

Module II:

Intellectual Property and the Digital Economy

Semester: Fall semester- HS 2020

Root Number: 446688

ECTS: 3

Lecturers: Mira Burri, Thomas Cottier, Andreas Heinemann, Philippe Lionnet and Andreas Lobsiger

Dates: 6 –11 July, 2020 (take-home assessment on July 11).

Location: In response to the COVID-19 pandemic and following the guidelines established by the University of Bern, all courses of the 2020 WTI Summer Academy will only be held online. This course will have live sessions on [Zoom](#).

Addressees

The summer academy courses on IP and trade are of particular interests to student and professionals of the public and private sector interested to explore the linkages of international trade regulation and intellectual property protection in greater detail. While the first week offers foundations and well established areas in law and policy, such as access to essential drugs, the second week turn to new challenges in the digital age, many of them yet unresolved. The two weeks can be followed independently. As the second week build upon the first one, newcomers to the area of IP are recommended to take the first week and add, optionally, the second module.

Location

The course takes place at the World Trade Institute, Hallerstrasse 6, 3012 Bern and partly at the Swiss Institute of Intellectual Property, Stauffacherstrasse 65/59g 3014 Bern. Students will be offered desks for reading and work at the WTI.

Course Description

This model is dedicated to exploring the relationship of international trade, intellectual property and competition law in the digital economy. Expounding the law of copyright and domain name protection, it builds upon the first module, but then turns to new challenges in the field of competition law. New and unresolved issues of big data, data protection, artificial intelligence and IP protected technical standards are discussed, also in relation to the US-Sino trade war. The module also includes treatment of enforcing intellectual property rights which is particularly challenges in digital trade. The course is taught by leading academics and experienced practioners and Swiss government officials.

Schedule 6-11 July 2020

Class	Date	Day	Time	Lecturer	Topic
1	6 July	Monday	09:00-12:00	Mira Burri	Copy Protection
			14:00-16:00	Mira Burri	Copyright and the Digital Economy
2	7 July	Tuesday	09:00-12:00	Mira Burri	Copyright and the Digital Economy
			14:00-16:00	Mira Burri	Copyright and Digital Economy
3	8 July	Wednesday	09:00-12:00	Andreas Heinemann	Competition Law in the Digital Economy
			14:00-16:00	Andreas Heinemann	Competition Law in the Digital Economy
4	9 July	Thursday	09:00-12:00	Philippe Lionnet	Digital Trade and Electronic Commerce
			14:00-16:00	Adrian Lobsiger	Data Protection
5	10 July	Friday	09:00-12:00	Thomas Cottier	The Challenge of Enforcement in the digital age
			14:00-16:00	Thomas Cottier	Digital Trade in the US-Sino Trade War: Challenges for IPR Regulation
6	11 July	Saturday			Take-home assessment

Lecturer

Dr, PD Mira Burri

Mira Burri is a senior lecturer and managing director internationalization at the University of Lucerne. She is also the principal investigator of a research project on Big Data and trade agreements financed by the Swiss National Science Foundation (NRP75). Mira convenes and teaches courses on international law of contemporary media, international intellectual property law, digital copyright and internet law.

She has published widely on digital media, digital trade and broader global governance issues in a number of peer-reviewed outlets, such as the Georgetown Journal of International Law, the Journal of International Economic Law, the Common

Market Law Review, and the UC Davies Law Review. Mira is the author of the publications *The Classification of Services in the Digital Economy* (Springer 2012) and *Public Service Broadcasting 3.0: Legal Design for the Digital Present* (Routledge 2015). She has co-edited a number of books, amongst others: *Trade Governance in the Digital Age* (Cambridge University Press 2012) and *The Institutions of Global Internet Governance* (Cambridge University Press 2018).

Mira is a member of the editorial boards of the International Journal of Cultural Property and Arts and International Affairs. Mira has consulted for the European Parliament and UNESCO on cultural diversity and digital trade matters. She consults also on trade and innovation issues, in particular with regard to digital trade. She is a founding member of the Harvard-based Network of Centers for Internet and Society.

Andreas Heinemann

Prof. Dr. iur. Andreas Heinemann, Diplom-Ökonom, DIAP (ENA, Paris), is Professor of Commercial, Economic and European Law at the University of Zurich and permanent visiting professor at the University of Lausanne. After studies in economics and law he was awarded the Diplôme Supérieur de Droit Comparé from the Faculté Internationale de Droit Comparé in Strasbourg, and the Diplôme International d'Administration Publique (DIAP) from the Ecole Nationale d'Administration (ENA), then in Paris. He passed his bar exam in Berlin and completed his PhD and Habilitation at the University of Munich's faculty of law. His research focuses on Swiss, European and International Economic Law with a special emphasis on competition and intellectual property law. He is a member of the board of the Europa Institute at the University of Zurich and a member of the Bureau of the OECD Competition Committee. He is a member of the Swiss Competition Commission since 2011, and its president since 2018. More information is available at:
www.ius.uzh.ch/de/staff/professorships/alphabetical/heinemann.html

Philippe Lionnet

Adrian Lobsiger

Thomas Cottier

Prof.em. Thomas Cottier, former Managing Director of the World Trade Institute, is Professor Emeritus of European and International Economic Law at the University of Bern. He published widely in the field of international economic law, with a particular focus on constitutional theory and intellectual property. He directed the national research programme on trade law and policy (NCCR International Trade Regulation: From Fragmentation to Coherence) located at the WTI from 2006-2014. He is an associate editor of several journals. He was a visiting professor at the Graduate Institute, Geneva, the Paris I Sorbonne, University of Barcelona, and regularly teaches at the Europa Institut Saarbrücken, Germany, at Wuhan University, China, at the University of Torino and more recently at the University of Ottawa, Canada. He was a member of the Swiss National Research Council from 1997-2004 and served on the board of the International Plant Genetic Resources Institute (IPGRI) Rome during the same period. He served the Baker & McKenzie law firm as Of Counsel from 1998 to

2005. He held several positions in the Swiss External Economic Affairs Department and was the Deputy-Director General of the Swiss Intellectual Property Office. Prof. Cottier has a long-standing involvement in GATT / WTO activities. He served on the Swiss negotiating team of the Uruguay Round from 1986 to 1993, first as Chief negotiator on dispute settlement and subsidies for Switzerland and subsequently as Chief negotiator on TRIPs. He has served as a member or chair of several GATT and WTO panels and currently serves on a high level panel reviewing the International Health Regulations of the World Health Organization.

Learning Objectives

Exams

Exams will be a take-home exam on Saturdays of the two weeks. They will consist of an essay on a core issue discussed.

Certificate

Successful participants attending the course and passing the exams will be awarded a certificate or accreditation of ECTS.

MONDAY, JULY 6, 2020

Lecturer: Mira Burri

Topic: Copyright Protection & Copyright and the Digital Economy

Compulsory Reading Material

Optional Materials

TUESDAY, JULY 7, 2020

Lecturer: Mirra Burri

Topic: Copyright and Digital Economy

Compulsory Reading Material

Optional Materials

WEDNESDAY, JULY 8, 2020

Lecturer: Andreas Heinemann

Topic: Competition Law in the Digital Economy

Compulsory Reading Material

European Court of Justice, 16 July 2015 – Huawei, Press Release No 88/15
<https://curia.europa.eu/jcms/jcms/P_170246/de>

European Court of Justice, 21 January 2016 – Eturas
<<http://curia.europa.eu/juris/liste.jsf?lgrec=fr&td=;ALL&language=en&num=C-74/14&jur=C>>

European Commission, 27 June 2017 – Google Shopping, Press Release IP/17/1784
<https://ec.europa.eu/commission/presscorner/detail/en/IP_17_1784>

Optional Materials

Crémer/de Montjoye/Schweitzer, Competition Policy for the Digital Era, European Commission 2019 <<https://op.europa.eu/en/publication-detail/-/publication/21dc175c-7b76-11e9-9f05-01aa75ed71a1/language-en/format-PDF>>

Lundqvist/Gal (eds.), Competition Law for the Digital Economy, Edward Elgar 2019

UNCTAD, Competition Issues in the Digital Economy, Document TD/B/C.I/CLP/54, 1 May 2019
<https://unctad.org/meetings/en/SessionalDocuments/ciclpd54_en.pdf>

THURSDAY, JULY 9, 2020**Morning session: 09:00 - 12:00**

Lecturer: Philippe Lionnet

Topic: Digital Trade and Electronic Commerce

Compulsory Reading Material

Optional Materials

Afternoon Session: 14:00 – 16:00

Lecturer: Adrian Lobsiger

Topic: Digital Trade and Electronic Commerce & Data Protection

FRIDAY, JULY 10, 2020

Lecturer: Thomas Cottier

Topic: The Challenge of Enforcement in the digital age & Digital Trade in the US-Sino Trade War: Challenges for IPR Regulation

Compulsory Reading Material**Optional Materials**

SATURDAY, JULY 11, 2020

Take-home assessment