



Styre: Fakultetsstyret ved Det juridiske fakultet
Styresak: 42/22
Møtedato: 10.05.2022
Journalnummer: 2022/1550

NYTT ENGELSK SPESIALEMNE I «LAW, REGULATION, AND TECHNOLOGY»

Saken ble behandlet i studieutvalgets møte den 26.04.2022. Det er fakultetsstyret som har myndighet til å opprette/nedlegge emner etter forslag fra studieutvalget, jf. Reglement for Det juridiske fakultet § 1. Studieutvalget har i denne innstilt på å opprette et nytt emne.

Bakgrunn

Fakultet har engasjert professor Justine Pila fra University of Oxford som professor II for en periode på 2 år, for å styrke fakultetets undervisning og forskning innen immaterialrett og rettslig regulering av ny teknologi.

Engasjementet utgjør 10 prosent av en full undervisningsstilling, noe som tilsvarer en undervisningsplikt på om lag 150 undervisningstimer.

Professor Pila ønsker å tilby spesialemnet Law, Regulation, and Technology på 10 ECTS, som bygger på en seminarrekke med samme navn som hun underviser ved Universitetet i Oxford:

The proposed 'Law, Regulation and Technology' course will draw on several years experience preparing and teaching a similar course at the University of Oxford, and on the contents of a book on the same topic that I am currently writing for publication by Oxford University Press.

In brief, the course will use technology-related studies of regulation to explore traditional conceptions of the State as the primary actor in regulating social and political behaviour and of Law as the primary tool by which such behaviour is regulated. By considering technology as both a target and tool of regulation, and technology providers as regulatory actors that operate alongside (and sometimes in place of) the State, the course will seek to deepen and extend students' understanding of how social and political life are governed in today's advanced technological (so-called 'fourth industrial revolution') age. The course will serve also to introduce students to some of the most important and difficult legal issues of the current era, including many of the legal issues that dominate daily global news coverage. Those issues cut across several existing legal fields, including intellectual

property, privacy and data protection, and liability, while also raising genuinely new legal issues outside these fields, in the wider area of 'Regulation'.

'Law, Regulation and Technology' is an enormously important and still emerging area of legal study and practice that is not currently the focus of a dedicated Master's course at UiB. While there is a standalone course on Privacy and Data Protection, and another on International Copyright Law, the focus of these is very different. My hope and expectation is that 'Law, Regulation and Technology' will complement them, as well as the existing courses on Legal Philosophy and Legal Technology, and that by offering it in the first (Autumn) term of the year, I will encourage students to take one or more of the other courses when they are offered in Spring.

Opprettelsen av dette emnet vil sikre at studentene våre får utbytte av engasjementet av Pila som professor II, at fakultetets engelskspråklige portefølje av spesialemner styrkes og fakultetet får utnyttet professor Pilas kompetanse og undervisningsplikt.

Det vises til vedlagt emnebeskrivelse for en nærmere redegjørelse for emnets innhold og undervisningsopplegget.

På denne bakgrunn framsettes følgende

forslag til vedtak:

Spesialemnet JUS298-2-A Law, Regulation, and Technology opprettes med virkning fra høstsemesteret 2022.

I emnebeskrivelsen flyttes «Good level of English» fra «Krav til forkunnskaper» til «Anbefalte forkunnskaper».

Karl Harald Søvig
dekan

Øystein L. Iversen
fakultetsdirektør

29.04.2022
ANNNI

Vedlegg:

Rapport for emne JUS298-2-A

Vedlegg 1: Emnebeskrivelse

JUS298-2-A (0): Law, Regulation, and Technology

Rapport for emne JUS298-2-A

Stadiuminfo:	Kvalitetssikring (S2)
Sist endret:	19.04.2022 Karitha Reisæter (kre082)
Opprettet i EpN:	Ja

Emneinfo

Studiepoeng, omfang

Nynorsk:
10 ECTS

Engelsk:
10 ECTS

Studienivå (studiesyklus)

Nynorsk:
Master level

Engelsk:
Master level

Undervisningsspråk

Nynorsk:
English

Engelsk:
English

Undervisningssemester

Nynorsk:
Autumn

Engelsk:
Autumn

Undervisningssted

Nynorsk:
Bergen Law Faculty

Engelsk:
Bergen Law Faculty

Mål og innhold

Nynorsk:
This course considers contemporary issues at the interface of Law, Regulation, and Technology. Its

starting point is the traditional idea of Law as the primary means by which social and political life are regulated, and of the State as the primary regulatory actor. Through a series of case studies involving intellectual property, privacy and data protection, and intermediary liability, we ask how this conception sits with the reality of regulation in the current advanced technological age. The objective is to introduce students to some of the most important and pressing legal issues of today, and to enable them to engage in contemporary debates regarding Technology as a source of regulatory opportunities and challenges for States.

Engelsk:

This course considers contemporary issues at the interface of Law, Regulation, and Technology. Its starting point is the traditional idea of Law as the primary means by which social and political life are regulated, and of the State as the primary regulatory actor. Through a series of case studies involving intellectual property, privacy and data protection, and intermediary liability, we ask how this conception sits with the reality of regulation in the current advanced technological age. The objective is to introduce students to some of the most important and pressing legal issues of today, and to enable them to engage in contemporary debates regarding Technology as a source of regulatory opportunities and challenges for States.

Læringsutbytte

Nynorsk:

After successful completion of this course, students will have:

- A good understanding of key debates in the field of contemporary Law, Regulation, and Technology scholarship;
- A general understanding of the regulatory opportunities and challenges created for Law and the State by advanced (digital and bio) technologies;
- The ability to engage critically and reflectively with contemporary (doctrinal and theoretical) debates regarding biotech patenting, copyright in cyberspace, data protection, and intermediary liability;
- The ability to write reasoned answers to legal and policy questions in the fields covered by the course.

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Krav til forkunnskaper

Nynorsk:

Three years of university studies.

Good level of English

Engelsk:

Three years of university studies.

Good level of English

Anbefalte forkunnskaper

Nynorsk:

Three years of law studies

Engelsk:

Three years of law studies

Studiepoengsreduksjon

Nynorsk:

No academic overlapping with courses at the Faculty of Law in Bergen.

Engelsk:

No academic overlapping with courses at the Faculty of Law in Bergen.

Krav til studierett

Engelsk:

The course is available for students:

- Admitted to the integrated master programme in law;
- Admitted to the two-year master programme in law;
- Granted admission to elective courses at the Faculty of Law;
- Granted additional right to study following completed Masters degree in Law at UiB;
- Exchange students at the Faculty of Law.

The pre-requirements may still limit certain students' access to the course.

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Arbeids- og undervisningsformer

Nynorsk:

Schedule of Classes

The course will be taught in 10 seminars (total = 15 hours) during the first semester, following this schedule:

Class 1: Law, Regulation, and Technology

- The nature of Law, Regulation, and Technology
- Technology as a regulatory tool, and Technology providers as regulatory actors

- Comparing (e.g., European and US) approaches to Law, Regulation, and Technology

Classes 2 and 3: Patent Systems and Modern Biotech

- Patents as regulatory system
- Biotech's 'disruption' of patent law
- Genetic material and essential medicines: nature v. invention; the public interest and morality exclusion; compulsory licensing

Classes 4 and 5: Copyright in Cyberspace

- Copyright as regulatory system
- The internet's 'disruption' of copyright law
- Web-based media monitoring services and hyperlinking: original works; the communication to the public right; the quotation exception

Classes 6 and 7: Privacy/Data Protection and Data Analytics

- Privacy as regulatory system
- Data analytics' 'disruption' of privacy law
- Competing European v. US approaches to privacy: the *Schrems* decisions
- The right to be forgotten, surveillance capitalism, and state surveillance: conceptions of 'privacy' and 'harm'; balancing fundamental rights and interests; whistleblowers as regulatory actors

Classes 8 and 9: Intermediary Liability

- The nature and purpose of legal liability for wrongdoing
- Primary and secondary liability in the internet age: net neutrality; safe harbour immunities
- The 'value gap' and 'online harms': comparative (EU, Australian, UK, US) reform proposals and initiatives

Class 10: Wrap-up

- Review of course themes
- Current and future developments

Schedule of Classes

All students are expected to prepare in advance for class and to participate in class discussions. Homework assignments are posted on the course page on Mitt UiB.

Engelsk:

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Obligatorisk undervisningsaktivitet

Nynorsk:

Students are required to submit a paper of between 1,800 and 2,000 words (not including footnotes or appendices) on a designated topic. The paper must be approved by the seminar leader. Only students who have had their paper approved will obtain the right to sit the exam.

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Students are required to submit a paper of between 1,800 and 2,000 words (not including footnotes or appendices) on a designated topic. The paper must be approved by the seminar leader. Only students who have had their paper approved will obtain the right to sit the exam.

Vurderingsformer

Nynorsk:

Three-hour digital school exam.

Information about digital examination can be found at <http://www.uib.no/en/education/87471/digital-examination>.

Exam language:

- Question paper: English
- Answer paper: English

Engelsk:

Three-hour digital school exam.

Information about digital examination can be found at <http://www.uib.no/en/education/87471/digital-examination>.

Exam language:

- Question paper: English
- Answer paper: English

Hjelpemiddel til eksamen

Nynorsk:

Support materials allowed during school exam

See section 3-5 of the Supplementary Regulations for Studies at the Faculty of Law at the University of Bergen.

Special regulations about dictionaries

- According to the Regulations for Studies, one dictionary is permitted support material during the examination. Bilingual dictionaries containing for example *both* Norwegian-English and English-Norwegian are considered as one dictionary;
- Bilingual dictionaries to/from the same two languages - for example Norwegian-English/English-Norwegian - in *two* different volumes are also considered as one dictionary (irrespective of publisher or edition);
- Dictionaries as described above cannot be combined with any other types of dictionaries;
- Any kind of combination which makes up *more than* two physical volumes is forbidden;
- In case a student has a special need for any other combination than the above mentioned, such combination has to be clarified with/approved by the course coordinator *minimum two weeks* before the exam. Students who have not been granted permission to have a special combination *minimum two weeks* before the exam will be subject to the usual regulations (Section 3-5) about examination support materials.

Engelsk:

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Karakterskala

Nynorsk:

A - E for passed, F for failed

Engelsk:

A - E for passed, F for failed

Vurderingssemester

Nynorsk:

Autumn

Engelsk:

Autumn

Litteraturliste

Nynorsk:

The reading list will be ready 1 july for the autumn semester.

Engelsk:

The reading list will be ready 1 july for the autumn semester.

Emneevaluering

Nynorsk:

According to administrative arrangements for evaluating courses at the Law Faculty.

Engelsk:

According to administrative arrangements for evaluating courses at the Law Faculty.

Programansvarlig

Nynorsk:

Studieutvalget ved Det Juridiske fakultet

Engelsk:

Studieutvalget ved Det Juridiske fakultet

Emneansvarlig

Nynorsk:

Professor Justine Pila

Engelsk:

Professor Justine Pila

Administrativt ansvarlig

Nynorsk:

Studieseksjonen ved det juridiske fakultet

Engelsk:

Studieseksjonen ved det juridiske fakultet

Kontaktinformasjon

Nynorsk:

elective-courses.jurfa@uib.no

Engelsk:

elective-courses.jurfa@uib.no