



Karl Pawlowicz, Unsplash

Seminar WiSe 23/24
Introduction to
Software Law



Course Guidelines

Dr. Lucas Lasota, PhD

This course in a nutshell

In this seminar you will learn the main aspects of software law in the EU, mainly topics as license compliance, software agreements, patents and trademarks, free and open source software, artificial intelligence and internet of things.

What are you expected to do?

You are expected to accomplish the following assignments:

- Prepare a **blog post** of not less than 3500 words and max. 7000 words (an approximately 15-minute read in [Medium.com's](https://medium.com) estimate) on a chosen topic and provide three discussion topics;
- Post at least one contribution to the three discussion topics of your peers' blog posts (i.e. at least **3 comments per week**); Your weekly contribution must consist of at least **300 words** (split among all your comments).
- Attend at the in-person and/or the online lectures.



Prof. Dr. Vitaly Bezbach (1946-2021)

This course is dedicated to the memory of
Prof. Dr. Vitaly Bezbach.

Basic information

Veranstaltungsart	Seminar	SWS	2
Semester	WiSe 23/24	Zugeordnete Person	Dr. Lucas Lasota / Prof. Dr. Herbert Zech
Modul	BZQ II	Veranstaltungsnummer	10552
Sprache	English	Moodle-Link	https://moodle.hu-berlin.de/course/view.php?id=122257
Termine	Mittwochs 12:00 bis 14:00		

Study programs

Abschluss	Studiengang	LP	Semester
Master of Laws	Dt.und Europäisches Recht Hauptfach (Vertiefung: kein LA; POVersion: 2017)	5	-
Master of Laws	Europäisches Recht Hauptfach (Vertiefung: kein LA; POVersion: 2017)	5	-
Programmstudium-o.Abschl.	Rechtswissenschaft Programm (POVersion: 1999)	5	-
Staatsex./ 1.Jurist.Prfg.	Rechtswissenschaft Hauptfach (Vertiefung: kein LA; POVersion: 2020)	5	-

Learning outcomes

Students in good academic standing at the end of the semester will:

- Develop an informed opinion about about the EU regulatory framework of software from the perspective of copyright law and other related fields;
- Identify the main contractual aspects concerning software licenses;
- Plan and develop a legal oriented research and conduct a professional-level discussion in regards to aspects of software law.

Course format

The seminar is focused on individual research, collective learning experience and systemic flow of information among the proposed topics. It is divided into two parts:

- 1) The “blogger for one week” section; and
- 2) The discussion phase

Each participant will be also a “[blogger for one week](#)”, working on one of available topics. Every participant is always a debater in the audience throughout the semester, except during the week when she/he is a blogger.

Each [blogger](#) is responsible for bringing the basic information in a clear and structured manner, so others can learn about the topic.

The [debaters](#) must ensure a collective learning process. Each topic should be well discussed by all participants.

During the [meetings](#), the lecturer will provide a bird's eye view of the group of topics, in order to ensure the systemic flow of knowledge between the topics.

Assignments

Bloggers & Debaters

During the first two weeks of the course we will have the topics distribution. **You must choose one of the topics listed.** The course schedule will be based on that.

Every month will have an [online lecture](#) to wrap-up the main take aways of the weekly discussions. It will be also a good chance to meet each other.

In the next section you find the instructions for bloggers and debaters.

Instructions

Bloggers	Debaters
<p>Duties</p> <ol style="list-style-type: none"> 1. You must write a blog post and send to Lucas by email on your scheduled Wednesday before 11:59 a.m. Your blog post is your main task in the course! 2. You must provide three discussion topics together with your blog post. 3. In the week following your article, you should interact with your peers in the Forum. It does not mean you must be online 24 hours and answer straight away, but you have to be present everyday, answer questions, reply to comments etc. <p>How to write a blog post</p> <ol style="list-style-type: none"> 1. Your blog post should have not less than 3500 words and max. 7000 words (an approximately 15-minute read in Medium.com's estimate. The blog post must be in the topic you have chosen. 2. Be creative: the style may be more informal and pedagogical; you can use pictures, memes, graphics, examples etc. Please respect copyright rules. 3. You are not allowed to use AI-powered generative models (e.g. ChatGPT). You have a serious responsibility to convey the ideas of your blog post to your colleagues. <p>You can find a few examples of good blog posts here, here and here.</p> <p>Feel free to contact me if you have any trouble. I do not expect you to be experts... yet :)</p>	<p>Duties</p> <ol style="list-style-type: none"> 1. When a blog post is available (on Wednesdays), in the the week that follows you must post at least one contribution to the three discussion topics on Moodle forum (i.e. at least 3 comments per week) before the next Wednesday at 11:59 a.m. 2. The comments should be pertinent to the development of the discussion so far. Your weekly contribution must consist of at least 300 words (split among all your comments). 3. You may ask questions, politely disagree with the blogger, suggest improvements, support the blogger with more evidence, recommend material etc. Remember it is the participation (not the correctness) that counts on the grade! 5. In our meetings you should also actively participate, using the opportunity to interact about the topics.

Online and in-person meetings

The online and presence meetings are lectures followed by the interaction among all participants. The meetings will have approximately 1 – 1,5 hours of duration. It will be a good opportunity for live Q&A.

The schedule for the meetings are published in Moodle.

Grading policy

To pass the course, you must achieve a performance of at least 60% on each of the items above separately, which includes abiding by the Course Guidelines.

- One complete blog post and the proposal of 3 discussion topics (50% of final grade)
- Active participation on the discussion forums every week. Minimum of three comments (300 words) (50% of final grade)

Topics for the blog post and term paper

Group 1. Fundamentals of software law

1. Software from the perspective of contract and copyright law: The regulatory overview.
2. Software patents and patentability of computer programs.
3. Trademarks and software agreements.
4. Reverse engineering and decompilation. DRM, right to repair and sustainability of the software
5. Software product liability issues, software quality control and the developer's liability.
6. Software and internet regulation issues.

Group 2. Software licensing models

7. Free and Open Source Software. Copyleft and non-reciprocal licenses.
8. Contracts for software acquisition, distribution and support. Cloud computing agreements
9. Internet of Things: consumer safety, cybersecurity and surveillance concerns

Group 3. Software and data interconnected licensing issues

10. Software and data. Data licenses. Artificial intelligence and software law.

Supporting bibliography

All works are available in the Humboldt Library or as Open Access in Internet, except for some sources, which can be replaced by the provided alternatives. For better access policies, use the [HU VPN](#) service.

Fundamentals of software licensing in Europe

- Coates, Kevin. *Competition Law and Regulation of Technology Markets*. 1st ed. Oxford, 2011.
- Devenney, James, and Mel Kenny. *European Consumer Protection: Theory and Practice*. Cambridge UP, 2012.
- Hughes, Anton. *The Patentability of Software*. Routledge Research in Intellectual Property. Taylor and Francis, 2019.
- Kur, Annette (eds). *European Intellectual Property Law: Text, Cases and Materials*. 2nd ed. Cheltenham, Edward Elgar Publishing, 2019.
- Pila, Justine (eds). *European Intellectual Property Law*. 2nd ed. Oxford, 2019.
- Rowland, Diane et al. *Information Technology Law*. 5th ed. London: Routledge, 2016.
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- Claeys, I. /Terry E. *Digital Content & Distance Sales: New Developments at EU Level*. Cambridge, 2017.
- Davison, Mark. *The Legal Protection of Databases*. Cambridge Intellectual Property and Information Law UP, 2003.
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- Zech, Herbert. *Artificial Intelligence: Impact of Current Developments in IT on Intellectual Property*, (GRUR Int.), 2019, p. 1145.

Software license agreements essentials

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Free and open source software licensing models

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Software license management

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I need help

These are unprecedented times. My overriding concern is your health and safety. As a student you may be under personal stress. The Humboldt University provides free, confidential services including individual and group [psychological counseling](#) and evaluation for emotional, social and academic concerns.

Do you possess any special needs to participate in this course? Please feel free to reach me out in Moodle or at [lucas.lasota\(at\)hu-berlin.de](mailto:lucas.lasota(at)hu-berlin.de).

Legal information

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