

# Faculty of Law

## LLM – Intellectual Property Law



UNIVERSITY  
OF  
JOHANNESBURG

FACULTY OF LAW



**The Future  
Reimagined**

## IF YOU WANT TO BE A STRATEGIC THINKER ON IP, COMPLETE THE IP LLM AT UJ!

“The future of the nation depends in no small part on the efficiency of industry, and the efficiency of industry depends in no small part on the protection of intellectual property.” Judge Richard Posner in *Rockwell Graphic Systems, Inc. v. DEV Industries*, 925 F.2d 174 (7th Cir. 1991)

The field of intellectual property (IP) law reaches wide, and is dynamic. The nature of IP is best understood through a comparison with other, tangible, forms of property. With property such as land, a vehicle or a soccer ball, one has rights to the object itself. In other words, your rights would be infringed if the object is damaged or destroyed. The position with IP is different. An example might be a patent for a pair of night vision binoculars. The intellectual property rights of the patentee would not be infringed if the binoculars are destroyed. The reason for this is that it is the invention that is protected and not the binoculars. IP is, accordingly, that body of law that regulates the creation and utilisation of immaterial property, and the enforcement of resultant rights. The objects of the various IP rights typically include patents, copyright, registered designs, and trade marks.

**To properly understand all these issues, it is necessary to study both the legislation and the case law relating to a particular discipline on an advanced level. In the modern business world, it has become impossible to properly deal with commercial transactions without the necessary IP background. This LLM aims to provide the student with the necessary tools to navigate the IP landscape, and to create awareness of pitfalls or opportunities that may present themselves. In fact, in given situations, the holder of an advanced degree in IP might be preferred for a specific task over someone that does not have such a qualification.**

**STUDENTS WILL BENEFIT MOST FROM AN INTERACTIVE CLASS ENVIRONMENT. IT IS A SPECIFIC OBJECTIVE OF THE DEGREE TO FOSTER SUCH INTERACTION.**

### What will I be taught?

In the three **coursework modules**, you will be learning more of:

#### **1. Trade mark law (first semester)**

Trade mark law involves a study of the fundamental principles as found in practice. In other words the nature of a mark, the concept of use, bars to registration, the issue of registrability, and infringement provisions. Where relevant, freedom of speech as encountered in other jurisdictions will be studied.

#### **2. Copyright law (second semester)**

This module entails a study of the basic principles of copyright law, in particular the issue of originality, the rights of the copyright owner, exemptions from infringement, and infringement itself. Attention will also be given to internet law as it intersects

with copyright or other areas of the law. This may include the liability of service providers, moral rights, television format protection, prominent cases on the subject and proposed legislation.

### **3. Patent and design law (first semester)**

This module is an advanced study of patent law, dealing with basic principles of patent registration and the exclusions from patentability, such as software. The issue of infringement and relevant remedies will be discussed in detail. A similar approach is followed in relation to design law.

### **4. Dissertation**

A dissertation of a limited nature must be completed on a topic taken from one of the three modules.

### **Lecturers:**

The co-ordinator of the programme is Professor Wim Alberts, who has 20 years of practical experience as a trade mark attorney. He will be assisted by other academics as well as practitioners, including Mr John McKnight, a partner from Spoor & Fisher, a patent attorney, and Professor of Practice at the University of Johannesburg. Also, Mr Lodewyk Cilliers, a patent attorney and partner of Spoor & Fisher, who specialises in design law.

### **Career opportunities:**

An IPLLM could lead to a career as an advocate, attorney, a legal adviser in government or in the private sector, a position in a regulatory environment or a position in an international agency.

### **Admission requirements:**

In general, as a minimum admission requirement, students must have attained an average of 65% for the law subjects in their LLB degree.

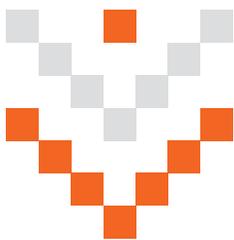
**Classes or seminars in the taught modules are presented in the evenings on weekdays from 18h00 to 20h00 (one seminar per week per module).**

**The next student intake will be in February 2022. The degree is offered only on a part time basis, i.e. over two years. It is noteworthy that DALRO (*The Dramatic, Artistic and Literary Rights Organisation*) annually awards a bursary of around R70 000 to one UJ student studying towards the LLM in Intellectual Property Law.**

For further information and enquiries regarding entry requirements, closing dates and the application procedure, as well as the content of the coursework, please do not hesitate to contact the faculty:

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