



TEXAS SOUTHERN UNIVERSITY  
THURGOOD MARSHALL SCHOOL *of* LAW

# **INTELLECTUAL PROPERTY LAW**

LAW 854 – SECTION 1

FALL 2021

**PROFESSOR**

**ELSA Y. RANSOM**

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## THE PROFESSOR

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**LOCATION:** TMSL

**CONFERENCE HOURS:** MW: 5-7 PM, F: 3-5PM  
(All other times by appointment only)

### NOTE FROM THE PROFESSOR:

Students are advised to check Blackboard regularly for messages regarding this class.

## **COURSE BOOKS & MATERIAL**

Ned Snow, *Intellectual Property: A Survey of the Law*, 2d. ed. Durham, North Carolina, Carolina Academic Press, Latest edition.

Additional assigned readings material including statutes, cases and periodical materials.

## COURSE DESCRIPTION & OBJECTIVE

### DESCRIPTION:

This is a 3-credit-hour survey course designed to function as an introduction to intellectual Property Law and as a prerequisite to advanced courses in copyright, patent and trademark law. In this course, students will examine the fundamental concepts and principles within these disciplines primarily through the study of federal statutes and appellate court opinions in the United States. Included in this study is a look at the underlying social policy considerations in each of these disciplines as well as the doctrinal conflicts that arise between Intellectual Property Law principles and principles in other areas, most notably, the First Amendment of the United States Constitution. Students will be expected to gain fundamental knowledge of the substance and function of Intellectual Property Law and to demonstrate proficiency in problem-solving skills in the three IP disciplines addressed in the course. Students will be prompted to present oral analysis of hypotheticals included in assigned reading, as well as written analysis of assigned problems reflecting real-world issues in the three IP areas of concentration.

### OBJECTIVE:

This Intellectual Property Law course, like other law school courses, is designed to challenge students to develop skills in statutory construction, analysis and synthesis; to understand and evaluate legislative intent and judicial reasoning, and to address and resolve issues of justice, policy, process and fact, utilizing principles of sound legal reasoning. In each topic area addressed, students are expected to gain competency in problem solving involving pertinent real-world issues. With regard to each topic covered, students should be able to.

- *paraphrase* -restate in his/her own words, describe, explain or summarize relevant terms, rules, concepts, policies and rationales;
- *interpret* - reason from known information to the unknown; interpret the meaning of relevant terms, rules, concepts, policies and rationales;
- *apply* - known principles of law to given facts to determine if the principles control; apply known policies to new situations to determine if a particular principle or rule should apply; and apply known holdings and legal principles in any case studied to a hypothetical situation;
- *compare* - two or more principles, cases, arguments and determine the extent to which they are similar or dissimilar.
- *predict* - extrapolate from information by identifying implications and consequences so as to anticipate or predict likely results.

## STUDENT LEARNING OUTCOMES

Students are expected to develop and practice the following analytical and evaluative skills:

- *Issue Spotting and Articulation* based on recognition of key facts and applicable rules, policies and rationales;
- *Dissection, Comprehension and Interpretation* of complex rules;
- *Development and Construction of Arguments and Opinions* based on legal rules or principles;
- *Problem Solving* demonstrating ability to reason by analogy, arrive at rational conclusions based on applicable legal principles, examine alternative solutions critically and recognize any pertinent non-legal and/or policy concerns.
- *Synthesis* of individual case holdings to conceptualize broader legal principles.

At the conclusion of this course, students should be sufficiently prepared for advanced IP course as well as for internships involving familiarity with fundamental principles of copyright, patents, and trademarks.

## GRADING

**Mid-Semester Examination October 19, 2021** *20% of the final grade.*

Content will be derived from topics assigned during the period prior to the examination date. The format will be a short essay. Duration: 1 hour

**Final Examination (Date TBA)** *60% of the final grade.*

Cumulative course coverage dating from first class meeting. Students should review material listed in the course reading schedule as well as additional material from handouts and presentations. The exam format will be multiple choice.

**Written Assignments (Ongoing)** *15% of final grade.*

As discussed *supra*.

**Class Participation** *5% of final grade*

As discussed *supra*.

## ACCOMMODATIONS

If you require special accommodations, complete the necessary forms with the Dean's office. Your application and documentation will remain confidential.



## **PARTICIPATION, ATTENDANCE & PROFESSIONALISM**

**Attendance.** Mandatory. Students are urged to maintain regular attendance in order not to fall behind in course work, as well as to avoid the law school penalties for excessive absences as explained in the TMSL Student Rules and Regulations. All students are expected to arrive for class on time and remain in the classroom for the entire time that class is in session.

**Preparation and Participation.** Each student is expected to come to class prepared to discuss the material assigned and engage in legal analysis. As a general rule, students should stay at least one class period ahead in the assigned reading when preparing for class. Such preparation entails briefing all cases, reviewing pertinent statutory material and analyzing problems appearing in the assigned materials. Participation requires the student's full intellectual involvement in class discussion regardless of whether or not it is the student's turn to speak. In class discussions, students may refer to their own briefs and notes, but reciting directly from the casebook is considered lack of adequate preparation. Reciting from commercially prepared outlines, briefs, cards etc. also fails to satisfy the preparation and participation requirements and is not allowed. Any student who demonstrates lack of preparation for discussion is subject to a reduction in points that contribute to his/her final grade. Failure to participate when called upon by the instructor to do so is also grounds for reduction in points.

**Classroom Decorum.** Each class period should be viewed as an opportunity for learning free from interference. Students are expected to conduct themselves in class in accordance with a standard of professionalism similar to that required of attorneys during courtroom proceedings. Violations constitute grounds for removal from the classroom and will be regarded as constructive absences. Such violations include conduct that is disruptive or otherwise poses a distraction.

**Honor Code.** Students are expected to read and adhere to the provisions of this document. See TMSL Student Rules and Regulations.

## **POLICIES & PROCEDURES**

Please reference Blackboard regularly for additional details.

# Reading Assignments

(NOTE: IN GENERAL, STUDENTS SHOULD COMPLETE EACH READING ASSIGNMENT AT LEAST 2 DAYS IN ADVANCE OF THE DATES INDICATED BELOW, TAKING NOTES AS NECESSARY, AS OPPOSED TO READING THE MATERIAL FOR THE FIRST TIME IN CLASS. LACK OF PREPARATION CAN IMPACT FINAL GRADES NEGATIVELY.)

## OVERVIEW

DATE		Text Pages	17USC Section
8/17		3-5	

## COPYRIGHT

8/19-24	Intro, Originality, Fixation	311-329	101
8/26-31	Subject Matter	349-383	102
9/2-9/7	Ownership	387-418	101, 201-204
9/9-9-15	Reproduction and Derivative Works	423-442	106
9/21	Distribution	449-466	106(3)
9/23-28	Public Display & Public Performance	475-490	106
9/30-10/5	Infringement	495-519	501
10/7-12	Defenses & Remedies	529-563	107

## PATENTS

35 USC  
Section

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10/14	Introduction & Subject Matter	599-627	100-101
10/19	Mid-Term Exam		
10/23	Disclosure	641-674	111-115

10/26	Claims	675-687	
10/28-11/2	Novelty Under Old and New Status	691-723	102
11/4	Non-Obviousness	749-772	103
11/9	Infringement	779-799	271

TRADEMARK

			Text Pages
11/11-11/16	Intro & Distinctiveness	7-61	1052 et al.
11/18	Use in Commerce & Registration	99-141	1115
11/18-11-23	Infringement, Confusion	143-195	
TBA-----			Review