

**COURSE DATA****DATA SUBJECT****Code:** 36819**Name:** Competition Law**Cycle:** Undergraduate Studies**ECTS Credits:** 4.5**Academic year:** 2025-26**STUDY (S)**

Degree	Center	Acad. year	Period
1933 - Double Degree in Law and Economics_2022	Facultat d'Economia	5	First quarter

**SUBJECT-MATTER**

Degree	Subject-matter	Character
1933 - Double Degree in Law and Economics_2022	Asignaturas de quinto curso	COMPULSORY

**COORDINATION**

RUIZ PERIS JUAN IGNACIO

**SUMMARY**

The course Competition Law is an compulsory, one-term course worth 4.5 credits, taught in the fifth year of the Double Degree in Law + Economics.

- According to the *Verifica* of the Study Plan, this course is about the following topics:
- Competition as an economic system
- Unfair competition (regulation, delimitation of the application of the different rules) and Antitrust Law (regulation of collusive and abusive practices, antitrust authorities, etc.)
- Distinctive signs (especially trademarks)
- Industrial design
- Inventions



## PREVIOUS KNOWLEDGE

### RELATIONSHIP TO OTHER SUBJECTS OF THE SAME DEGREE

There are no specified enrollment restrictions with other subjects of the curriculum.

### OTHER REQUIREMENTS

The Study Plan of the Degree in Law does not establish any previous requirements to follow the course on Competition Law. Nevertheless, its study assumes that the student knows about the statute of the commercial entrepreneur (36769 - Commercial regulation of business activity), the general theory of contracts and obligations (36766 - Obligations and contracts) and commercial contracts (36772 - Merchant).

## COMPETENCES / LEARNING OUTCOMES

### DESCRIPTION OF CONTENTS

#### 1. COMPETITION AND LAW

- I. Competition as an economic system
- II. Competition law systems. Globalisation and competition law.
- III. Competition and the European Union
  - a) Double barrier
  - b) Effects on the trade between the Member States
- IV. Spanish constitutional framework
- V. Competition Law rules
  - a) Unfair Competition Law
  - b) Antitrust Law
  - c) Consumer protection legislation.
- VI. Competition authorities: decentralization at national and EU level.
- VII. Courts and administrative and jurisdictional enforcement.

#### 2. INTRODUCTION TO ANTITRUST LAW

- I. General concepts



- a) Concept of undertaking
  - b) Relevant market
  - c) Prohibited conducts v controlled conducts
  - d) Market power and effects on the market
- II. Administrative and jurisdictional enforcement
- a) Proceedings before the competition authorities
  - b) Inspection, confidentiality and procedure
  - c) Types of proceedings termination
  - d) Jurisdictional enforcement
  - e) Legality control of competition authorities decisions.

#### **4. COLLUSIVE AGREEMENT AND PRACTICES**

- I. General prohibition
- II. More frequent collusive conducts
- III. National legal exception
- IV. Auto-evaluation system
- V. Block exemptions

#### **5. ABUSE OF DOMINANCE AND DMA**

- I. Dominant position.
- II. Assessment criteria
- III. Abuse concept
- IV. More frequent abusive conducts
- V. Digital Markets Act (DMA)

#### **6. PRIVATE ENFORCEMENT**

- I. Nullity
- II. Compensation of damages.
  - a) Case law and Directive 104/2014/UE.
  - b) Damages: cartel damages rebuttable presumption, joint and several liability and umbrella liability.
  - c) Individual claims and collective redress.
  - d) Direct and indirect purchasers: Pass on.



e) Jurisdiction and forum shopping.

f) Access to evidence and leniency.

## **7. MERGERS**

I. Merger control authorities and thresholds: Killer acquisitions.

II. Efficiencies and harm to consumers.

III. Horizontal and non horizontal mergers: Theories of harm.

IV. Clearance, conditions and blocking.

## **8. AIDS AND COMPETITION**

I. State Aids

II. Dumping.

III. Foreign subsidies.

## **9. UNFAIR COMPETITION**

I. General remarks and historical background. Protected interests served by the unfair competition legislation.

II. International, European and comparative approach to unfair competition law.

III. Unfair competition legislation.

IV. Scope of application of LCD

V. General clauses: B2B, B2b and B2C conducts

VI. General prohibitions

VII. Commercial practices prohibited for consumer protection

VIII. Codes of conduct

IX. Actions against unfair conducts and illegal advertising

X. Self-regulation in advertising

XI. Unfair conducts considered antitrust violations.

## **10. INDUSTRIAL AND INTELLECTUAL PROPERTY**

I. Theory of intangible assets.

II. Intellectual creations and distinctive signs.

III. Intangible assets and the European Union.

IV. Globalization and intangible assets.



V. Valuation of intangible assets.

VI. Main intellectual creations and their protection

- a) Patents.
- b) Design.

VII. Main distinctive signs and their protection: Trademarks.

VIII. Actions.

## WORKLOAD

### PRESENCIAL ACTIVITIES

Activity	Hours
Theoretical and practical classes	45,00
<b>Total hours</b>	<b>45,00</b>

### NON PRESENCIAL ACTIVITIES

Activity	Hours
Attendance at other activities	5,00
Individual or group project	6,00
Independent study and work	29,00
Preparation of lessons	14,00
Preparation for assessment activities	6,00
Resolution of case studies	7,50
<b>Total hours</b>	<b>67,50</b>

## TEACHING METHODOLOGY

Teaching is based primarily in lectures, which will be combined with other materials that students may use to complement the course.

Books to follow the course will be recommended.

- Attendance to lectures, seminars and classroom activities: classroom lectures, case study, problem solving
- Preparation of lectures, works and tutorials: schemes, concept mapping, summaries, individual and/or group presentations, attendance to tutorials
- Preparation of exams and evaluation tests: reading comprehension of texts and other study materials

Exams and evaluation tests: oral or written expression of knowledge

## EVALUATION



The evaluation consists of:

1. Oral or written exam (it will be specified in the course guide). The exam will be worth 70% of the final grade.

Regardless of the general evaluation system (written or oral), the teacher may determine in the annex the option of changing the system if the exam has to take place on a date which is not the official one applying the regulations for the case of coincidence in exam dates that can be found in the Evaluation and Qualification Regulations of the Universitat de València.

2. Evaluation of supplementary and applied activities. This component will account for 30% of the final grade. Complementary and/or directed activities will be specified by the instructor in the annex to the course syllabus.

Continuous evaluation activities (guided activities and supplementary activities) can't be replicated for the second call whenever their nature makes it impossible to repeat a similar test that evaluates the training of the student. The lecturer will specify the latter in the annex, where supplementary activities and guided activities that will take place during the course must be detailed.

The grade for the first call is formed by the result of the final test grade and the continuous evaluation in the percentages stated above. In second call the grade obtained in the continuous evaluation will be kept. In any case, students must pass the final test to pass the course. In the event of not passing the exam, the grade in the student's record will be the weighted sum of the grade obtained in the continuous evaluation and the grade obtained in the final test. The grade will not be higher than 4.5 (Fail).

Despite having, fully or partially, participated in the continuous evaluation, if the student does not show up to the final test, the grade in the record will be NOT PRESENTED. However, as an exception, if the student asks for it, and taking into consideration special circumstances, FAIL might be the grade in the record, considering only the weighed continuous evaluation.

## REFERENCES

- BERCOVITZ RODRIGUEZ-CANO, A., Apuntes de derecho mercantil: derecho mercantil, derecho de la competencia y propiedad industrial, Thomson/Aranzadi.2016
- BERCOVITZ RODRIGUEZ-CANO, A., (Dir.) Comentarios a la Ley de Competencia Desleal, Thomson/Aranzadi.2011
- FERNÁNDEZ NOVOA, C OTERO LASTRES, J.M. BOTANA AGRA, M., Manual de la propiedad industrial. Marcial Pons. 2013.
- GUTIÉRREZ, MASSAGUER, SALA ARQUER, FOLGUERA CRESPO (dirs.), Comentario a la Ley de Defensa de la Competencia, Civitas, 2015.
- BERCOVITZ RODRÍGUEZ-CANO, A., La nueva Ley de patentes: Ley 24/2015, de 24 de julio, Aranzadi, 2015.



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**Course Guide**  
**36819 Competition Law**

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