

Professor Ira Steven Nathenson

Syllabus

INTELLECTUAL PROPERTY OVERVIEW ST. THOMAS UNIVERSITY SCHOOL OF LAW

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Class time: June 2 through June 30: Tuesday from 9AM-12 noon, Room 103
Office hours: Mon. 1:00-3:00PM, Tues. 3:30-5:30PM, Wed. 2:00-4:00PM
Course website: <http://www.nathenson.org/courses/ip-overview/>
Syllabus: <http://www.nathenson.org/courses/ip-overview/ip-overview-syllabus/>
Assignments: <http://www.nathenson.org/courses/ip-overview/ip-overview-assignments/>

ABOUT INTELLECTUAL PROPERTY OVERVIEW

Intellectual property, or “IP,” is at the center of some of today’s most important legal disputes. Accordingly, any well-studied lawyer ought to have knowledge of the topic. This course serves as an overview of major areas of intellectual property law, such as copyright, trademark, patent, trade secrets, and right of publicity. The class serves three purposes. First, it is aimed at students who want to learn the basics of IP law so that they become better able to identify IP issues that may arise in practice. Second, this course serves as a foundation for students who may later wish to take more intensive specialized courses such as copyright, trademark, and patent. Third, because the course is also available to 1L students, it serves as a way for students to integrate concepts found in other 1L courses, because IP law often reflects concepts arising from the law of torts, contracts, property, procedure, and even criminal law.

BOOKS

Required materials are the course website, a free statute book, and a low-cost *E&E* book.

1. **Course Website:** Site at <http://www.nathenson.org/courses/ip-overview/>. This website is your source for the syllabus, assignments, and other materials. Details on the course website are provided below.
2. **Statute book (free):** SELECTED STATUTES & TREATIES FOR JAMES BOYLE & JENNIFER JENKINS, INTELLECTUAL PROPERTY: LAW & THE INFORMATION SOCIETY—CASES AND MATERIALS (2014), available at <http://web.law.duke.edu/cspd/pdf/IPStatutes2014.pdf>. You can also access statutes from the links provided on the [IP Overview assignments](#) page.
3. **McJohn E&E:** STEPHEN M. MCJOHN, INTELLECTUAL PROPERTY: EXAMPLES & EXPLANATIONS (5th ed. 2015). The only edition that will work is the Fifth edition. This book is available from the STU book store. This is the only book that will cost you any money. Note (May 26): the STU book store is short on the number of books needed. The bookstore states that it will receive more copies of the book by Thursday, May 28. Before driving onto campus to get the book, you might call them at 305-625-5179 to confirm they have the book in stock.

COURSE WEBSITE

Assignments and course-related materials will be posted to the course website at <http://www.nathenson.org/courses/ip-overview/>. In addition, selected course-related announcements and materials may be sent to your official St. Thomas Law email account.

LEARNING OUTCOMES AND METHODOLOGIES

Learning outcomes. The goals for this course include:

- Teaching students to identify selected IP issues that might arise in practice.
- Laying a foundation for students who wish to later take dedicated IP courses.
- Using IP to integrate concepts found in foundational 1L courses.
- Providing overviews of major areas of federal and state IP protection:
 - Comparisons of the major areas of IP protection.
 - Copyright: subject matter, basic exclusions, ownership & duration, exclusive rights, direct liability, and major defenses.
 - Patent: subject matter, exclusions, novelty/utility/nonobviousness, and infringement.
 - Trademark: subject matter, protectable/unprotectable symbols, searching, acquisition, priority, assignment, and loss of rights.
 - State IP: trade secrets (subject matter, reasonable security measures, public disclosure, and misappropriation) and right of publicity.
- Opportunities to engage in construction of IP statutes.
- Exposure to Florida IP statutes regarding trade secrets and right of publicity.
- Introduction to representative tools and activities of IP practitioners such as the Copyright, Patent, and Trademark websites, searching, reading patents, and more.

Learning methodologies/assessment. As a one-credit course, the breadth and depth of IP topics covered will be by necessity limited. Interested students should follow up their studies by taking additional courses that go into further depth on topics of interest. In addition, because the course will be taught over four sessions of three hours each, the approach taken will differ significantly from other upper-level courses. Put differently, long-session learning requires that a variety of learning approaches are used, in order to keep engagement and energy levels high. Thus, a typical class session may include:

- Discussion of readings from accessible *Examples & Explanations* hornbook.
- Construction of key IP statutes.
- Lecture components with audiovisual and hypotheticals.
- Breakout group discussions with follow-up class discussion.
- Experiential learning in breakout groups, doing things such as trademark searching, reading patents, and more.
- Formative assessment through quizzes to gauge student comprehension of assigned materials.

ASSIGNMENTS

Place to find assignments. See the course website at <http://www.nathenson.org/courses/ip-overview/> for the first assignments and all future assignments.

Length of assignments. Because the class is three hours long and meets only one time per week, the assignments are commensurate with what you would expect to cover over the course of an entire week's upper-level class that meets two or three times a week. Having said that, I have tried to make the assignments as short as reasonably possible and still provide a meaningful overview of intellectual property topics.

Necessity of preparation. Because each class will build heavily on the matters discussed in our first session, all students are expected to be well-prepared for the first class and every class following. With only four weeks in the teaching semester, it is crucial to stay on top of the assignments from the beginning. Along those lines, there will be a short quiz at the beginning of each class starting with the second week of class.

GRADING

As noted, there will be short in-class quizzes at the beginning of each class session starting on week two. The bulk of your grade, however, will be based on a final examination that will take place in class on Tuesday, June 30, 2015. The final examination will be open book (printed materials only) and will consist of multiple-choice and written-response questions. You can find further details regarding the final examination on the [IP Overview assignments](#) page.

ATTENDANCE POLICY

100% attendance is mandatory. Because there are only four (4) regular class sessions, 100% attendance is mandatory. Missing any one class (including the first week) would put you over the limit for the St. Thomas Law attendance policy. There are no exceptions. Furthermore, because class is three (3) hours long, there is no way to make up any missed class.

Class attendance. Class attendance means, among other things, that you are in your seat and ready to start work on time. I cannot emphasize enough how important it is for you to be in your seat and ready to start on time. Because this is a long class, we will take one or more breaks. Accordingly, please do not exit the classroom without good cause.

Sign-in sheet. As always, the sole measure of your attendance is the sign-in sheet, which you must sign while in class. You may not ask or allow somebody to sign for you, nor may you sign for anybody else. Equally so, I do not keep track of who is in class on any particular day, so if you do not sign the sheet, do not come to me later asking me to allow you to sign.

TECHNOLOGY

Because substantial portions of the materials will be presented in a lecture format, laptops and tablets will be permitted. Sounds should be turned off and devices should be used for class-related purposes only. Respect the freedom of your colleagues and me to speak and discuss freely, so do not record any portion of the class without my prior written permission.

Last updated May 26, 2015