INTELLECTUAL PROPERTY (Law 367)
Spring 2020
GMU School of Law

COURSE SYLLABUS

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COURSE OBJECTIVE
This is an introductory course. It will provide an overview of basic principles of patent, trademark, copyright, and trade secret law as well as pertinent statutes, cases, and policies.

ADMINISTRATIVE
Classes will be held on Tuesdays and Thursdays from 8:10 pm to 9:35 pm. The 3-hour final exam will be held May 5, 2020 at 6:00 pm.

READING MATERIALS
Students are expected to read assigned materials, including cases, prior to class.


Assigned cases and statutes are available on line.

The detailed syllabus is set forth below, subject to revision and additional materials to be handed out in class.

FINAL EXAMINATION
The final examination will be in an essay format and will cover the reading materials and the class discussions. You will be expected to demonstrate knowledge of the statutes and common law applicable to Patents, Trademarks, Copyrights and Trade Secrets as well as the policies behind them. The exam might include material covered in class that is not included in the textbook, so class attendance is essential to perform adequately on the final exam.

GRADE
Your grade is based primarily on the final exam (90%). Since class discussion is important to the learning process, class participation will be taken into account (10%).

ATTENDANCE AND CLASS PREPARATION
Students are responsible for complying with the law school’s academic regulations regarding attendance and class preparation: http://www.law.gmu.edu/academics/regulations
COURSE CALENDAR AND READING ASSIGNMENTS

1. January 16 – Introductory class, no reading assignment

   Introduction to Copyright

2. January 21 – Subject matter of copyright; originality; fixation; idea/expression dichotomy
   - UIP pp. 266-285
   - U.S. Const. art. I, § 8; 17 U.S.C. §§ 102-103

3. January 23 – Ownership of copyright; works made for hire; joint works; collective works; transfer
   - UIP pp. 331-349
   - 17 U.S.C. §§ 201-202, 204

4. January 28 – Duration of copyright; termination; formalities
   - UIP pp. 310-331, 349-355
   - Cases: Eldred v. Ashcroft; Golan v. Holder

5. January 30 – Exclusive rights of the copyright owner (reproduction, derivative works, distribution)
   - UIP pp. 355-366
   - 17 U.S.C. § 106

6. February 4 – Exclusive rights of the copyright owner (public performance, public display); intro to fair use
   - UIP pp. 371-383
   - 17 U.S.C. § 107

7. February 6 – Fair use continued
   - UIP pp. 444-463
8. **February 11 – Other exceptions and limitations; secondary liability**
   - UIP pp. 367-371, 411-426

9. **February 13 – Service provider liability; enforcement of copyright (remedies, technological protection measures, copyright management information)**
   - UIP pp. 426-444
   - 17 U.S.C. § 512 (skim)

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**Introduction to Patent Law**

10. **February 18 – Introduction & historical development**
    - UIP pp. 39-55
    - U.S. Const. art. I, § 8

11. **February 20 – Patent Eligibility I: Computer Implemented Inventions**
    - 35 U.S.C. § 101
    - UIP pp. 57-59, 61-69

12. **February 25 – Patent Eligibility II: Life Science Inventions**
    - UIP pp. 60-61

13. **February 27 – Patentability Requirements: Novelty**
    - UIP pp. 72-74, 85-94, 101-104
    - 35 U.S.C. § 102
    - Cases: In re Robertson, 169 F.3d 743 (Fed. Cir. 1999)

14. **March 3 – Patentability Requirements: Obviousness**
    - UIP pp. 74-84
    - 35 U.S.C. § 103
15. **March 5 – Patentability Requirements: Disclosure**
   - UIP pp. 108-13
   - 35 U.S.C. § 112
   - Cases: Williamson v. Citrix Online, LLC 792 F.3d 1339 [I. A & II.C.1. Only]

   **SPRING BREAK MARCH 8-14**

16. **March 17 – Proceedings before the USPTO: pre- & post-grant**
   - UIP pp. 104-108

17. **March 19 – Patent Infringement & defenses**
   - UIP pp. 163-81, 184-92
   - 35 U.S.C. § 271

   **Introduction to Trade Secrets**

18. **March 24 – Introduction and historical development**
   - UIP pp. 211-35
   - 18 U.S.C. §§ 1831-1839

19. **March 26 – Trade Secret misappropriation & defenses**
   - UIP pp. 235-50
   - Cases: U.S. v. Williams, 526 F.3d 1312 (11th Cir. 2008) [I. Only]; Dalmatia Import Group v. Foodmatch [complaint sections “Nature of the Action”; “Factual Background” §§ I., III.; “COUNT I”; “COUNT X”]

   **Introduction to Trademarks**

20. **March 31 – Introduction; background and rationale; types of marks; statutory subject matter**
   - UIP pp. 495-502, 510-518
   - 15 U.S.C. § 1127 (definitions of trademark and service mark)

21. **April 2 – Requirements for protection**
22. **April 7 - Scope of rights; infringement; dilution**
   - UIP pp. 578-584, 627-636

23. **April 9 – Limitations on rights; secondary liability**
   - UIP pp. 653-658, 673-684

24. **April 14 – Requirements for trademark protection**
   - UIP pp. 527-533, 540-558
   - Cases: King-Seeley Thermos Co. v. Aladdin Industries, Inc.; In re Budge Manufacturing Co.; In re California Innovations, Inc.

25. **April 16 – Lanham Act § 43(a); trade dress; unfair competition**
   - UIP pp. 502-510, 525-527
   - 15 U.S.C. § 1125(a)

26. **April 21– Review Class**