

SYLLABUS

INTELLECTUAL PROPERTY

SUMMER 2019

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SYLLABUS

INTELLECTUAL PROPERTY

SUMMER 2019
3 CREDIT HOURS

PART 1: COURSE DETAILS

CONTACT INFORMATION

INSTRUCTIONAL TEAM

Megan Carpenter
Ann Bartow
Joanne Martin
William Murphy
Stanley Kowalski

Online Office Hours: TBD

Phone: TBD

E-mail: TBD

Best way to contact: Email

Reply policy: We will try to respond to emails within 24 hours. If you do not receive a reply to your email within a reasonable period of time, please send it again. Sometimes email is captured by SPAM filters, is addressed incorrectly, or just simply does not get sent.

TECH SUPPORT

For technical support, please contact the Helpdesk at:

Phone: 800-472-8899

Email: support@lawstudentonline.com

COURSE DESCRIPTION

Intellectual property is all about human creativity and ingenuity. It includes inventions and know-how, art and music, designs and branding. Intellectual property law is the legal framework we use to determine, apportion, secure, and leverage these rights in the marketplace. By the end of the semester, students taking this course should have an overview of trade secrets and a solid knowledge of the basics of patent law, copyright law, and trademark law in the United States as derived from the pertinent federal statutes and through case law and administrative

actors. Students should also understand the relationship between intellectual property and global development, as well as how intellectual property is used in the marketplace through competition and antitrust law. Students should be able to spot intellectual property law issues and sketch out the steps a conscientious lawyer might take in handling intellectual property law disputes.

COURSE LEARNING OUTCOMES

Upon completion of this course, students should be able to:

- Explain the requirements that the Constitution and Copyright Act place upon people seeking to obtain copyright protection for creative works.
- Detail the fundamental “copyrightability” concepts of fixation, originality and authorship, as well as limitations of copyright law.
- Describe how U.S. copyright law defines an author, and authorship generally.
- Define what a trademark is, and what can be protected as a trademark.
- Illustrate the “spectrum of distinctiveness.”
- Express the effect of genericism on trademark rights.
- Describe how priority of trademark rights is established, as well as the difference in scope of rights between registered marks and unregistered marks.
- Define the concept of “use in commerce” and how that relates to acquisition of rights.
- Explain the overall process for trademark registration and cancellation, as well as grounds for refusal of registration by the USPTO.
- Apply the likelihood of confusion factors in a trademark infringement analysis.
- Describe the two forms of dilution, and understand trademark fair use.
- Recognize the natural human need (for recognition, reward, etc.) and social needs (for community organizational, innovation and growth, etc.) within a structured and predictable plan.
- Detail the requirements for a properly described invention (the Specification and the Drawing) as part of a patent.
- Examine and consider how best to present the ‘novelty’ of an invention in contrast to all others’ technology.
- Examine and describe patent claims that legally define a structure or method, and its varied embodiments, and their particular construction, format, and careful use of particular words.
- Examine and detail the iterative administrative process between the Examiner and the Applicant in a patent application.
- Explore infringement of the rights of the patent holder by another, the defenses to an asserted claim of infringement, and remedies when infringement is established.
- Examine and explain the different and complementary types of design patent protection.
- Provide an overview of patents in an international context
- Explore the need for and background of trade secrets, and agreements to keep trade secrets.

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- Consider the intersection of trade secrets with contract law.
 - Define trade secrets and misappropriation of trade secrets.
 - Describe remedies for disclosure and violation of agreements.
 - Summarize the fundamentals of university technology transfer in a developed country, with a focus on law, policy and practice in the USA.
 - Appreciate the importance, impact and benefits that university technology transfer has provided to the USA.
 - Explore the fundamental role of intellectual property and technology transfer in the rapidly emerging global innovation economy.
 - Examine the current situation and challenges facing developing countries and the necessity to connect to the global innovation market.
 - Strategically conceptualize an action plan to build capacity and capability in developing countries that will catalyze establishment of innovation ecosystems.

PART 2: MATERIALS AND COURSE REQUIREMENTS

READINGS

REQUIRED TEXT

1. **Intellectual Property in the New Technological Age** by Peter S. Menell, Mark A. Lemley and Robert P. Merges (2017), Volumes I and II. These books may be purchased online here: <http://clause8publishing.com/ipnta/> for a total cost of \$55. They are also available via [Amazon.com](https://www.amazon.com) at slightly different prices.
2. **Paper or digital copies of the Defend Trade Secrets Act of 2016, the Patent Act, the Copyright Act and the Trademark (Lanham) Act.** Students should refer to relevant sections in each class module. The statutes can be downloaded for free via the internet or purchased (\$12.50) through [Amazon.com](https://www.amazon.com) (eg, Intellectual Property: Law & the Information Society: Selected Statutes & Treaties: 2016 Edition Paperback, by James Boyle and Jennifer Jenkins).

RECOMMENDED TEXTS & OTHER READINGS

Please also bookmark or make note of the following resources:

- Recommended readings TBA

TECHNOLOGY REQUIREMENTS

Students are expected to meet basic technology requirements to successfully participate in this online course. Failure to meet these requirements may cause problems accessing the course materials. It is the student's responsibility to ensure all requirements are met prior to the start of the course.

- Access to the Internet is required. While any browser can be used, Firefox and Chrome are recommended.
- Access to D2L and Online Office Hours Tool (Ex. Zoom). See [Part 3: Accessing the Course](#) for more details.
- You will need the capability to speak and hear so you can watch videos and participate in the live online office hours, if offered. Make sure that the device(s) you will be using have a microphone and speakers or that you have access to a headset. A webcam is optional but not required.

PART 3: ACCESSING THE COURSE

TIME ZONES

Please note that this course is set up to run in the Eastern Time zone. Check your syllabus for all assignments deadlines. Modules close on Sundays at 11:59 pm ET.

Eastern	Central	Mountain	Pacific
11:59pm	10:59pm	9:59pm	8:59pm

Daylight Saving Time: Daylight Saving Time (DST) may impact when your assignments are due.

As a student in a distance education course, it is your responsibility to learn and observe the time deadlines for assignments. Late work will not be accepted due to time zone differences.

COURSE SITE (D2L)

The course will be taught entirely online in an asynchronous environment using the Learning Management System – Desire2Learn (D2L).

The course is designed to give students a dynamic online learning experience. Students will receive notice of a student orientation which will familiarize you with the basics of navigating this platform. Students will also receive their login information (username and password) via email.

To access the course:

1. Go to: <https://mycourses.lawonline.me>.
2. Enter the username and password you have been provided.
3. Locate and click on the course name under *My Courses*.
 - a. If you have trouble logging in, please contact the Helpdesk at 800-472-8899 or via email at support@lawstudentonline.com

OFFICE HOURS VIA ZOOM

Online office hours will be available through Zoom Online Rooms. Students will have the opportunity to speak with the instructor during these office hours. Students can also choose to share their webcam or be given permission to share documents with the instructor via the online rooms.

PART 4: COURSE STRUCTURE

OVERVIEW

The course is organized around a weekly schedule that will begin each Monday 12:01 AM ET and end the following Sunday 11:59 PM ET. A typical week will cover multiple topic areas, balanced for depth and length. Any assignments for a given topic will normally be due at the end of the weekly period unless otherwise indicated.

This course has the unique benefit of being developed by multiple instructors who are experts in their respective fields, so the structure and approach of each week may vary, giving students a rich, layered learning experience.

CONTENT DELIVERY

COURSE LECTURES

There will generally be 60-90 minutes of course lecture videos to watch in each module.

READINGS

These may be readings from the text or supplemental readings linked out to from the course site. Generally, we will assign 30-50 pages of reading per module.

ASSIGNMENTS AND ACTIVITIES

QUIZZES

Each week, there may be short quizzes to confirm your understanding of the readings, lectures, and discussions. These quizzes may be placed at the end of lecture videos, or may exist as their own entities.

DISCUSSION BOARD

1-2 questions will be posted to the discussion board for each module. For most discussion prompts, you are expected to contribute your own initial response, and then read your classmates' responses and provide substantive feedback to at least two classmates. The initial postings must be completed by Thursday at midnight EST, and the responses to your classmates must be posted by Sunday at midnight EST. Your answers should demonstrate a mastery of the material assigned at that point in the course. You should expect to spend at least 2 hours per week on the discussion boards.

FINAL EXAM

During the last week of the course, there will be a final exam. You may start it at any point during that final week, but must pay close attention to time limitations and the final deadline.

PART 5: STUDENT RESPONSIBILITIES

MANAGING YOUR STUDIES

The following attributes will greatly contribute to your success in this course.

- *Be self-motivated.* You should be able to manage and direct your own learning environment and methods to fulfill course requirements and achieve individual academic success.
- *Be an independent learner.* Successful online students are self-starters. They work well with the flexibility that the 24/7 any time--any place format provides. You should be able to learn on your own and at an accelerated pace without direct supervision.
- *Have a minimum level of computer literacy.* Although it is not essential to have advanced computer skills, you should possess a working knowledge of email and the internet, as well as basic keyboarding skills.
- *Manage your time well.* You must be able to organize and plan your own best "time to learn." There is no one best time for everyone, but the key to success is to make the time to learn.

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- *Utilize effective communication skills.* You must use email and discussions to communicate with your peers and instructor(s). The ability to read and to write clearly in order to communicate ideas and assignments is essential. Also, sharing reflections - of your own work as well as your course mates' - is a crucial component of a successful experience. This method provides you with rapid feedback as well as a means to inform me of any concerns or problems that you may be experiencing.
 - *Be personally committed to successfully completing this online course.* Because of the flexibility in scheduling in this course, you must have a strong desire to learn and acquire knowledge and skills via online courses. Making a commitment to learn in this manner is a very personal decision and requires a strong desire to perform in order to achieve academic success.

RESPECTING THE ACADEMIC COMMUNITY

Netiquette consists of the rules and guidelines for acceptable behavior in electronic communication. Remember, while working in an online course you are in an academic setting and should conduct yourself accordingly.

All students are expected to follow netiquette guidelines as outlined below:

- You are not text messaging friends. This means text message acronyms (such as LOL, IMHO, BCNU, etc.) are not acceptable. Express yourself with proper spelling, grammar, and punctuation.
- Out of respect for your fellow course mates' and instructor's time, keep your communications as clear, straightforward, and concise as possible.
- Use appropriate mixed case text; avoid using all lowercase or all uppercase text (SHOUTING).
- You are your words. Your communication in an online course represents you. Always review and edit your communication before submitting.
- Give respect to your classmates. Be courteous, respectful of others' opinions, sensitive to diversity, and polite.
- Respect other people's privacy. Do not share other individuals' personal information (i.e., e-mail addresses, phone numbers, etc.) without permission.
- It's okay to disagree with someone's opinion or constructively criticize an idea. It is never okay to personally attack another student. Debate the idea; do not attack the person.
- Free speech is not an absolute right in an online course.
- Your words should be your own. If you quote from your casebook or any other text, cite accordingly.

INSTRUCTOR EXPECTATIONS OF STUDENTS

- Students are expected to keep up with the class, to read the required readings, to watch the required recordings, and to submit assignments and activities by Sunday at 11:59pm EST of the week the topic is covered.
- Students should log on to D2L at least three times per week to check for announcements, complete work, and participate actively in discussion boards.
- Students are expected to independently complete all activities, assignments, quizzes, and the final exam. Do not refer to canned briefs or commercial outlines when briefing cases to submit as assignments. You may consult those materials after submitting your brief to check your understanding. It's fine (and you may find it helpful) to review topics in commercial outlines after they've been covered in class or before the final exam.
- You may email your instructor(s) with specific questions about assigned materials or topics, or about IP law generally. If you choose to do so, please also note in your message what steps you have taken to try to answer the question on your own. We may respond directly to you or, if we think the discussion will be helpful to other students, we may email the class or address your question on the discussion board or in an announcement. We will not attribute your question(s) to you publicly without your permission.
- We reserve the right to make changes to the syllabus during the semester; if and when we do, we will post an announcement in D2L.
- You are responsible for all assigned material, whether or not the lecture materials cover material contained in those readings.
- On the Discussion boards, to receive maximum points for questions, students need to follow the instructions carefully, follow word limits as instructed, and use Spell Check. There may be deductions if these guidelines are not followed.
- The final exam is subject to strict confidentiality requirements. Please read carefully the instructions that accompany the exam. Sharing the exam prompts, exam memos, or sample exam answers with anyone outside of the class is forbidden and constitutes a violation of the UNH Law honor code.

PART 6: GRADES AND GRADING POLICIES

GRADED COURSE ACTIVITIES

The following formula will be used to calculate your final grade:

Percentage	Description
40%	Discussion
30%	Quizzes
30%	Final Exam

PART 7: OTHER COURSE POLICIES

See school policies on matters of Academic Integrity and Student Conduct. Matters involving integrity or Honor Code issues will be transmitted to school administration.

ATTENDANCE

This course is delivered asynchronously to accommodate students' other life obligations. Students must access each lecture for an appropriate amount of time, participate substantively in the Case Problem Assignments, and complete the Final Exam by set due dates. Students' attendance responsibilities follow school policy. Any questions will be referred to school's administration.

SPECIAL ACCOMMODATIONS

Contact school about requests for special accommodations and ask that they send granted accommodations to support@lawstudentonline.com

PART 8: COURSE TOPICS

The following is a list of topics which will be covered in the course. Please refer to the course schedule for details on topics, assignments, and due dates. Any change related to the course schedule will be communicated to the students through an announcement to all students or by modifying the course syllabus and notifying students of the modified syllabus.

Module	Topics
1	Introduction to Intellectual Property
2	Copyrights (1)
3	Copyrights (2)
4	Copyrights (3)
5	Trademarks (1)
6	Trademarks (2)
7	Trademarks (3)
8	Business and IP
9	Global Development and IP
10	Patents (1)
11	Patents (2)
12	Patents (3)
13	Trade Secrets
14	Wrap Up