1- SUBJECT DESCRIPTION

Property rights play an important role in our society and in economical relationships. People need property to satisfy their most basic needs (dwelling). But also business is commonly related to the land (at least, as collateral). Assets provide benefits to the people, and property law regulates the different legal ways to establish the relationships between both persons and assets.

These relationships have existed for centuries, although characteristics of property rights have evolved according to the different ideas of each historic period. In fact, some institutions of property law come from Roman law, although their current configuration is different, according to the modern times. But their essence is the same. Other institutions have appeared in the last centuries to resolve the needs of the modern life and to improve security in transactions. That is the case of the Land Registry.

But the legal configuration of property rights is very different from one country to another. To begin with, common law and civil law have a different understanding of the general idea of property rights. While common law only refers to immovable assets, civil law includes movable assets too. And each country has a specific regulation of property law which differs from the others. In spite of these differences, international transactions are increasing with globalization and in this new context it is very helpful to have a general knowledge of all the trends in property law. For this reason, in this course students will be able to obtain a global knowledge of property law adapted to the global society of the XXI century.

Previous concepts for an adequate understanding of the course are related to introduction to private law and contract law.

2- OBJECTIVES AND SKILLS

2.1.- OBJECTIVES

This course aims are:

1.- to provide a general understanding of property law in common and civil law
2.- to deepen in the meaning, nature, characteristics and function of the main institutions of property law
3.- to analyze the different forms of ownership from both theory and practice
4.- to explore the benefits of property for others than owners: holders of easements, creditors (pledge, mortgage)
5.- to describe the different systems of real estate transactions
6.- to develop the main models of Land Registry, their organization, procedures and legal effects in connection with property rights
7.- to study the context of EU integration as far as Land Law is concerned

2.2.- SKILLS

By the end of the course, students will be expected to be able to:

1.- Describe the main elements of property law in common and civil law and differences between both systems
2.- Discuss about the legal configuration of property rights, their benefits and problems
3.- Describe the key aspects of ownership and other property rights
4.- Look into the legal framework of property law in different countries
5.- Resolve cases related to property law and real estate transactions in different European countries
6.- Resolve cases related to the effects of Land Registry in property rights in different legal systems.
7.- Analyze from a critical perspective different property law systems

3- CONTENT

SESSION 1
Property Law: Concept and categories. Differences in Common Law and Civil Law

SESSION 2
Dynamics of property rights and conveyance systems

SESSION 3
Ownership: Approach in Common Law and Civil Law

SESSION 4
Defense of ownership right

SESSION 5
Possession: concept and categories. Fact or right?

SESSION 6
Possession: presumptions and protection. Extinctive and acquisitive prescription

SESSION 7
Case study

SESSION 8
Urban and rural property

SESSION 9
Joint ownership
SESSION 10
Condominium

SESSION 11
Easements

SESSION 12
Case study

SESSION 13
Private property and social function of property: workshop

SESSION 14
Guaranties: concept, elements and categories.

SESSION 15
Pledge

SESSION 16
Mortgage

SESSION 17
Mortgage

SESSION 18
Mortgage flexibility, UE directives and Euromortgage

SESSION 19
Registration of Deeds

SESSION 20
Registration of Deeds

SESSION 21
Title Registration

SESSION 22
Title Registration

SESSION 23
Top Legal Questions for Land Registration

SESSION 24
Top Legal Questions for Land Registration and Conveyancing
SESSION 25
Top Legal Questions for Land Registration and Conveyancing

SESSION 26
New Technologies and Land Registration. European Land Information System

SESSION 27
Cross Border Conveyancing in the EU

SESSIONS 28 & 29
Practical sessions at the Land Registry

SESSION 30
Exam

4- METHODOLOGY AND ECTS WEIGHTING

4.1.- METHODOLOGY

Participation of students will be a key aspect of the course. Professors will lead their learning process through presentations and lectures, but students are expected to show an active attitude and demonstrate in the class their achievements through their interventions. Students will be involved in collaborative and competitive activities in order to obtain the maximum results. Answering questions and questioning will be also part of the methodology. Other important elements of the learning process are workshops and case study sessions, where students will have to reveal their progress. Finally, it is expected that students become familiar with the use of legal texts and jurisprudence.

Legal materials and discussions will help students to learn the essential elements of property rights. Real estate transactions and security in property rights are basic elements in legal traffic, and students will discover the essence by reading, thinking and discussing about all the topics included in this course.

4.2.- ECTS WEIGHTING

6 ECTS x 25 student work hours = 150 hours, divided as follows:

- 38.5 hours: lectures and class sessions
- 109.5 hours: students personal learning (class preparation, class readings, assignments, etc.)
- 2 hours: written exam

5- EVALUATION SYSTEM

5.1. GENERAL OBSERVATIONS

Each student has four attempts over two consecutive academia years to pass this course. Students are expected to attend at all class sessions of the course. Students’ attendance must be over 70% and an absence of more than 30% will result in a grade of 0.0 for the subject. Students not fulfilling the attendance requirement will automatically lose as well two attempts to pass the course and will have tow last attempts to do so during the following academic year.
Besides, students are expected to have prepared the materials and participate in the class. Their interventions will be a part of the final grade as well as the grade on the final examination. Not only the frequency of interventions, but also the quality of the arguments will be taken into account. Therefore, an adequate preparation of the materials before every session will be required. Class preparation and class participation are essential in order to pass the course.

During the final exam the use of Internet, mobile phones, books or other materials is not allowed.

5.2. EVALUATION AND WEIGHTING CRITERIA

- Class attendance and active participation: 25%
- Written assignments and class presentations: 25%
- Final Exam: 50%

Retake exam

In case of grade below 5.0, the student is required to take the retake exam to pass the course. The maximum grade in the retake period is 8.0.

A student missing over 30% of the class meetings will not be allowed to take the retake exam, but will only have two attempts left to pass the course during the following academic year.

The exam will cover everything that students have learnt in class, including lectures, case discussions and group exercises.