GEORGE MASON UNIVERSITY SCHOOL OF LAW

Multinational Intellectual Property Protection - LAW 418-001

Professors: James Housel
Jeffrey Siew


Recommended Web Sites:
World Trade Organization (WTO): http://www.wto.org
European Patent Office: http://www.epo.co.at/epo
U.S. Copyright Office: http://lcweb.loc.gov

Course Requirement: 30 page paper, double-spaced, on topic to be chosen by student

Class Schedule: January 7, 2009 – May 13, 2009
Thursdays, 8:00 - 9:50 p.m.

Assignments:
Reading assignments are set forth below for each of the classes. The latter portion of the seminar will consist of presentations of the students reporting on their work in progress on their respective research papers. Specific assignments for those classes will be made later in the semester.

Class Preparation and Participation:
Class will start and end promptly at the scheduled times. Each student is expected to have read and thought about the assignment for each class and be prepared to participate actively in the classroom discussion. Class attendance, preparation and participation are important to the successful completion of the course.

Research Paper:
A list of suggested research topics that students may wish to select as their topics for their research papers will be distributed at the first class. A student may instead choose his/her own topic subject to the approval of Professors Housel or Siew. The length of the paper should be at least 30 pages double spaced.
The several steps in completing a research paper must be accomplished by the dates indicated:

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Date</th>
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<tr>
<td>Topic approved</td>
<td>January 21</td>
</tr>
<tr>
<td>Outline &amp; Bibliography</td>
<td>February 11</td>
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<tr>
<td>Draft Paper</td>
<td>April 1</td>
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Class Assignments:

Class 1 (January 7) – Housel & Siew
Introduction to Class; Introduction to General Concepts of Patents, Trademark, Copyright
Intro to International Aspects of Intellectual Property Rights

Class 2 (January 14) - Housel & Siew
International Patent Fundamentals
Readings: Chapter 1, Pages 1-12, Concept of Intellectual Property and Introduction to WIPO; Chapter 5, Pages 241-249, Paris Convention as related to Patents; Chapter 5, 276-284, Patent Cooperation Treaty; Chapter 5, 301-305, Patent Law Treaty of 2000.

Class 3 (January 21) – TBD
International Copyright Fundamentals
Copyright and droit d’auteur traditions; instrumental and natural rights rationales; common law versus civil law traditions; copyright and neighboring rights distinction; national basis of copyright protection; growing role of international treaties and institutions; overview of copyright and neighboring rights treaties and trade agreements; principles of territoriality; national treatment; and choice of law
Readings: WIPO Pub 489 – Introduction; copyright protection; subject matter of copyright protection; rights comprised in copyright; neighboring rights; Berne Convention for the Protection of Literary and Artistic Works
Suggested Readings: Itar-Tass Russian News Agency v. Russian Kurier, Inc., 153 F.3d 82 (2d Cir. 1998) and Subafilms, Ltd v. MGM-Pathe Communications Co., 24 F.3d 1088 (9th Cir. 1994).

Class 4 (January 28) - TBD
Digital Copyright Issues
Introduction to World Intellectual Property Organization (WIPO) “Internet Treaties;” U.S. experience under the Digital Millennium Copyright Act (DMCA); distinction between access and copy controls; rights management information; direct and secondary liability for copyright infringement; potential Internet Service Provider (ISP) liability under contributory infringement, vicarious liability, and active inducement theories; U.S. case law (Napster, Aimster, and Grokster) compared to Australian case law (KaZaa)
Readings: WIPO Pub 489 – Piracy and infringement; remedies; WIPO Copyright Treaty; WIPO Performances and Phonograms Treaty

Class 5 (February 4) - Housel & Siew
Patents in the World Trade System
Introduction to the TRIPS Agreement and the World Trade Organization (WTO); Articles 27-39 of the TRIPS Agreement; Introduction to patents in bilateral Free Trade Agreements; Example - case of pharmaceuticals, TRIPS and Health Debate; Introduction to TRIPS and CBD

Class 6 - (February 11) – TBD
Trademark Registration System and the Impact of the Madrid System for the International Registration of Marks/ Trademark Law Treaty of 1994/Nice Classification Agreement: simplifying the international trademark system or complicating it?
Readings: WIPO Publication 489, pages 79-89 (TM Registration); pages 287-292 (Madrid System); page 297 (TLT); pages 305-308 (Nice and Vienna);
Suggested reading:

Class 7 (February 18) – TBD
Geographical Indications in bilateral and multilateral agreements: intellectual property or trade interest?
Readings: WIPO Pub. 489 pages 120-130 (geographical indications); page 351-352 (GIs in TRIPS); page 357 (TRIPS DSB);
Suggested reading:
USPTO GI information [http://www.uspto.gov/web/offices/dcom/olia/globalip/geographicalindication.htm](http://www.uspto.gov/web/offices/dcom/olia/globalip/geographicalindication.htm)
WTO DSB [http://www.wto.org/english/thewto_e/whatis_e/tif_e/disp1_e.htm](http://www.wto.org/english/thewto_e/whatis_e/tif_e/disp1_e.htm)
Class 8 (February 25) – TBD
Role of the Department of State’s Office of Intellectual Property Enforcement in the development and implementation of international intellectual property policy.
Readings: WIPO Pub 489 – ?

Class 9 (March 4) – TBD
Role of the U.S. Trade Representative’s Office of Innovation and Intellectual Property and in the development and implementation of international IP policy.
Readings: WIPO Rub 489 - ?
Suggested Readings:

Class 10 (April 1) – Housel & Siew
Current Issues in International Intellectual Property
Patent Law Harmonization
Background on talks from 1983 to the present and the failed 1991 Diplomatic Conference; Substantive law talks begin again after PLT 2000 until present day work on a “reduced package.” Recap of major issues: first-to-invent v. first-to-file; grace period; secret prior art. WIPO v. “B+.” Brief comparative overview of other issues: patentable subject matter, disclosure requirements, claiming requirements.
Climate Change
Background on negotiations leading up to and beyond the 15th session of the Conference of the Parties under the UN Framework Convention on Climate Change in Copenhagen.
Public Health
Traditional Knowledge, Genetic Resources
Discussion of the ongoing work of the Convention on Biological Diversity and WIPO’s InterGovernmental Committee.
Suggested Readings: 2004 draft treaty documents SCP/10/4 and SCP/10/5, also available by way of WIPO Harmonization web page.
Suggested Readings: TRIPS and Public Health,
http://www.wto.org/english/tratop_e/trips_e/pharmpatent_e.htm

Class 11 (March 18)/Class 12 (March 25)
Student Presentations “Work-in-Progress”

Class 13 (April 8)/Class 14 (April 15)
Student Presentations “Work-in-Progress”