



SUMMER IN IRELAND: Institute in European International Law
Dublin: May 31 – June 30, 2019

COURSE DESCRIPTIONS

The Institute in European and International Law offers six ABA-approved courses. One of these courses is a two-credit course offered over a four-week period. Four other courses are one-credit courses each offered over a two-week period. Additionally, the program offers four-week internships with Irish barristers and solicitors in governmental and non-profit agencies and private practice. Student interns receive two credit hours for the Legal Internship Course. Students may register for a maximum of 6 hours of credit in the four-week program. Tuition for the program is \$3,800, regardless of the number of credit hours in which a student chooses to enroll. All courses involve a European or international perspective. For TU students, any of these courses will satisfy the Transnational graduation requirement.

INTERNATIONAL INTELLECTUAL PROPERTY LAW

Professors Seamus Clarke and Robert Spoo (2 credits; 4 weeks)

Intellectual property has played a prominent role in international commerce since the late 19th century, but in recent decades its growing global importance has been marked. Goods and services produced and traded within and between countries are increasingly the product of intellectual capital. Awareness of the impact of IP regulation is also increasing, as small and medium enterprises, research and development institutions, and indigenous communities have all recognized the importance of IP laws to their businesses and community development. The scope of subjects falling within the ambit of IP - electronic commerce; patents and access to drugs and health care; and the preservation and management of genetic resources, traditional knowledge, and folklore - have also increased dramatically, and the developmental priorities of many nations have spurred reactive and proactive responses that place intellectual property at the heart of national and international commerce and politics.

This course will examine the core elements of Intellectual Property Law -- Copyright Law, Trademark Law, and Patent Law -- from a comparative perspective, focusing on how these rights are protected in the global, US, and European legal environments. The course commences with an examination of the essential principles of international IP law, such as extraterritoriality, conflict of laws, and conflict of forum; reviews the key international treaties that establish principles member nations are expected to respect as part of their domestic intellectual property law; and then explores a number of topics on a comparative basis, such as originality in copyright law, the right to remuneration for online publications, patentability in biotechnology, and cybersquatting. Particular emphasis will be placed on the instructor's area of expertise, e-commerce law, and how traditional IP concepts must cope with new innovation, creation, and branding.

EUROPEAN UNION CONSTITUTIONAL LAW

Dr. Mary Catherine Lucey (1 credit; first 2 weeks)

The European Union is a unique partnership of (currently) 28 Member States and is a major world power based on the rule of law. EU law confers important rights and responsibilities not only on Member States but (and controversially, at times) also on individuals and businesses. European Union Constitutional Law starts by introducing fundamental and peculiar constitutional issues. These include the EU's legal framework and unique institutional architecture; key principles of EU law (such as direct effect) and the supra-national relationship between EU law and Member States' law.

By the conclusion of the course, a student should be able to offer considered opinions on EU laws, principles and judgments of the Luxembourg courts.

EUROPEAN UNION ECONOMIC LAW

Dr. Mary Catherine Lucey (1 credit; first 2 weeks)

European Union Economic Law examines selected substantive laws which aim to create a single market – a space without barriers to the free movement of products or persons (typically workers/citizens). Taking a practical perspective, it examines how EU economic law tackles attempts by Member States to protect their domestic products by imposing tariffs/charges. It examines the rights available to EU workers and citizens (and their family members who are not EU citizens) to reside and work/study in another Member States.

By the conclusion of the course, a student should be able to apply EU law to a hypothetical fact pattern and advise on the likely outcome, and critically evaluate provisions of EU law directed to the creation of a single European market.

THE MULTINATIONAL CORPORATION & HUMAN RIGHTS: SELECTED ISSUES

Professor Tom Arnold (1 credit; second two weeks)

The operations of the modern multinational corporation can encompass activities in a large number of countries. The revenues of the corporation can exceed the tax revenues of – and the activities of the corporation can significantly impact the people, environment, and culture of – a country in which it does business. The engagement of the multinational corporation in a country can be a positive force in promoting human rights and human dignity; unfortunately, the activities of the corporation can also have the effect of supporting or exacerbating practices or conditions that are detrimental to human rights and dignity.

This course will examine methods that have been used by various parties attempting to address the issues raised by the activities of multinational corporations. Some of these methods involve procedures that are external to the corporation. For example, we may discuss a) use of the Alien Torts Claims Act and tort law to raise claims against corporations for involvement in human

rights violations; b) use of laws relating to unfair and deceptive trade practices to address false statements by a corporation about its human rights record; c) the possible use of security fraud statutes to address false statements by a corporation about its human rights record; and d) the development and enforcement of international human rights standards against corporations.

Other methods involve procedures that are internal to the corporation. These include, among others, a) voluntary codes of conduct, b) shareholder proxy resolutions, c) responsible supply chain management; d) measurement or verification (by the corporation or a third-part) of the social impact of corporate activities; and e) redefinition of corporate purpose. We will consider several of these internal procedures.

Important policy questions underlying any discussion in this area are whether (and the extent to which) the multinational corporation is a public or a private institution, and the extent to which the corporation should be treated as a person.

This course will not attempt to survey all possible methods of addressing the human rights issues raised by the activities of multinational corporations. Rather, the goal will be to examine several of the methods in order to develop an appreciation of the issues involved and the challenges posed in addressing these issues.

INTERNATIONAL AND COMPARATIVE CHILDREN'S RIGHTS

Dean Paul Ward (1 credit; second two weeks)

This course examines a number of emerging issues relating to the rights of children. The source of the rights emanate from many jurisdictions - Ireland, England & Wales, Canada, New Zealand, and the developing jurisprudence of the European Court of Human Rights. The topics include Civil Tort Remedies for Children in State Care, Child Sexual Abuse Actions and Limitation Periods, Constitutional Protection of Children in State Care, Succession and Inheritance Rights, Adoption and Parent Tracing, and International Child Abduction.

LEGAL INTERNSHIP COURSE

Emma McEvoy (2 credits)

This program offers students a unique opportunity to learn about Irish, comparative, and international law while working in unpaid internships, during the afternoons for four weeks, with Irish barristers and solicitors in government and non-profit legal institutions and in private practice. Student interns are expected to work approximately 17 ½ to 20 hours per week. Some placements require working on-site every day in Dublin city centre, and others involve a combination of on-site placement and research that can be performed on campus. The program also includes a five-hour

classroom component examining various aspects of the Irish legal system and law. While placements can vary from year to year, placements in recent years have included, among others, the Office of the Attorney General, the Office of the Chief State Solicitor, Seanad Éireann (the Irish Senate), the Director of Public Prosecutions, the Department of Agriculture, the Health and Safety Authority, the Irish Business and Employers Confederation, the Adoption Authority, the Irish Refugee Council, several solicitors' firms, and private barristers handling civil, criminal, and immigration matters.

Enrollment in this class is limited. Approximately 18 internships are available each summer. To be accepted into this class, students must submit resumes and an Internship Preference Form, and early application is encouraged.