



centro adscrito a:



UNIVERSITAT POLITÈCNICA
DE CATALUNYA
BARCELONATECH

DIGITAL LAW TEACHING GUIDE 2024-25

GENERAL DATA

Name:	DERECHO DIGITAL - DIGITAL LAW
Code:	081924 MKCD
Course:	2022-2023
Titration:	Bachelor's Degree in Marketing and Digital Communication
Number of credits (ECTS):	6
Requirements:	English level B2
Location in the curriculum:	3er Curso, 1er Cuatrimestre
Date of last revision:	July 2024
Responsible Teacher:	Prof. Eduard Blasi Casagran Prof. Natàlia Esteve

1. OVERVIEW

The Digital Law course addresses the conflicts and legal challenges presented by the digital environment within the context of business and marketing. The very global nature and cross-border reality of the digital environment requires legal analysis and study with an international perspective. Consequently, the course is approached not only through the study of local or national legislation but also focuses primarily on European Union regulation and its digital strategy.

The subject within the studies of the Bachelor's Degree in Marketing and Digital Communication offers students the basic knowledge of digital law and the regulatory framework of emerging technologies, focusing them on the practice of marketing and communication. Such knowledge is necessary to comply with the basic principles and rules that affect the practice of marketing and digital communication, perceiving malpractices and thus avoiding and dealing with them. Similarly, it teaches students to recognize and protect their own and third-party legal assets, such as privacy, intellectual property, consumer rights, among others.

A practical vision is provided to be able to convert the theoretical knowledge of the legislation into necessary tools to be able to carry out marketing and digital communication actions, adequate and within the current legislation and professional ethics of the sector in today's society.

Teaching is taught in English. Students are also required to make their interventions, present their work and carry out assessment activities and exams in that language.

2. OBJECTIVES

At the end of the course the student will be able to:

- To understand the social functions of law as an instrument of government in today's society.
- Relate the practice of marketing to the adaptation to the various sectors of the legal system.
- Properly search for and manage basic legal information, to know the means of obtaining it and to recognise the institutions, bodies and official authorities to which they can turn.
- Read, interpret and critically evaluate information and Basic legal texts.
- Analyze situations and detect possible problems or legal risks and know how to address them.
- Detect and prevent internship within the field of marketing and digital communication.
- Develop and sustain legal reasoning, motivation and discourse, both written and oral.
- Evaluate the regulatory framework and determine the costs and sustainability of the decisions and actions to be taken.

3. CONTENTS

BLOCK 1: FUNDAMENTAL RIGHTS AND DIGITAL RIGHTS

TOPIC 1: INTRODUCTION TO DIGITAL LAW; REGULATION, COMPLIANCE, AND ACCOUNTABILITY.

Learning Outcomes

After studying the topics and performing the exercises, the student will be able to:

- Understand the legal framework applicable to the digital environment and its relevance.
- Detect and analyse legal issues that may arise in the digital environment.
- Understand the obligations, risks and responsibilities in a digital environment.
- Identify the complexity of applicable law and jurisdiction.
- Identify and analyze next-generation digital rights.

Content

- 1.1 What is Digital Law?
- 1.2 Regulatory adequacy and responsibility.
- 1.3 International jurisdiction and applicable law.
- 1.4 Digital Rights; development and future.

TOPIC 2: FUNDAMENTAL RIGHTS IN THE DIGITAL ENVIRONMENT

Learning Outcomes

The student, after studying the topics and performing the exercises, will be able to:

- Understand the relevance of fundamental rights, identify their preferential value and the importance of their respect and preservation.
- Differentiate between situations contrary to morals, ethics and/or law, especially around the use of emerging systems or technologies such as Artificial Intelligence.
- Distinguish the limits of the rights to freedom of expression and information, artistic freedom, the right to information, honour and one's own image.
- Weigh the different fundamental rights and assess when marketing practices and commercial communications may violate any of them.

Content

- 2.1 Introduction to the Protection of Fundamental Rights in the Digital Age.
- 2.2 Right to information, Freedom of expression and artistic freedom.
- 2.3 Right to honour, Right to privacy and Right to one's own image.
- 2.4 Weighing of Rights.

BLOCK 2: DATA PROTECTION AND DIGITAL SERVICES

TOPIC 3: PRIVACY AND DATA PROTECTION

Learning Outcomes

The student, after studying the topics and performing the exercises, will be able to:

- Differentiate privacy/intimacy from personal data protection .
- Understand the importance of privacy and personal data as well as the risks, size and impact of business practices.
- Understand the principles of data protection regulations (GDPR and LOPDGDD).
- Define the impact of actions on personal data and implement processes to comply with regulations.
- Identify and design the main clauses of a privacy policy or contract.

Content

- 3.1 Basic concepts of data protection.
- 3.2 Principles and application of the General Data Protection Regulation (GDPR).
- 3.3 Data Subjects and Data Controllers: Rights, Obligations and Responsibilities
- 3.4 The Spanish Data Protection Agency and Spanish Supervisory Authorities-
- 3.5 Privacy Policy

TOPIC 4: REGULATION OF DIGITAL SERVICES AND MARKETS

Learning Outcomes

The student, after studying the topics and performing the exercises, will be able to:

- Understand the legal framework of digital markets and services, e-commerce, and digital service and intermediation platforms operating in the European Union.
- Identify the basic content of the "Terms and Conditions" clauses in digital businesses (web / app).
- Understand the value of consumer rights and detect possible violations.

Content

- 4.1 Regulation of digital markets and services in Europe: *e-commerce Directive, Digital Services Act, Digital Markets Act, Data Act, etc.*
- 4.2 Gatekeepers: dimension and responsibilities
- 4.3 Geo-blocking and portability
- 4.4 Regulatory compliance and consumer protection.

BLOCK 3: INTELLECTUAL PROPERTY AND COPYRIGHT

TOPIC 5: INTELLECTUAL PROPERTY RIGHTS AND COPYRIGHT

Learning Outcomes

The student, after studying the topics and performing the exercises, will be able to:

- Know the limits of intellectual property rights on the internet.
- Differentiate and protect the different elements protected/able by industrial property rights (trademark, patent, design).
- Detect and prevent unfair practices and illicit use of elements protected by intellectual property and copyright.
- Define limitations and responsibilities in the use of copyrighted works.

- Identify and manage registrations and licenses for the use of registered elements and copyrighted works.

Content

- 5.1 Intellectual Property Law and Industrial Protection Systems
- 5.2 Patents and Designs
- 5.3 The registered trademark: Protection and distinctive signs; Trademark functions, infringements and anti-competitive practices.
- 5.4 Copyright and Related Rights: Definition and Regulation in Europe
- 5.5 Use of copyrighted works; Licenses Violations and Liability.

BLOCK 4: LEGAL ASPECTS OF COMMUNICATION AND DIGITAL MARKETING

TOPIC 6: DIGITAL MARKETING AND COMMUNICATION: REGULATION, LIMITS AND ILLICIT PRACTICES

Learning Outcomes

The student, after studying the topics and performing the exercises, will be able to:

- Understand the legal regime of digital communication and online marketing.
- Understand what are the rules that affect advertising.
- Know the rules and limits of advertising and marketing on social networks.
- Understand the value and respect the rights of the consumer in advertising or promotional campaigns.
- Differentiate between acts of commercial communication and detect illicit and anti-competitive behavior on social networks.

Content

- 6.1 Regulation of advertising, marketing and communication in the EU.
- 6.2 Legal principles governing advertising and regulations in the audiovisual sector.
- 6.3 Sectoral codes of conduct.
- 6.4 Illicit actions and digital communication.
- 6.5 Social networks and commercial communication: regulation of *Influencers* and promotion on social networks.

4. TEACHING AND LEARNING METHODOLOGY

Face-to-face group:

It is based on combining expository and participatory explanations in class with practical activities that will be developed in the classroom. The lectures are participatory and consist of the explanation of the legal-theoretical framework and the approach and discussion of cases. It requires reading the different topics in advance. As for the practical classes, the aim is to consolidate the theoretical concepts presented in the class, through the performance of autonomous work activities by the students with the supervision and guidance of the teaching staff.

The main activities to be carried out include:

- Presentation of theoretical content (face-to-face).
- Discussion in the classroom of problems or articles, carried out by the students and moderated by the teaching staff (face-to-face).
- Resolution of exercises, problems and cases, possibly with computer support, with the participation of the student in the classroom (face-to-face).
- Practical individual or team work (face-to-face).
- Group/cooperative work with and without the presence of the teacher.
- Teamwork for project completion (online).

Blended group:

The learning process is based on the student's work based on their study, reading texts, searching for documentation and preparing work. It is based on participatory and practical lectures to review the theoretical contents and consolidate the reading of teaching material, texts and articles related to the contents of the subject previously published on the virtual campus. With the practices in class and the work at home, it is expected to reaffirm the concepts and procedures that have been presented in the class.

- Presentation of content and problem solving with student participation (face-to-face).
- Discussion in the classroom of problems or articles, carried out by the students and moderated by the teaching staff (face-to-face).
- Autonomous study work and exercise (non-face-to-face).
- Teamwork for project completion (online).

5. EVALUATION

In accordance with the Bologna Plan, the model rewards the constant and continuous effort of students. 40% of the grade is obtained from the continuous evaluation of the directed activities and the remaining 60% from the final face-to-face exam. The final exam has two sittings.

The final grade of the subject (NF) will be calculated based on the following formula:

- **NF = Final Exam Grade x 60% + Continuous Evaluation Grade x 40%**
- The minimum passing grade for the final exam to calculate the NF is 40 out of 100.
- The subject is approved with an NF equal to or greater than 50 points out of 100.

Face-to-face group:

Type of activity	Description	% Continuous evaluation	
Deliveries:			30%
Submission + Rubric (peer evaluation)	Entrega_Bloque_2	33,33%	
Submission + Rubric (peer evaluation)	Delivery Boque_3	33,33%	
Teamwork: Delivery + Oral Presentation	Presenting legality in a marketing action (Bloque_4)	33,34%	
Questionnaires:			10%
Test Online	Theoretical Partial Block 1 & 2	100%	
Final examination			60%
	Final examination	100%	

Blended group:

Type of activity	Description	% Continuous evaluation	
Deliveries:			30%
Submission + Rubric (peer evaluation)	Delivery Boque_3	50%	
Teamwork: Delivery + Oral Presentation	Presenting legality in a marketing action (Bloque_4)	50%	
Questionnaires:			10%
Test Online	Theoretical Partial Block 1 & 2	100%	
Final examination			60%
	Final examination	100%	

6. BIBLIOGRAPHY

- De Miguel Asensio, P.A. (2023) *Manual of New Technologies Law: Digital Law*, Editorial Aranzadi ED.
- De Miguel Asensio, P.A. (2020). *Conflict of Laws and the Internet*. Cheltenham, UK: Edward Elgar Publishing. doi: <https://doi.org/10.4337/9781788110822>
- Synodinou TE., Jougleux P., Markou C., Prastitou T. (eds) (2017), *EU Internet Law*, Editorial Springer
- Savin, A. (2020). *EU Internet Law*, (3rd edition), Edward Elgar Publishing House

7. COMPENDIUMS OF LEGISLATION (OPEN ACCESS)

- Personal Data Protection Code, BOE, 2024
 - https://www.boe.es/biblioteca_juridica/codigos/codigo.php?modo=2&id=055_Proteccion_de_Datos_de_Caracter_Personal
- Industrial Property Code, BOE, 2023
 - https://www.boe.es/biblioteca_juridica/codigos/codigo.php?id=067_Propiedad_Industrial&modo=2
- Intellectual Property Code, BOE, 2024
 - https://www.boe.es/biblioteca_juridica/codigos/codigo.php?id=087_Codigo_de_Propiedad_Intelectual_&modo=2
- Code of Advertising Law, BOE, 2023,
 - https://www.boe.es/biblioteca_juridica/codigos/codigo.php?id=248_Codigo_de_Derecho_de_la_Publicidad&modo=2