GEORGE MASON UNIVERSITY SCHOOL OF LAW

Multinational Intellectual Property Protection - LAW 418-001

Professors:    James Housel
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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 12, 2012 – April 19, 2012
                 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:

Topic approved -  January 25
Final Paper Submitted for Grade –  April 26
Class Assignments:

Class 1 (January 12) – Housel & Siew
Intro to Class; Introduction to General Concepts of Patents, Trademark, Copyright
Intro to International Aspects of Intellectual Property Rights; Review of the Paris Convention,
introduction to Right of Priority and National Treatment; Introduction to the World
Intellectual Property Organization (WIPO); Introduction to the TRIPS Agreement and the
World Trade Organization (WTO).
Reading: WIPO Pub. 489 - Chapter 2, Pages 17-34, Patents, Pages 40-55, Copyright and
Related Rights, Pages 67-79, Trademarks, Pages 130-136 Unfair Competition.
on Trademarks, http://www.wipo.int/about-ip/en/trademarks.html, and WIPO on Copyright

Class 2 (January 19) - Housel & Siew
Patents in the World Trade System
Cooperation Treaty (PCT), Regional Patent Offices; Introduction to TRIPS and CBD;
Articles 27-39 of the TRIPS Agreement; Introduction to patents in bilateral Free Trade
Agreements;
Readings: WIPO Pub 489, 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; Chapter 5, pages 345-349, 352-354, 357, intro to general TRIPS provisions, patent
provisions and dispute settlement. Paris Convention Articles 1-5, Patent Law Treaty and
PCT available at http://www.wipo.int/treaties/en/. TRIPS Agreement Articles 27-34,

Class 3 (January 26) – Guest Lecturer (Copyright)
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
Inc. v. Grokster, Ltd, 125 S.Ct 2764 (2005)

Class 4 (February 2) – Guest Lecturer (Copyright)
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 5** (February 9) – Guest Lecturer (Trademark)
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:
Madrid System
Trademark Law Treaty
Singapore Treaty on the Law of Trademarks
Nice Classification

**Class 6** - (February 16) – Guest Lecturer (Trademark)
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:
http://www.ustr.gov/assets/Trade_Agreements/Bilateral/Australia_FTA/Final_Text/asset_upload_file469_5141.pdf pages 17-1 to 17-6
http://www.ustr.gov/assets/Trade_Agreements/Bilateral/Australia_FTA/Final_Text/asset_upload_file778_3889.pdf Distinctive Products
USPTO GI information
http://www.uspto.gov/web/offices/dcom/olia/globalip/geographicalindication.htm
Europe’s Wine Bilaterals including GIs
WTO DSB
http://www.wto.org/english/thewto_e/whatis_e/tif_e/disp1_e.htm

**Class 7** (February 23) – 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.

Class 8 (March 1) – Guest Lecturer (Dept of State’s OIPE)
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 8) – Guest Lecturer (Enforcement)
IPR Enforcement
International issues surrounding the enforcement of intellectual property, including trademark counterfeiting, copyright piracy, and patent enforcement. Issues cover civil, criminal and administrative enforcement of IP as well as alternative dispute resolution.
Readings: WIPO Pub. 489 pages 207-236 (Enforcement of Intellectual Property Rights)
Suggested Reading: WTO Dispute Resolution Information: http://www.wto.org/english/tratop_e/dispu_e/dispu_agreements_index_e.htm?id=A26#selected_agreement
**Class 10** (March 22) – Guest Lecturer (U.S. Trade Representative)
Role of the U.S. Trade Representative’s Office of Innovation and Intellectual Property in the development and implementation of international IP policy.
Readings: WIPO Rub 489 - ?

**Class 11** (March 29) – Housel/Siew
International IPR Case Study: Issues of protecting and enforcing IPR internationally. Students will be provided a case study in advance to prepare a recommended strategy, citing to national and international law, regulation and practice, for optimizing IPR protection internationally and preparing for effective enforcement.

**Class 12** (April 5) – Housel/Siew
International IPR Negotiation: Students will be assigned a country to represent and will engage in negotiations to advance that country’s interests with regard to IPR and their economic impact.

**Class 13** (April 12) - Student Presentations “Work-in-Progress”

**Class 14** (April 19) - Student Presentations “Work-in-Progress”