

Professor Kwall

Office #826—hours are Monday/Wednesday from 2:00-2:30 and 3:45-4:30
(and by appointment)
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Course Description

This course is designed for students who are interested in exploring Intellectual Property in an introductory capacity. The IP Survey meets the requirements of Option One for the IP Certificate (which include the IP Survey and two of the three separate courses in Copyrights, Trademarks, and Patent Law). Through the required readings and class discussions, and guest lectures students will explore general concepts and selected problems in copyright law, trademark law, unfair competition, publicity rights, moral rights, patent law and related areas.

Course Materials

Lange, LaFrance & Myers, Intellectual Property (Cases and Materials) (Third Edition, Thomson West)

2009 Statutory Supplement

In addition to the required texts, I hope to provide you with information on how to access the Georgetown IP Teaching Resources collection, which features audiovisual materials involved in several of the cases we will be covering. Right now I am waiting for information on the student password and will pass it along once I receive it.

Grading (Please read carefully)

There will be an open-book examination administered at the end of the semester. In addition, I will give students the opportunity to earn up to **10 additional points** on their exam by turning in an IP news log at the end of the semester containing up to 10 IP “news accounts.” Since IP is featured extensively in the news, it is important for IP students to keep current on these developments, and this additional evaluative measure is intended to facilitate an interest in IP news. For every news account, please 1) turn in the article, including the cite of the article; 2) write a one paragraph synopsis of the article in your own words; and 3) write a paragraph on how the article relates to the themes or substance of the course. These news accounts must be clearly written and reflect careful analysis to receive credit. **Please note that a student must receive a “C” or higher on the final exam to qualify for this extra credit option.** You may submit up to 10 news

accounts, and you will receive one additional point on the exam for every qualifying news account.

Unexcused absences or lack of preparation will result in a lowering of the final grade. In addition, the rule on absenteeism in the College of Law Bulletin (p.32) provides that excessive unexcused absences will result in an involuntary withdrawal. If a student is involuntarily withdrawn from a class, full tuition is due and the student will receive a grade of "FX" in the course. "FX" is a grade for non-credit performance based on excessive absences with no withdrawal. It affects the student's grade point just like a grade of an "F".

ASSIGNMENT SHEET (for copyright unit)

All references are to the casebook text unless otherwise noted. You are responsible for reading the accompanying statutory references noted in the Lange text for every unit assigned, and for downloading any additional assigned materials. In addition, the assignments throughout the course may be modified with a day's notice, so if you are absent, please check with a classmate for the next day's assignment.

Class 1—August 24—**INTRODUCTION**

Prologue (xliii—xlvi)

Protecting Ideas—pp. 382-96 (omit notes on p. 396)

Class 2—August 26—**COPYRIGHT UNIT**

History—pp. 724-734

Subject Matter—pp. 735-756

Class 3—August 31

Fixation—pp.756-57

Originality—pp. 761-778; 786-792 (exclude notes)

Class 4—September 2

Expression—793-820 (through note 2); p. 822 (note 4).

Class 5—September 9 (**no class on Labor Day Monday**)

Derivative works—pp. 823-836

Computer software—pp. 837-853

Class 6—September 14

Useful articles—pp. 853-871

Class 7—September 16
Ownership, Work for Hire, Formalities—pp. 872-895

Class 8—September 21
Duration—pp. 901-936

Class 9—September 23
Infringement—pp. 1140-1147; 1159-1164; 1170-1176
Secondary liability—pp. 1200-1216

NO CLASS ON MONDAY, SEPTEMBER 28TH DUE TO YOM KIPPUR

Class 10—September 30

GUEST LECTURE BY Professor Jane G. Ginsburg, Morton L. Janklow Professor of Literary and Artistic Property Law, Columbia Law School (2009 Order of the Coif Distinguished Visitor)—**TOPIC AND MATERIALS TBA**

Class 11—October 5
Fair Use—pp. 1053-1087

Class 12—October 7
Fair Use—pp. 1087-1106; 1119-1139

Class 13—October 12
Moral Rights—Materials TBA

Class 14—October 14
The Right of Publicity—pp. 278-309

Class 15—October 15
CIPLIT CYBERLAW SYMPOSIUM: NIRO Distinguished Lecture by Professor Mark Lemley, Stanford Law School (make-up class for Yom Kippur—over the noon hour)