**中南财经政法大学课程教学大纲**

**Course Syllabus of**

**Zhongnan University of Economics and Law**

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| **Course Title:**Patent Law | | | | |
| **Course Code** | 61063003 | | **Semester** | Semester [1] |
| **Teaching Hours** | 32 | | **Credits** | **2** |
| **Prerequisites** | **None** | | | |
| **Instructor Information** | | | | |
| **Name** | XIAO Peng | | **Email** | xiaopeng@zuel.edu.cn |
| **Institute** | **Law School** | | | |
| **Applicable Object** | International Students | | | |
| **Course Objectives** | Through the study of the objects and subjects of patent protection, the conditions for patent grant, the determination and remedies of patent infringement, and the international framework of patent protection, students will be helped to compare and understand the patent legal systems of major countries; through the introduction of cutting-edge issues such as gene patents, pharmaceutical patents, and business method patents, students will develop the ability to think about academic issues; through the discussion and explanation of patent operation examples, students will be able to prepare for their future Through discussion and explanation of patent operation examples, students will be able to lay the foundation for their future work in patent agency, examination and trial, enterprise patent management and international patent affairs. The course requires students to master the basic legal knowledge of patents, be able to apply theoretical knowledge to analyse cutting-edge issues, and have the basic ability to acquire, maintain and manage the operation of patents. | | | |
| **Course Description**  **(200 words)** | As an important type of intellectual property, patents are an important means of building wealth and enhancing the competitiveness of individuals, enterprises and countries in the knowledge-based economy. The immaterial nature of the object of a patent and its close association with technologies such as genetics, software and pharmaceuticals make patents more complex and abstract than other legal systems. It is essential to study patent law, especially the patent systems of countries with advanced legislation and practical experience. This course provides an introduction to the patent laws of major countries and regions such as the United States, the European Union and China from a comparative law perspective. The main contents of this course include: the object and subject matter of patent rights, substantive and procedural conditions for patent grant, the content and limitations of patent rights, patent infringement and remedies, etc. The course adopts a combination of lectures and discussions, focusing not only on systematic learning, but also highlighting the discussion of key and characteristic issues; focusing not only on students' mastery of basic concepts, systems and principles, but also on cultivating students' ability to apply what they have learned and analyse and solve practical problems. | | | |
| **Assessment Methods** | Course Paper | | | |
| **Textbooks and References** | 1. Stephen M. McJohn, Intellectual Property: Examples & Explanations (6th ed. 2018)  2. Arthur R. Miller & Michael H. Davis, Intellectual Property: Patents, Trademarks, and Copyright in a Nutshell (6th ed. 2018)  3. George W. Kuney & Donna C. Looper, Mastering Intellectual Property (2012)  4. Janice M. Mueller, Patent Law (5th ed. 2016)  5. Randall Rader & Benjamin Christoff, Patent Law in a Nutshell (3rd. 2018)  6. Amy L. Landers, Understanding Patent Law (3rd. 2017) | | | |
| **Course planning** | | | | |
| **Chapter 1** | | I. Object of Patent Rights  1. Inventions  2 Utility models  3. Design  4. Non-patentable subjects  5.Microorganisms, genetic material  6. Computer software, business methods  7. Medicines | | |
| **Chapter 2** | | II. Subject matter of patent rights  1. Inventor and creator  2. Co-invention  3. Functional inventions | | |
| **Chapter 3** | | III. Substantive conditions for the grant of utility patents  1. Novelty  2. Practicality  3.Creativity | | |
| **Chapter 4** | | IV. Procedural conditions for the grant of a patent  1. Principles of Patent Application  2. The process of patent application | | |
| **Chapter 5** | | V. Patent Infringement  1. Principles of infringement determination  2. Direct infringement: literal infringement  3.Equivalent infringement | | |
| **Chapter 6** | | VI. Limitation of Patent Rights  1. Bolar exception  2. Experimental, research use  3. Use of rights first  4. Parallel imports  5. Compulsory licensing | | |
| **Chapter 7** | | VII. Remedies for patent infringement   * + - 1. Ban       2. Damages       3. Punitive Damages | | |
| **Chapter 8** | | VIII. International framework for patent protection  1. Paris Convention for the Protection of Industrial Property  2. Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) | | |