

Intellectual Property Law

Vermont Law School

Spring Term, 2018

Tuesdays 3:35 – 5:30

Prof. Oliver R. Goodenough

Provisional Syllabus

Texts:

The textbooks for IP generally are written with a 4 credit course in mind. They also emphasize case law in context where the statutory structure is at least as important. Therefore, this year, we will use the IP Nutshell as the core text to ensure coverage, with an online version of the laws to see the statutes and supplemented by a moderate number of key cases to be assigned on an ongoing basis. This syllabus sets out the chapters in the Nutshell for each class; the statutory, case, and supplemental material will be set out each week in advance in the class handout.

Miller and Davis' Intellectual Property, Patents, Trademarks, and Copyright in a Nutshell, 5th ed. Available at the book store and online via Amazon Kindle and other platforms.

United States Patent Law, Copyright Law and Trademark Law, each available at <http://elangdell.cali.org/>

Cases and Handouts

Scheduling and Approach:

This class meets once a week for a two-class block. As a survey course covering several different legal regimes, there is a lot to cover. Because of time constraints and because the material is deeply based on the applicable statutes, we will use the Nutshell as the anchor for our coverage, supplemented by the statutes (through the free access above) and a selection of cases to be read online.

Due to academic meeting conflicts, I will need to arrange alternatives for our scheduled meeting on February 6, and perhaps on an additional day later in the term. These could be a make-up session (with either with either Thursday or Friday afternoons as targets for the make-up time), a guest speaker, or a recorded lecture class. We will discuss this in the first class meeting.

Evaluation and Grading:

The principal source of evaluation for this class will be a final examination in the “classic,” in-class mode. The exam will have two parts, a short, closed book objective section, and a longer, open book, essay section. Classroom participation will also be taken into account, particularly when the examination results are near a point of differentiation.

Class #1 – January 9.

A. Subjects: Introduction to Intellectual Property; Trade Secrets

B. Readings: <https://www.forbes.com/sites/dougschoen/2013/09/24/intellectual-property-rights/#4b615a071a5d>; http://www.wipo.int/edocs/pubdocs/en/intproperty/450/wipo_pub_450.pdf; https://en.wikipedia.org/wiki/Open-source_model
http://www.uniformlaws.org/shared/docs/trade%20secrets/utsa_final_85.pdf;
https://www.nist.gov/sites/default/files/documents/mep/marina_slides.pdf

Class #2 – January 16

A. Subjects: Trade Secrets Completed; Introduction to Patent

B. Readings: Nutshell Chapters 1, 2 & 3; Contract Handout, Case Handouts

Class #3 – January 23

A. Subjects: Patent Cont. Requirements and the Application

B. Readings: Nutshell Chapters 4, 5, 6, & 7; Case Handouts

Class #4 – January 30 [SUBJECT TO RESCHEDULING/ALTERNATIVE DELIVERY: NY LEGAL WEEK]

A. Subjects: Patent Cont. – Elements and Process Cont.

B. Readings: Review and Handouts

Class #5 – February 6

A. Subjects: Patents – Infringement, Remedies, International & Wrap up

B. Readings: Chapters 8, 9, 10 & 28.5, Handouts

Class #6 – February 13

A. Subjects: Intro to Copyright [SUBJECT TO RESCHEDULING/ALTERNATIVE DELIVERY: UK]

B. Readings: <http://copyx.org/lectures/>

Class #7 – February 20

A. Subjects: Introduction to Copyright

B. Readings: Chapters 19 & 20, Handouts

Class #8 – Feb 27

A. Subjects: Ownership, Duration & Rights

B. Readings: Chapters 21, 24 & 25, Handouts

Class #9 – March 13

A. Subjects: Digital Issues, Rights and Defenses

B. Readings: Chapters 22, 23 & 26, Handouts

Class #10 – March 20

A. Subjects: International, Enforcement and Copyright Wrap Up

B. Readings: Chapters 27 & 28.4, Handouts

Class #11 – April 27

- A. Subjects: Passing Off and Trademark
- B. Readings: Chapters 11 & 12, Handouts

Class #12 – April 3

- A. Subject: Trademark
- B. Readings: Chapters 13, 14 & 15, Handouts

Class #13 – April 10

- A. Subject: Defenses, International and Trademark Wrap-Up
- B. Readings: Chapters 16, 17, 18 & 28.6, Handouts

Class #14 – April 17

- A. Subjects: Catch up, Global IP and IP Licensing, Course Review
- B. Readings: Chapter 28, Handouts