

Intellectual Property Law

Vermont Law School

Spring Term, 2019

Mondays 3:35 – 5:15

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 we will use the IP Nutshell as the core text to ensure coverage, with reference to online versions of 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, 6th ed.
Available at the book store and online via Amazon Kindle and other platforms.

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 and a selection of cases to be read online.

Due to professional travel conflict, I will need to arrange an alternatives for our scheduled meeting on February 4, and perhaps on an additional day later in the term. The February 4 class will be made up through video lectures available as part of a Harvard Law School online Copyright class. If we require a second rescheduling, we will aim for a make-up session (with either with either Thursday or Friday afternoons as targets for the make-up time) or a guest speaker. 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 7.

A. Subjects: Introduction to Intellectual Property; Trade Secrets

B. Readings:

<https://fairuse.stanford.edu/law/us-constitution/>

<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

<https://my.uniformlaws.org/committees/community-home?CommunityKey=3a2538fb-e030-4e2d-a9e2-90373dc05792>

<https://legislature.vermont.gov/statutes/fullchapter/09/143>

https://www.nist.gov/sites/default/files/documents/mep/marina_slides.pdf

Class #2 – January 14

A. Subjects: Trade Secrets Completed; Introduction to Patent

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

Class #3 – January 28

A. Subjects: Patent Cont. Requirements and the Application

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

Class #4 – February 11 [NOTE THE FEBRUARY 4 CLASS WILL BE SUBSTITUTED WITH VIDEO LECTURE LATER IN THE TERM]

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

B. Readings: Review and Handouts

Class #5 – February 18

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

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

Class #6 – February 18 – 25 View VIDEO REPLACEMENT CLASS

A. Subjects: Intro to Copyright

B. Readings/Viewing: Chapter 19 & <http://copyx.org/lectures/> - Specifics to be supplied

Class #7 – February 25

A. Subjects: Introduction to Copyright

B. Readings: Chapters 20 & 21, Handouts

Class #8 – March 11

A. Subjects: Ownership, Duration & Rights

B. Readings: Chapters 24 & 25, Handouts

Class #9 – March 18

A. Subjects: Digital Issues, Rights and Defenses

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

Class #10 – March 25

A. Subjects: International, Enforcement and Copyright Wrap Up

B. Readings: Chapters 27 & 28.4, Handouts

Class #11 – April 1

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

Class #12 – April 8

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

Class #13 – April 15

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

Class #14 – April 22

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