

DIPLOMA CENTRE

Diploma in Technology & IP Law



MODULE 1: TRADE MARKS

SESSION 1	TIME	DELIVERY
Friday 23 February 2018	9:30am – 4:30pm	Onsite & Online

Introduction to the Diploma in Technology Law
Claire O'Mahony, Solicitor, RTMA, Course Leader

- 1 What is a trade mark?** Section 6 definition; types of trade marks; different registration systems (Ireland, EUIPO, Madrid); the Nice classification of goods and services.
David Flynn, Associate, FR Kelly
- 2 Trade mark applications:** How to file an application at the Patents Office, the EUIPO, and through the Madrid System at the WIPO; the application process – filing, examination on absolute and relative grounds, objections that can arise and overcoming them, and acquired distinctiveness.
Elaine McGrath, Partner, Reddy Charlton
- 3 Publication and the importance of their date:** Observations at the Patents Office and at the EUIPO; Irish opposition – practice and procedure; opposition at the EUIPO – practice and procedure; settling oppositions and related agreements.
Niamh Hall, Partner, FR Kelly
- 4 Registering non-conventional trade marks:** Things to consider when filing or advising on same, case law relating to shapes, colours, sounds, smells, slogans, names, surnames, geographical locations; filings made in Bad Faith and relevant case law.
Kate McKenna, IP/IT Counsel, Amaya Gaming
- 5 Infringement of a registered trade mark:** How to enforce your trade mark rights and how to defend a claim for infringement; groundless threats under Section 24 assessed; the remedies and litigation forums available; anti-counterfeiting and customs protection; a word on ACTA.
Carol Plunkett, Partner, William Fry

5 hrs. Gen. CPD

MODULE 2: COPYRIGHT

SESSION 2	TIME	DELIVERY
Saturday 24 February 2018	9:30am – 4:30pm	Onsite & Online

- 1 Introduction to copyright:** What the term copyright means; how copyright differs from other intellectual property rights; what works do copyright subsist in; duration of copyright for different works; the applicable law in Ireland and the EU explained. Reforms.
Maureen Daly, Partner, Beauchamps
- 2 Copyright infringement:** Primary and secondary explained; how to enforce your rights; remedies available; recent case law.
- 3 Defending a copyright claim:** Permitted acts for works protected by copyright and defences to copyright infringement.
Colette Brady, Associate, William Fry
- 4 Copyright in a digital age and permissions:**
Sam Holman, Irish Copyright Licensing Agency

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5 **Software and copyright:** How computer software came to be protected by copyright law; the scope of protection; the relationship of this type of protection to copyright law generally; recent case law.
Linda Scales, Solicitor, Linda Scales & Co.

6 **Databases & copyright:** Protection of databases explained – the dual form of protection; the rules applicable to the *sui generis* right; problems associated with the right; the future of database protection; current EU policy and recent case law.
Linda Scales, Solicitor, Linda Scales & Co.

6 hrs. Gen. CPD

MODULE 3: DATA PROTECTION

SESSION 3
Saturday 3 March 2018

TIME

DELIVERY
ONLINE ONLY

ONLINE ONLY

- 1 **An introduction to data protection:** definitions, controllers and data processors; liabilities and duties. Overview of the GDPR. Difference between data protection and freedom of information.
Aoife Sexton, Director, Frontier Privacy
- 2 **Legitimate processing of data and retention of data:** personal data, sensitive data, consent, exemptions. Requirement of necessity, data storage.
Richard O'Sullivan, General Counsel, Global Shares
- 3 **Data access requests, personal data rights:** the right to access, remove, prevent use, the right to be forgotten, direct marketing, automated decision making
Simon McGarr, McGarr Solicitors
- 4 **Overview of GDPR:** an examination of the main changes envisaged by Regulation 2016/679
Olga Gaffney, Solicitor, AMOSS Solicitors
- 5 **Data Protection Commission:** The role of the Data Protection Commissioner; its powers and enforcement.
Anna Morgan, Head of Legal (Deputy Commissioner), Office of the Data Protection Commissioner
- 6 **Data breaches and data security:** how to prevent breaches and requirements when a breach occurs
Kate Colleary, Director, Frontier Privacy
- 7 **CCTV, monitoring employees, and the role of the DPO:** CCTV, monitoring employees, social media
Chris Bollard, Partner, Matheson

7 hours Gen.CPD (e-Learning CPD only)

MODULE 4: PATENTS

SESSION 4
Friday 23 March 2018

TIME
9:30am – 4:30pm

DELIVERY
Onsite & Online

- 1 **Introduction to patents:** What is a patent; patentable inventions; questions to ask the inventor and the legal framework.
David Brophy, Partner, FR Kelly

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- 2 **Applying for a patent:** Pre-filing instructions and advices to a client in advance of disclosure of the invention; filing options in Ireland; the EPO system explained; worldwide protection.
Barry Moore, Patent Attorney and Founder, Hanna Moore + Curley
- 3 **Grant of patents:** Stages in patent application process
Marie Walsh, Patent Attorney, Hanna Moore + Curley
- 4 **Patent rights and dealings in patents:** Licensing; compulsory licences; rights of licensees; assignments.
Brian McElligott, Associate, William Fry
- 5 **Patent infringement special:** How to enforce your rights; how to defend a claim for patent infringement and remedies available.
Patricia McGovern, Chairman, DFMG Solicitors

5 hrs Gen. CPD

MODULE 5: SOCIAL MEDIA & LIABILITY

SESSION 5	TIME	DELIVERY
Saturday 24 March 2018	9:30am – 4:30pm	Onsite & Online

- 1 **New media and social media (part 1):** Managing legal risks – social media, criminal and civil liability for content on social media; Defamation Act 2009; hosting; caching; mere conduit defences; advertising standards online.
Andrea Martin, Principal, MediaLawyer Solicitors
- 2 **New media and social media (part 2):** Managing legal risks – public v private; corporate reputation; social media in the employment relationship.
Andrea Martin, Principal, MediaLawyer Solicitors
- 3 **Workshop 1: Onsite attendance required as workshop will not be webcast**
Trademarks - *Judy McCullagh, TM Attorney, Tomkins & Co.*
Copyright - *Colette Brady, Associate, William Fry*

4 hrs. Gen. CPD & 1 hr M&PD CPD

MODULE 6: DESIGNS & PASSING OFF

SESSION 6	TIME	DELIVERY
Saturday 1 April 2018		ONLINE ONLY

ONLINE ONLY

- 1 **Design law in Ireland and the EU:** An examination of designs; legislative background; The Hague Agreement; definition of designs and products; requirements for protection; registrability; how to file an application for a design in Ireland/EU.
Colette Brady, Associate, William Fry
- 2 **Design law – registered v unregistered designs:** Irish and Community Registered Designs (CRD) v unregistered designs; term of protection; invalidity; infringement defences; authorship and ownership of designs; recent case law update; overlap between designs, copyright, and trademarks.
Gerard Kelly, Partner, Mason Hayes & Curran

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- 3 **Passing off - infringement of unregistered trademarks:** The elements of the test; how to mount a successful claim for passing off; and the defences examined.

Robin Hayes, Associate, Whitney Moore

3 hrs. Gen. CPD* (e-Learning CPD only)

MODULE 7: SOFTWARE LICENSING & E-COMMERCE

SESSION 7	TIME	DELIVERY
Friday 13 April 2018	9:30am – 4:00pm	Onsite & Online

- 1 **E-commerce overview:** Website terms and conditions; e-commerce Regulation; electronic signatures; typical website terms; click wrap; browse wrap.
Darina Byrne, Commercial lawyer, McEvoy Partners
- 2 **Virtual reality - the future:** Including a demo of VR headset for students
Jonny Cosgrove, CEO, Meeting Room
- 3 **Cybersecurity:** Computer hacking; social engineering; theft of IP
Pearse Ryan, Partner, Arthur Cox & Andy Harbison, Director, Grant Thornton
- 4 **Cybercrime:** Computers and the law; unauthorised access; criminal damage; interception of communications; spam; defences; Cybercrime Convention; international obligations; reform.
Dr. TJ McIntyre, Law Lecturer UCD, Chairperson Digital Rights Ireland
- 5 **Domain name disputes:** UDPR: use; bad faith; recent disputes
Jeanne Kelly, Partner, Technology, Data Protection, Privacy and Contracts, LK Shields
- 6 **Copyright in the area of music:** Recordings and performances; ownership; authorship and rights afforded
Helen Sheehy, Principal, Sheehy & Co. Solicitors

5.5hrs. Gen. CPD

SESSION 8	TIME	DELIVERY
Saturday 14 April 2018	9:30am – 3:00pm	Onsite

- 1 **Workshop 2: Onsite attendance required as workshop will not be webcast**
Patent/Designs - *Donal Kelly, Partner, FR Kelly*
Social media and the law - *Fergal Crehan, BL and Privacy Consultant*
- 2 **Workshop 3: Onsite attendance required as workshop will not be webcast**
Data protection/data access requests – *Fergal Crehan BL, privacy consultant*
Data protection/breaches and GDPR – *Daragh O'Brien, CEO, Castlebridge*

4 hrs. Gen. CPD & 1 hr. M&PD

MODULE 8: NEW TECHNOLOGIES

SESSION 9	TIME	DELIVERY
Friday 18 May 2018	9:30am – 4:00pm	Onsite & Online

- 1 **Technology update:** The current and future trends
Simon Cocking, Senior editor, Irish Tech Law News

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- 2 **Biometrics:** Biometrics software; mobile authentication; related agreements
Ruth O'Toole, Legal Counsel, Daon Technologies
- 3 **E-commerce and consumer law:** e-commerce Act; validity of electronic contracts; distance selling regulations; the Consumer Protection Act; online selling
John Darby, Principal, Flynn O'Driscoll
- 4 **Innovative technologies and the law:** Driverless cars; 3D printing; drones; robotics; predictive analysis; disruptive technologies
Kate Hartnett, Associate, William Fry
- 5 **Technology contracts:** Software licensing and cloud computing; anatomy of a software licensing agreement; restrictions; support and maintenance; cloud computing contracts.
Gemma Neylon, General Counsel, OpenJaw Technologies
- 6 **Technology in legal transactions and the paperless office:**
Larry Fenelon, Partner, Leman Solicitors

5.5 hrs. Gen. CPD

MODULE 9: CYBERSECURITY & CRIME

SESSION 10	TIME	DELIVERY
Saturday 19 May 2018	9:30am – 4:30pm	Onsite & Online

- 1 **The Cloud, Cookies, Apps**
John Darby, Consultant, Flynn O'Driscoll
- 2 **Contract negotiations**
John O'Keeffe, O'Keeffe Solicitors
- 3 **Workshop 4: Onsite attendance required as workshop will not be webcast**
E-commerce and consumer law - *John Darby, Consultant, Flynn O'Driscoll*
Technology contracts - *John O'Keeffe, John O'Keeffe Solicitors*

4 hrs. Gen. CPD & 1 hr. M&PD

MODULE 10: FINTECH

SESSION 11	TIME	DELIVERY
Friday 8 June 2018	9:30am – 3:00pm	Onsite & Online

- 1 **Fintech law** - an introduction to financial technology (Fintech), examining how Fintech is driving the rapid change in the financial services sector and looking at the regulatory landscape and the legal and business risks that a Fintech company and its advisers need to consider.
Mark Adair, Partner, Mason Hayes & Curran
- 2 **Blockchain and distributed ledger technologies** – how blockchain and distributed ledger technology works, legal challenges around blockchain. how it can be adapted for use for asset tracking and smart contracts, assessing the approach regulators and legislators are taking to blockchain.
Mark Adair, Partner, Mason Hayes & Curran
- 3 **Practical and legal issues arising in tech companies**
Aoife Sexton, Principal, Tech Law Services

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- 4 **Drones**
Emerald de Leeuw, CEO, EuroComply
- 5 **Tax treatment of IP/IT**
Gary O'Mahony, Tax Partner, O'Hara Dolan

5.5 hrs. Gen. CPD

SESSION 12	TIME	DELIVERY
Saturday 9 June 2018	9:30am – 3:30pm	Onsite & Online

- 1 **Bio-law:** Medico-legal considerations for stem cells, cloning, genetic research, medical trials, biotechnology.
Asim Sheikh, BL
- 2 **Outsourcing:** Steps in outsourcing, terms of outsourcing agreement, risk, ownership, privacy, jurisdictional issues, termination.
Mark Rasdale, Partner, A&L Goodbody
- 3 **Workshop 5: Onsite attendance required as workshop will not be webcast**
Exam preparation workshop (1:00 - 4:00pm)
Review of the exam paper from 2016 - tutors will respond to each exam question and review core areas of the course
Barry Connolly, Associate, William Fry
Daragh O'Brien, CEO, Castlebridge
John Darby, Consultant, Flynn O'Driscoll

4 hrs. Gen. CPD & 1 hr M&PD CPD

SESSION 12 (cont.)	TIME	DELIVERY
Saturday 9 June 2018		ONLINE ONLY

ONLINE ONLY

- 1 **Domain name disputes:** UDPR, use, bad faith, recent disputes
John Darby, Consultant, Flynn O'Driscoll

1 hr e-CPD

ASSIGNMENT/EXAM DATE:

Please note that topics & dates may be subject to change. Draft timetable as of December 2017.

* Gen = General, M&PD = Management and Professional Development, Reg = Regulatory and eLearning = eLearning CPD credits. **CPD Note:** The number of hours of CPD that you may claim in relation to your diploma/certificate course will depend on the way in which you access each of the individual sessions. For further information please visit the course homepage on our website: www.lawsociety.ie/diplomacentre