



TEXAS SOUTHERN UNIVERSITY
THURGOOD MARSHALL SCHOOL *of* LAW

INTELLECTUAL PROPERTY LAW

LAW 854 – SECTION 1

FALL 2019

PROFESSOR

PROFESSOR ELSA RANSOM

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THE PROFESSOR

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OFFICE HOURS: AS POSTED

COURSE BOOKS & MATERIAL

Required Readings:

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

Individually assigned readings including statutory material, current case law 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. To facilitate achievement of the former objective, the course will feature guest presentations concerning the targeted areas. Toward the latter objective, 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 targeted. At the conclusion of this course, students should be sufficiently prepared for advanced courses as well as for internships involving familiarity with fundamental principles copyright, patents, and trademarks.

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.

- *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.

GRADING

Grading Information:

Mid-Semester Examination: 20% of the total grade.

Final Examination: 70% of the total grade.

Written Assignments: 10% (collectively)

ACCOMMODATIONS

If you require special accommodations, please fill out the necessary forms with the Dean's office. Your application and documentation will remain confidential. Your prompt attention will allow the law school to accommodate you, as soon as it has been made aware of your situation.

Please see:

<http://www.tsulaw.edu/academics/18SuAccommodationsInformationWeb.pdf>

PARTICIPATION, ATTENDANCE & PROFESSIONALISM

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.

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 remain in the classroom for the entire time that class is in session.

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.

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*******TENTATIVE*******ACADEMIC CALENDAR 2019 - 2020

FALL SEMESTER ACCELERATED (TURBO) COURSE

First Day of Accelerated Summer	Monday	August 5, 2019
Last Day to Add/Drop Classes	Monday	August 5, 2019
Last Day of Classes	Friday	August 16, 2019

FALL SEMESTER 2019 (SEVENTY DAYS OF CLASSES)

Orientation	Monday-Friday	August 12-16, 2019
First Day of Class	Monday	August 19, 2019
Last Day to ADD/DROP	Wednesday	August 21, 2019
Labor Day (NO CLASSES)	Monday	September 2, 2019
<i>Purge of all unpaid course selections</i>	Wednesday	September 18, 2019
Mid Term Examinations	Mon – Fri	October 14-18, 2019
Last Day to Drop a Class	Friday	November 8, 2019
Last Day of Classes	Tuesday	November 26, 2019
First Year Professor Grades Due	Tuesday	November 26, 2019
Reading Period (NO CLASS)	Wednesday	November 27, 2019
Thanksgiving Holiday	Thurs – Fri	November 28-29, 2019
Reading Period (NO CLASS)	Sat - Sun	November 30 – December 1, 2019
Final Examinations	Monday - Friday	December 2 -Dec. 13, 2019
Commencement Exercises	Saturday	December 14, 2019

SPRING SEMESTER 2019 (SEVENTY DAYS OF CLASSES)

School Opens	Thursday	January 2, 2020
First Day of Class	Monday	January 13, 2020
Last Day to ADD/DROP	Wednesday	January 15, 2020
M L K Holiday (No Classes)	Monday	January 20, 2020
<i>Purge of all unpaid course selections</i>	Wednesday	February 7, 2020
Mid Term Examinations	Mon – Fri	March 9– 13, 2020
Spring Break	Mon – Fri	March 16 – 20, 2020
Spring Break (University Closed)	Wed-Friday	March 18- 20, 2020
Last Day to Drop a Class	Tuesday	April 9, 2020
Good Friday (No Classes)	Friday	April 10, 2020
Last Day of Classes	Tuesday	April 28, 2020
First Year Professors' Grades due	Tuesday	April 28, 2020
Reading Period (No Classes)	Wed – Sun	April 29 – May 3, 2020
Final Examinations	Mon- Fri	May 4 – May 15, 2020
Hooding Ceremony	Friday	May 15, 2020
Commencement	Saturday	May 16, 2020

Please note that the calendar events and /or dates are subject to change.

Updated July 2019



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POLICIES & PROCEDURES

Please reference the Thurgood Marshall School of Law [Student Rules and Regulations Handbook](#).

Course Requirements

Written Assignments: Problem-Solving Exercises. These are to be prepared outside of class by each student without collaboration and submitted in typewritten form using the student's examinee number. Specific instructions regarding format and submission procedures will accompany each assignment.

Mid-Semester Examination. **Wednesday, October 16, 2019.** Cumulative coverage of material dating from the first reading assignment and lecture.

Final Examination. **Date and Time TBA.** Cumulative coverage of material dating from the first reading assignment and lecture.

Important Dates:

Mid-semester Examination: Wednesday, October 16, 2019 (*Timed Essay Format*)

Holiday 11-28, 11-29

Final Class Day 11-26

Final Examination: TBA

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READING SCHEDULE

Week of	Topic	Casebook Chapter	Statutory References
8-19	Introduction to Intellectual property law	1	
	COPYRIGHT LAW		
	Subject Matter Requirements		Sec. 101, 102, 102(b)
	Originality	9	
	Fixation	9	
8-26	Categories Included and Excluded	10	Sec, 102-104
9-02	Ownership and Transfers	11	Sec. 101, 201-204
	Holiday 9-2		
9-09 thru 9-16	Exclusive Rights Under Copyright and Limitations on Certain Rights	12 (pp. 393-431) 12 (pp. 432-466)	Sec. 106-106A Sec. 106(6), 107-110, 602(a)(1).
9-23	Infringement	13	Sec. 501(a)
	Direct infringement and the DMCA		Sec. 1201
	Indirect Infringement		
	Vicarious Infringement		
	Contributory Infringement		
		14 (pp. 497-530)	Sec. 107, 501-507
	Fair Use Defense		
	PATENTS		
9-30	Subject Matter Categories		35 U.S.C
	Included and Excluded	15	Sec. 100-101

10-07	Applying for a Patent	16	
10-14	Patentability Standards: Novelty Mid-Semester Examination 14-18	17	Sec. 102 (2006) Pre-AIA Sec. 102 (2012) AIA
10-21	Patentability Standards: Non-Obviousness Utility Requirement	18	Sec. 103 Sec. 103 Sec. 101
10-28	Infringement Direct Infringement Literal Infringement Doctrine of Equivalents Indirect Infringement Contributory Infringement	19	Sec. 501(a)
	TRADEMARKS		
11-04	Distinctiveness Trade Dress	2 3	
11-13	Use in Commerce Registration	4 5	15 U.S.C, 1127 1051, 1053, 1058, 1059, 1062, 1063, 1064,1065, 1115
11-20	Infringement Dilution	6	15 U.S.C. 1125, 1114, 1127
11-26	Review Last Class Day 11-26		