Yu. V. Intellectual property management: (short course): manual for undergraduates of higher education institutions studying in the specialty 1-26 81 02 "Innovation management" / Yu. V. Nechepurenko; Belarusian State University. - Minsk: BSU, 2017. - 182, [1] p. : ill., table., diagrams

4. Nechepurenko, Yu. V. Intellectual property management (short course): a guide for undergraduates of higher education institutions studying in the specialty 1-26 81 02 "Innovation management" / Yu. V. Nechepurenko; Belarusian State University. - 2nd ed., Supplemented and revised. - Minsk: BSU, 2020. - 182, [1] p. : ill., tab.

5. Harms, LTC A Casebook on the Enforcement of Intellectual Property Rights / LTC Harms. - Geneva: WIPO, 2018. -- 172 p.

### **Additional:**

1. Biryukov, A.A. Intellectual property law: simply about the complex: a tutorial / A.A. Biryukov. - Moscow: Prospect, 2017. 142 p.

2. Eroshov, A.I. Fundamentals of Intellectual Property Management: Workshop / A.I. Eroshov, I.K. Silko, P.K. Shalkevich. Minsk: Information and Computing Center of the Ministry of Finance, 2017. 77 p.

3. Mukhopad, V.I. Commercialization of intellectual property / V.I. Muhafall. Moscow: Master, Infra-M, 2017.510 p.
  4. Ragulina, A.V. Intellectual property: concept, content and protection / A.V. Ragulina, A.A. Nikitova. Moscow: "Rossiyskaya Gazeta" editorial office, 2017.175 p.
  5. Rakhmatulina, R.Sh. Actual problems of intellectual property law: textbook / R.Sh. Rakhmatulina, E.A. Sviridov. - Moscow: Prometheus, 2018. -- 192 p.
  6. Sushkova, O. V. Protection of Intellectual Property Rights in Pharmaceutical Activity: Textbook / O.V. Sushkova. - Moscow: Prospect, 2017. -- 111 p.
  7. Shcherbak, N.V. Copyright: textbook and workshop for undergraduate and graduate programs / N.V. Shcherbak. Moscow: Yurayt, 2017.181 p.
  8. A Guide to Intellectual Property Issues in Access and Benefit-sharing Agreements. - Geneva: WIPO, 2018. -- 88 p.
  9. Prime, T. European intellectual property law / T. Prime, D. Booton. - New York: London: Routledge, 2018. -- 328 p.
  10. Rosaria, M. Building markets for knowledge resources: emerging pervasive models of innovation in practice / M. Rosaria, D. Peruta. Bingley: Emerald, 2016.126 p.
- Mokrov, G. G. Eurasian Economic Union. Common market: formation, regulation, protection: monograph / G. G. Mokrov. - Moscow: Prospect, 2018. -- 447 p. - ISBN 978-5-392-27812-1.— Text: electronic // Lan: electronic library system. - URL: <https://e.lanbook.com/book/150740> (date accessed: 10.06.2021). - Access mode: for authorization users.

**PROTOCOL OF THE COORDINATION OF THE EDUCATIONAL  
PROGRAM**

**WITH OTHER DISCIPLINES SPECIALTIES**

Discipline name, with which approval required	Department name	suggestions about changes in the content of the curriculum for the studied academic discipline	The decision taken by the department that developed the curriculum (indicating the date and protocol number)
Philosophy and methodology of science	Philosophy		

## ДОПОЛНЕНИЯ И ИЗМЕНЕНИЯ К УЧЕБНОЙ ПРОГРАММЕ

на \_\_\_\_\_ учебный год

№.№ пп	Дополнения и изменения	Основание
1		

Учебная программа пересмотрена и одобрена на заседании кафедры гр-  
правовых дисциплин (протокол № \_\_\_ от \_\_\_\_\_ 2021\_г.)

Заведующая кафедрой  
доктор юридических наук, профессор

Т.С. Таранова

УТВЕРЖДАЮ  
Декан  
факультета права

А.Н. Шкляревский