GEORGE MASON UNIVERSITY SCHOOL OF LAW

International Intellectual Property Protection - LAW 418-001

Professor: James Housel


Recommended Web Sites:
World Trade Organization (WTO): http://www.wto.int
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 9, 2014 – April 17, 2014
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 the professor. The length of the paper should be at least 30 pages double spaced, but no more than 40 pages, inclusive of bibliography. The several steps in completing a research paper should be accomplished by the dates indicated:

Topic approved - January 30
Final Paper Due – April 24 (Papers submitted for grade due by midnight without grade penalty)
Class Assignments:

Class 1 (January 9) – **Introduction to International Intellectual Property**
Housel
Introduction 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.


Class 2 (January 16) - **Patents in the World Trade System**
Housel

**Reading**: 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.


Class 3 (January 23) – **International Trademark Issues**
Trademark Expert from US Patent and Trademark Office
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?

**Reading**: 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
Class 4 (January 30) – Geographical Indications and Other Advanced Trademark Issues
Trademark Expert from US Patent and Trademark Office
Reading: 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 5 (February 6) – IP and Domain Names
Domain and Internet Expert from US Patent and Trademark Office
http://www.wipo.int/amc/en/domains/ and

Class 6 (February 13) – International Copyright: Framework and Fundamentals
Copyright expert from U.S. Copyright Office or U.S. Patent and Trademark Office
Brief history of copyright and droit d’auteur traditions. Discussion of copyright and neighboring rights treaties and trade agreements. Examination of rights and exceptions as well as technological protection measures and rights management information, and how these work in national systems.
Reading: WIPO Publication 489 (Chapter 5 on copyright elements – Berne Convention for the Protection of Literary and Artistic Works; WIPO Copyright Treaty; WIPO Performances and Phonograms Treaty), 17 U.S.C. Sections 1201-05
Suggested Reading: Mihály Ficsor, “The ‘WIPO Treaties’ and Copyright in the ‘Cloud’” (October 2012) at
http://www.copyrightseesaw.net/data/documents/documents/9/b/7/9b71d73904fa7f5be19b2bc92e357db1.doc

Class 7 (February 20) – International Copyright: Jurisdiction and Enforcement
Copyright expert from U.S. Copyright Office or U.S. Patent and Trademark Office
How to get into court when foreign elements (parties, infringement, etc.) are involved. Principles of territoriality and choice of law. Overview of direct and secondary liability for copyright infringement, and Internet Service Provider (ISP) liability under contributory infringement, vicarious liability, and active inducement theories.


Class 8 (February 27) – **International IPR Enforcement**  
IPR Enforcement expert from U.S. Patent and Trademark Office  
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.  
**Reading:** 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](http://www.wto.org/english/tratop_e/dispu_e/dispu_agreements_index_e.htm?id=A26#selected_agreement)  

Class 9 (March 6) – **Current Issues in International Intellectual Property**  
Housel  
Public Health  
Traditional Knowledge, Genetic Resources  
Discussion of the ongoing work of the Convention on Biological Diversity and WIPO’s InterGovernmental Committee.  
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.

Class 10 (March 20) – **Agency Profile: Department of State**  
IPR Enforcement Expert from US Dept. of State  
Role of the’s Office of Intellectual Property Enforcement in the development and implementation of international intellectual property policy.

Class 11 (March 27) – **Agency Profile: U.S. Office of the Trade Representative**  
IP and Trade Expert from US 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.

Class 12 (April 3) – **International IPR Case Study**  
Housel  
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 13** (April 10) - Student Presentations “Work-in-Progress”

**Class 14** (April 17) - Student Presentations “Work-in-Progress”