

Intellectual Property Law

Vermont Law School

Spring Term, 2021

Mondays 3:35 – 5:15

Prof. Oliver R. Goodenough

Syllabus

Texts:

The textbooks for IP generally are written with a 4-credit course in mind. They also emphasize case law in a 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.

Electronically available cases and handouts assigned on a class-by-class basis.

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. Individual assignments will be made through the “day sheet” which will be distributed via both email and TEAMS in advance of each class. These will include the supplemental readings and videos.

The normal course times are Monday afternoons, 3:35 pm - 5:10 pm. This term, because of our COVID-19 remote teaching policy, instruction will be entirely through the TEAMS platform, synchronously taught, in a mixed lecture and Socratic format. I ask students, as a general matter, to turn on their cameras as they attend class. This encourages us all to a higher level of engagement. There are, of course, reasons to go to the plain screen, but please do have your camera on as the default mode. Those who wish to keep a neutral background may of course use that TEAMS function.

There will be a short break near the middle of each class. If a makeup class becomes necessary, I anticipate that some form of asynchronous instruction will be used. Office Hours will initially be

scheduled for Wednesday afternoons at 5:00 – 6:00; that may change in light of other schedules.

Evaluation and Grading:

There will be three principal sources of evaluation for this class. First, there will be a drafting exercise involving a license agreement. It will be worth 25% of the grade. The second will be three quizzes, spread over the term, and delivered on a timed basis. These will each be worth 5% of the grade. The final examination will be a take home, essay exam, available on the first day of the examination period and due by 5 pm on the final day. “Classroom” participation will also be taken into account, particularly when the examination and drafting results are near a point of differentiation.

Class Schedule and Assignments:

Class #1 – January 11.

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>

https://www.nist.gov/sites/default/files/documents/mep/marina_slides.pdf - particularly pages 13-21,

skim the rest

https://en.wikipedia.org/wiki/Open-source_model

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

[file:///C:/Users/ogoodenough/Downloads/UTSA_final_85%20\(1\).pdf](file:///C:/Users/ogoodenough/Downloads/UTSA_final_85%20(1).pdf)

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

Class #2 – January 25

A. Subjects: Trade Secrets Completed; Introduction to Patent

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

Class #3 – February 1

A. Subjects: Patent Cont. Requirements and the Application

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

Class #4 – February 8

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

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

Class #5 – February 15

A. Subjects: Intro to Copyright

B. Readings: Chapter 19

C. Quiz #1

Class #6 – February 22

- A. Subjects: Introduction to Copyright
- B. Readings: Chapters 20 & 21, Handouts

Class #7 – March 8

- A. Subjects: Ownership, Duration & Rights
- B. Readings: Chapters 24 & 25, Handouts

Class #8 – March 15

- A. Subjects: Digital Issues, Rights and Defenses
- B. Readings: Chapters 22, 23 & 26, Handouts

Class #9 – March 22

- A. Subjects: International, Enforcement and Copyright Wrap Up; Licensing Agreements
- B. Readings: Chapters 27 & 28.4, Handouts
- C. Drafting Exercise Handed Out

Class #10 – March 29

- A. Subjects: Passing Off and Trademark
- B. Readings: Chapters 11 & 12, Handouts
- C. Quiz # 2

Class #11 – April 5

- A. Subject: Trademark
- B. Readings: Chapters 13, 14 & 15, Handouts
- C. Drafting Exercise Due

Class #12 – April 12

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

Class #13 – April 19

- A. Subjects: Personal Rights: Privacy, Publicity & Defamation
- B. Readings: Chapter 28, Handouts

Class #14 – April 26

- A. Subjects: Catch up, Course Review
- B. Quiz #3