



Master of Laws (LLM) (Intellectual Property Law)

About

This specialised LLM programme is the only fully accredited Master of Laws with a focus on Intellectual Property Law as a legal discipline distinct from Private Law or Mercantile Law. It is therefore not offered as a conglomerate degree of selected IP-related modules under the auspices of a generic LLM, but a bespoke, predetermined programme with a highly specialised focus on Intellectual Property Law and practice.

Therefore, the LLM (IP Law) is a structured programme focused on issues of Intellectual Property Law designed to train super-specialised academics and equip students with the necessary critical assessment skills, insight and analytical ability to practice effectively in this field of law and occupy the position of experts in IP Law.

The LLM (IP Law) consists of three compulsory taught modules, each designed to provide the student with a sound theoretical knowledge of the subject matter in addition to detailed instruction on issues pertaining to litigation and vesting/registration of IP rights, a choice of two highly specialised elective modules and a compulsory research module consisting of a research assignment.

This programme contains the following modules:

- Compulsory:
 - Copyright Law 811
 - Trademark Law 811
 - Patent Law and the Law of Registered Designs 811
- Elective: (choose one of the following)
 - Intellectual Property in the Digital Environment (EIP Law) 811
 - Competition Law 847
- Compulsory research component:
 - Intellectual Property Law: Research Paper 814

The LL.M (IP Law) is a specialised academic qualification that incorporates all of the necessary practical knowledge needed to evaluate and critically assess the practice of IP law and advise on relevant issues in detail or formulate an expert opinion. As a comprehensive review and analysis of South African, foreign and International Intellectual Property Law, the LL.M (IP Law) may benefit students who endeavour to become a trademark practitioner or (in select cases) a patent attorney by providing them with a sound understanding of the law and preparation for the relevant admission/practitioners' examinations administered by the SAIPL.

Programme Coordinator

Prof Sadulla Karjiker

Accreditation

Department of Higher Education and Training (South Africa)

NQF Level 9

CESM Classification 12 (Law)

Majors (CESM Category) 120307 (Intellectual Property)

SAQA Registered

Credit Value

180 (4x30 + 1x60)

Duration

1 year (full time), 2-3 years (part time)

Awarding Institution

University of Stellenbosch

Residential Campus

Stellenbosch Main Campus

Admission requirements

A student with an LLB degree conferred by this University or any other bachelor's degree in Law (excluding the BLURIS degree) and who has attained an average of 60% in the final year of this degree or a comparable achievement in another (for example, foreign) qualification, or a student who has attained a level of proficiency or accomplishment in Law which, in the

judgement of the Senate, is regarded as adequate for this purpose, may apply in writing to read for a Master's degree in Law. The Senate will consider every application on merit.

NOTE:

- *International students applying for admission to the LLM programme (by coursework) are required to submit proof of their current level of proficiency in English (for example, through IELTS or TOEFL scores). Students with English as home language or students who have completed their first degree in English are exempted from this requirement.*
- *Admission to this programme is subject to post-application selection based on the selection criteria for this programme and the applicable admissions policies of Stellenbosch University.*

Application procedure

To apply for admission to this programme (for either the January or June enrolment), all prospective students must complete the online application form for admission to study at Stellenbosch University. Please visit www.maties.com to apply or contact the Admissions Officer to the Faculty of Law.

Selection Essay

Applicants are required to submit an essay in support of his/her application for admission to this programme. The selection essay should indicate the reason for the application and outline any personal and/or professional factors that should be brought to the attention of the course coordinator and admissions officer.

The selection essay should be addressed to:

The Admissions Officer, Stellenbosch University, Faculty of Law

The formal requirements of the selection essay are:

- English (UK)
- Word count: 300 to 800 words
- Typewritten, Arial, 12pt, 1,5 line spacing, justified, A4

Registration procedure

Students that successfully navigate the selection process will be informed in writing of the status of their application and the online registration procedure to follow.

Admissions Officer

For any programme-specific enquiries please contact:

Ms Karin Wiss

Faculty of Law
Ou Hoofgebou, Room 2026
Corner of Victoria & Ryneveld Street
Stellenbosch
7600
South Africa
Email: karinwiss@sun.ac.za
Tel: +27(0) 21 808 3780

Lecture Schedule

This programme will be presented by way of weekly formal lectures and/or tutorial discussion classes where applicable presented by the lecturer/module coordinator and a team of guest lecturers. Except under specific circumstances and by prior arrangement, attendance is compulsory at every lecture.

- 2 Lectures per week of 2 hours per lecture.
- All lectures are scheduled after office hours between 18:00 and 20:00.

Venue

All lectures will be presented in the Law Faculty Building (the Ou Hoofgebou) of Stellenbosch University.

Assessment

Each constituent module of this programme will follow a bespoke assessment strategy based on a combination of assessment measures selected from the standard assessment policy, chosen as the most effective and appropriate means of evaluating student progress and achievement in that particular module depending on the nature of the module content, practical requirements of the field of law and teaching methodology.

All modules will be assessed by means of (any combination of the following):

- A written formal mid-term test
- A written open-book mid-term test
- A prepared oral presentation
- A formal oral test
- A series of prepared written assignments / thought papers
- A formal written research paper / essay assignment
- A series of unannounced class tests

In addition, every student must pass a formal, written final examination paper for each module. The final examination may take the form of a prepared open-book formal examination of 4-8 hours, a take-home examination paper of 18-24 hours or an extended formal examination. All examinations may be conducted with the aid of a personal computer and delivered as typewritten scripts. A final grade of 50% or higher (calculated as a combination of the examination mark and the other assessment grades) is required to complete the module. A passing grade (50%) for each module must be attained in order to graduate from this programme.

Structure

Students must complete all three compulsory modules plus one elective module and the research paper (for a total of 180 credits) in order to complete the programme.

Modules

COPYRIGHT LAW	
The principles of South African Copyright Law with reference to legislation, case law and academic opinion. Related principles of international copyright protection, data protection, moral rights and the protection of indigenous knowledge. Close study of international treaties relating to Copyright.	
Coordinator	Prof Sadulla Karjiker
Semester	Summer (1 st Semester) January - May
Module Code	10009-811
Credit Value	30/180
Expected Outcomes	<p>Upon completion the student will;</p> <ul style="list-style-type: none"> • Be able to profess expert knowledge of the theory of copyright law in South Africa, • Be able to interpret and apply the principles of copyright law, • Be equipped with the necessary skills to review, evaluate and analyse foreign and international copyright protection measures, • Be familiar with the prevailing legal arguments in copyright law, • Be familiar with the practice of copyright litigation; • Be able to work as a legal professional within the IP environment, • Be able to formulate and support legal arguments based on issues of copyright law, • Be sensitive to the difficulties faced by the IP environment in a developing economy.
Overview of module content	<p>Introduction History and Nature of Copyright Types of Work Eligible for Copyright Protection Policy Considerations Requirements for Subsistence of Copyright: Originality Material Expression Propriety Qualified Author Authorship</p>

	Ownership of Copyright Duration of Copyright Infringement of Copyright: Direct (Primary) Infringement Indirect (Secondary) Infringement Criminal Infringement Exceptions and Limitations Remedies for Copyright Infringement
--	--

TRADEMARK LAW	
The principles of South African Trademark Law, with reference to legislation, case law and academic opinion. Common law issues of unlawful competition and the right to attract custom. Related principles of international trademark protection and foreign law.	
Coordinator	Prof Sadulla Karjiker
Semester	Winter (2 nd Semester) July – December
Module Code	10008-811
Credit Value	30/180
Expected Outcomes	<p>Upon completion the student will;</p> <ul style="list-style-type: none"> • Be able to profess expert knowledge of the theory of trademark law in South Africa, • Be able to interpret and apply the principles of trademark law, unlawful competition and passing off, • Be equipped with the necessary skills to review, evaluate and analyse foreign and international trademark protection measures, • Be familiar with the prevailing legal arguments in trademark law, • Be familiar with the practice of trademark litigation; • Be familiar with the practice of a trademark practitioner; • Be able to work as a legal professional within the IP environment, • Be able to formulate and support legal arguments based on issues of trademark law, • Be sensitive to the difficulties faced by the IP environment in a developing economy.
Summary of module content	Introduction Historical Development Common Law Unlawful Competition and Trademarks The right to attract custom and passing off South African Legislation Foreign Legislation International Mechanisms The Nature of a Trademark Registration of a Trademark Requirements Procedure Amendment & Rectification of TM Register International Arrangements The Paris Convention The Madrid Agreement The Nice Agreement The Singapore Treaty & related TRIPS Infringement & Remedies

INTELLECTUAL PROPERTY LAW IN THE DIGITAL ENVIRONMENT

Review of local, foreign and international instruments for the recognition and management of IP rights arising from/relating to digital media. Issues in electronic data protection measures, copyright and trademark issues on the internet, legal protection of computer programs and websites, civil and criminal liability for infringement, counterfeiting/piracy, international standardisation and jurisdictional issues.

Coordinator	Mr Cobus Jooste
Semester	Winter (2 nd Semester) July – December
Module Code	10935-811
Credit Value	30/180
Expected Outcomes	<p>Upon completion the student will;</p> <ul style="list-style-type: none"> • Be able to profess expert knowledge of the impact of the electronic age on aspects of Intellectual Property, • Be able to interpret and apply the principles of Intellectual Property Law as it is applied to the digital environment, • Be equipped with the necessary skills to review, evaluate and analyse foreign and international principles of Intellectual Property Law with reference to the prevailing technologies of the time, • Be familiar with the salient arguments for the development of Intellectual Property Law to align legal principle and Information Technology-related practices, • Be equipped with the basic technical and technological knowledge about the operation of the Internet and its impact on the application of Intellectual Property Law principles, • Be able to work as a legal professional within the IP environment and/or the IT industry, • Be able to formulate and support legal arguments based on issues of Intellectual Property Law and Information Technology Law, • Be sensitive to the difficulties faced by the IP environment in a developing economy.
Summary of module content	<p>Introduction Legal Informatics The Technological Convergence Litigation Support The IT/IP Nexus Regulating Telecommunication Law</p> <p>Copyright Law Computer Programs Non-literal Elements of Software Copyright Infringement on the Internet Enforcement & Management of Rights Service-provider Liability</p> <p>Data Protection Electronic Databases International Initiatives OECD European Union Directives</p> <p>Regulation of Domain Names, Trademarks & Meta-tags Offensive & Abusive domain name registrations Protection of well-known marks Use of meta-tags Uniform & alternative dispute resolution procedures</p> <p>Patent & Biotechnology Law Computer hardware Computer software Business methods Standards and data formats</p> <p>IP Rights Enforcement International Mechanisms Jurisdiction & cross-border enforcement</p>

PATENT LAW AND THE LAW OF REGISTERED DESIGNS	
<p>The principles of South African Patent Law and Designs Law, with specific reference to the procedure for obtaining patent/design protection, rights administration, devolution, transfer and revocation of protection, applicable international instruments, and infringement. The course includes technology transfer principles and licensing on an intermediary level.</p>	
Coordinators	Dr Madelein Kleyn
Semester	Summer (1 st Semester) January - May
Module Code	10934-811
Credit Value	30/180
Expected Outcomes	<p>Upon completion the student will;</p> <ul style="list-style-type: none"> • Be able to profess expert knowledge of the theory of patent law and the law of registered designs in South Africa • Be able to interpret and apply these principles • Be equipped with the necessary skills to review, evaluate and analyse foreign and international patent and design protection measures and understand the difference between utility patents and designs • Be familiar with the prevailing legal arguments in the expansion/development of patent and design law • Be familiar with the practice of patent litigation • Be able to work as a legal professional within the IP environment • Be able to formulate and support legal arguments based on issues of patent and design law • Be sensitive to the difficulties faced by the IP environment in a developing economy • Be able to draft technology license agreements • Be able to understand the commercialization of technology through licensing
Summary of module content	<p>PATENTS</p> <ul style="list-style-type: none"> • Introduction • Requirements for Patentability <ul style="list-style-type: none"> ○ Invention ○ Intrinsic & Extrinsic requirements • Obtaining patent protection <ul style="list-style-type: none"> ○ Procedure ○ Patent specification • Patent Administration • Revocation & Infringement <ul style="list-style-type: none"> ○ Third party risk assessment (FTO's) ○ Patent validity assessment ○ Defenses & Remedies • International Instruments • Cross-border Patent Protection <ul style="list-style-type: none"> ○ The Paris Convention ○ TRIPS ○ The Patent Cooperation Treaty ○ The European Patent Convention <p>TECHNOLOGY LICENSING</p> <ul style="list-style-type: none"> • Introduction to Licensing • Basis of licensing agreements • Managing licensing risks • Valuation of IP for purposes of licensing <p>PLANT BREEDERS RIGHTS</p> <ul style="list-style-type: none"> • Registrability • Effect of the right • Provisional protections • Licensing & Compulsory licensing • Term of protection

	<p>REGISTERED DESIGNS</p> <ul style="list-style-type: none"> • Introduction • Design Protection <ul style="list-style-type: none"> ○ Requirements ○ Procedure ○ Rights • International Instruments • Design Administration • Revocation • Infringement
--	---

<p>COMPETITION LAW</p> <p>In this module, South African competition law is studied from a comparative perspective. The main jurisdictions for comparison are the European Union and the United States but passing reference will be made to German, Canadian, Australian and UK law. In most legal systems the focus of competition law now is on interests of consumers in productive, dynamic and allocative efficiency. The first part of the module considers the goals of South African competition law against this backdrop. The next section concerns the economics of competition. Economics is central to the resolution of competition law issues and this part of the module is intended to provide the student with the basic economic skills that are needed for this purpose. Thereafter the jurisdiction of competition authorities and the international dimension of competition are studied. Next comes the central part of the module. The substantive competition law, that is the law regarding horizontal and vertical restrictive practices, abuse of dominance and mergers, is evaluated in detail. Finally, a brief survey of the institutions responsible for regulating competition law and the remedies available for breaches of competition law will be done.</p>	
Coordinators	Prof Philip Sutherland
Semester	Winter (2 nd Semester) July – December
Module Code	62553 – 847
Credit Value	30/180
Expected Outcomes	<p>The aim of this module is to expose students to broad of select topics in the area of Competition Law</p> <p>Upon completion the student will:</p> <ul style="list-style-type: none"> • Have knowledge of select topics in the field of Competition Law. • Have an understanding of fundamental legal and economic concepts, principles, theories and their relationship to Competition Law. • Be able to apply the law regarding different topics to basic and fairly complex factual scenarios and will be able to solve complex legal problems. • Be able to relate their knowledge of competition law to the knowledge of IP law gained in other modules in this programme.
Summary of module content	<p>This module commences with a study of major current developments concerning competition in Europe, South Africa and the United States. It then considers the institutions and basic operation of Competition Law in these and related countries. It then turns to the underlying legal and philosophical principles underlying the regulation of competition. It then concludes with a comparative analysis of the major prohibitions of anti-competitive practices in South Africa and related jurisdictions.</p>

<p>INTELLECTUAL PROPERTY LAW: RESEARCH PAPER</p> <p>A written research paper of 15 000 to 20 000 words on a topic within the general field of Intellectual Property Law or related subject matter.</p>

Semester	Full year
Module Code	10937-811
Credit Value	60/180
Expected Outcomes	<p>Upon completion the student will:</p> <ul style="list-style-type: none"> • Have produced a written work of academic nature displaying expert knowledge of the indicated topic; • Be able to conduct legal research at an advanced level; • Be able to formulate and draft legal academic research products of a sufficiently high quality; • Be able to show insight into the nuances of the field of law and the area of intellectual property researched; • Be intimately familiar with the South African legal principles applicable to the topic of research; • Be familiar with the legal principles of foreign and international Intellectual Property law and/or related fields of law applicable to the topic of research; • Be able to evaluate, assess, analyse and critique existing academic work, statutes, international mechanisms, judgments and other articles; • Be able to illustrate an understanding of the legal, practical, ethical and procedural aspects of academic research in law.
Summary of module content	One written research paper of 15 000 to 20 000 words