

**IDSN 599: Using IP Laws to Protect Your Products
and Ideas**

Units: 2.0

Spring 2021—Thursdays—7:30pm-9:20pm

Location: Online

Instructor: Michael Overing

Office: TBD

Office Hours: By appointment

Contact Info: overing@usc.edu; 626-564-8600 (office); expect a response within 24 hours).

IT Help: 2U Student Support

Hours of Service: Available 24/7, 365 days/year

Contact Info: studentsupport@design.usc.edu, 1-855-487-3504

Course Description

With the accelerated speed at which technological and other innovations grow today, the importance of truly understanding how to “own your ideas” has never been more relevant. Through a combination of in-class lectures and exercises, this course builds an understanding of copyright, trademark, and patents for creatives and entrepreneurs.

Learning Objectives and Outcomes

Students in this course will learn how to understand and leverage key aspects of Intellectual Property for creative and entrepreneurial contexts. Upon completing this course, students will be able to:

- Understand advanced issues of law affecting invention, registration, and infringement.
- Gain an in-depth understanding of the current controversies surrounding patents, trademarks, copyrights, trade secrets, and rights of publicity.
- Apply the knowledge to creative and entrepreneurial settings through the lens of Intellectual Property.
- Speak and present clearly on the ways IP contributes to creative and entrepreneurial projects.

Prerequisite: Fall 2020 IDSN 599: Overview of Intellectual Properties for Creatives and Entrepreneurs (1 unit). Students who have not taken the prerequisite course may enroll if they obtain a basic proficiency in the subject matter by reading and studying the following background materials:

Patents:

<https://www.uspto.gov/patents-getting-started/general-information-concerning-patents#heading-4>

Trademarks:

<https://www.uspto.gov/patents-getting-started/general-information-concerning-patents#heading-2>

<https://www.uspto.gov/trademarks-getting-started/trademark-basics>

Copyrights:

<https://www.copyright.gov/circs/>

<https://www.copyright.gov/fair-use/more-info.html>

Trade Secrets:

James H. Pooley, *The Uniform Trade Secrets Act: California Civil Code 3426, 1 Santa Clara High Tech. L.J.* 193 (1985). Available at: <http://digitalcommons.law.scu.edu/chtlj/vol1/iss2/3>

Right of Publicity:

Zacchini v. Scripps-Howard Broadcasting Co. (1977) 433 U.S. 562 Available at: <https://caselaw.findlaw.com/us-supreme-court/433/562.html>

Course Notes

This course will be conducted online through the LMS via Zoom.

Technological Proficiency and Hardware/Software Required

Students must provide their own laptop. The laptop specifications take into consideration that students will be creating, streaming and downloading audio and video, communicating using video conferencing applications and creating and storing large multimedia files.

	Apple	Windows PC
Laptop (Minimum standards)	<ul style="list-style-type: none"> • 2.6 GHz dual-core Intel Core i5 or 2.0 GHz quad-core Intel Core i7 • Minimum 13" display • 250 GB SSD or larger • 16 GB memory 	<ul style="list-style-type: none"> • Intel Core i5 or Intel Core i7 • Minimum 14" display • 250 GB SSD or larger • 16 GB memory
Warranty	<ul style="list-style-type: none"> • Manufacturer warranty or extended warranty coverage (Apple Care) 	<ul style="list-style-type: none"> • Manufacturer warranty or extended warranty coverage
Operating System	<ul style="list-style-type: none"> • Mac OS X 10.13 or higher 	<ul style="list-style-type: none"> • Windows 7, 10 operating system or higher
Peripherals	<ul style="list-style-type: none"> • HD webcam, speakers and microphone (Most newer laptops have built-in webcam, speakers and microphone) • Headset • Digital camera (Cameras on newer smartphones are acceptable) • External drive for cloud account for backup and storage 	
Software	<ul style="list-style-type: none"> • Adobe Creative Cloud (Photoshop, Illustrator, and InDesign) • Adobe Acrobat Reader • Microsoft Office Suite • Sophos Endpoint Security (antivirus) • Browser: Most recent version of Firefox, Chrome, Safari, or Internet Explorer 	
Network	<ul style="list-style-type: none"> • Cable modem, DSL, T1/T3 or higher 	

Required Readings and Supplementary Materials

Required reading will be drawn from case law, statutes, governmental sources, articles, papers and online publications (e.g., articles, op-ed essays) available through a host of available outlets.

Description and Assessment of Assignments

Quiz 01: Assessment of understanding for key vocabulary and concepts related to Patent Law.

Quiz 02: Assessment of understanding for key vocabulary and concepts related to Trademarks.

Quiz 03: Assessment of understanding for key vocabulary and concepts related to Copyright.

Quiz 04: Assessment of understanding for key vocabulary and concepts related to Trade secrets and rights of publicity, images, and likeness.

Participation (Individual): Throughout the semester, students will be expected to contribute to class in a variety of ways. They will be asked to: Provide substantive and thoughtful feedback to questions posted, by peers and instructors, in specified online forums. Provide written and verbal responses during live, synchronous sessions. Complete, after the delivery of each Team assignment, individual Peer Feedback Reports.

Midterm & Final Exam: There will be a midterm in week 7 and a final exam on the last day of class. The exams will be cumulative; open book/open note. They will consist of a combination of multiple choice and essay questions (pts equally balanced between multiple choice and essay) related to the intellectual property issues studied during the semester.

Grading Breakdown

As detailed above, this course is based on participation, and individual/team projects, with a student expectation of attendance for all synchronous sessions.

Assignment	Points	% of Grade
Quiz 01	10	10
Quiz 02	10	10
Quiz 03	10	10
Quiz 04	10	10
Midterm	20	20
Participation	10	10
Final Exam	30	30
TOTAL	100	100%

Grading Scale

Course final grades will be determined using the following scale

A	95-100
A-	90-94
B+	87-89
B	83-86
B-	80-82
C+	77-79
C	73-76
C-	70-72
D+	67-69

D	63-66
D-	60-62
F	59 and below

Assignment Submission Policy

All assignments must be uploaded to the Learning Management System by **9:00 AM Pacific Time** on the date that Deliverable is listed as due in the Course Schedule. No exceptions. (Early submissions are, of course, encouraged!)

- Deliverables that exceed maximum page or time length requirements will only be assessed up to (and not beyond) that limit.
- Read and heed supplementary Assignment Details, distributed when each assignment is launched, carefully.

Late Submissions

Assignments will be accepted after the deadline with the following grade penalties. Do not ask for extensions.

- | | |
|---|----------------|
| • Submission in the 24 hours after the deadline | 10% deduction |
| • Submission between 24 and 48 hours after the deadline | 20% deduction |
| • Submission between 48 hours and 3 days after the deadline | 50% deduction |
| • Submission more than 3 days after the deadline | 100% deduction |

*Assignments submitted after the last day of class will not be accepted.
Keep copies of all your files and emails until the end of the semester.*

Correcting a Grading Error or Disputing a Grade

If you don't inform the instructor of missing or incorrect grades within two weeks of those grades being posted, the grades will be assumed correct. Do not wait until the semester's end to check or appeal any grades. If you feel a grade merits re-evaluation, you are encouraged, within one week of the instructor providing a grade and initial feedback, to send the instructor a memo in which you request reconsideration. The memo should include a thoughtful and professional explanation of your concerns. Be aware that the re-evaluation process can result in three types of grade adjustments: positive, none, or negative. (Note: Complaints on the date of a graded assignment's return to you will not be addressed; it is essential to wait one full day prior to raising a concern.)

Academy Attendance Policy

The Academy maintains rigorous academic standards for its students and on-time attendance at all class meetings is expected. Each student will be allowed two excused absences over the course of the semester for which no explanation is required. Students are admonished to not waste excused absences on non-critical issues, and to use them carefully for illness or other issues that may arise unexpectedly. Except in the case of prolonged illness or other serious issue (see below), no additional absences will be excused. Each unexcused absence will result in the lowering of the final grade by $\frac{1}{3}$ of a grade (e.g., an A will be lowered to A-, and A- will be lowered to a B+, etc.). In addition, being tardy to class will count as one-third of an absence. Three tardies will equal a full course absence.

Students remain responsible for any missed work from excused or unexcused absences. Immediately following an absence, students should contact the instructor to obtain missed assignments or lecture notes and to confirm new deadlines or due dates. Extensions or other accommodations are at the discretion of the instructor.

Automatically excused absences normally may not be used for quiz, exam or presentation days. Using an excused absence for a quiz, exam or presentation, such as in the case of sudden illness or other emergency, is at the discretion of the instructor.

In the case of prolonged illness, family emergencies, or other unforeseen serious issues, the student should contact the instructor to arrange for accommodation. Accommodation may also be made for essential professional or career-related events or opportunities. All accommodations remain at the discretion of the instructor, and appropriate documentation may be required.

Additional Policies

Class notes policy: Notes or recordings made by students based on a university class or lecture may only be made for purposes of individual or group study, or for other non-commercial purposes that reasonably arise from the student's membership in the class or attendance at the university. This restriction also applies to any information distributed, disseminated, or in any way displayed for use in relationship to the class, whether obtained in class, via e-mail or otherwise on the Internet, or via any other medium. Actions in violation of this policy constitute a violation of the Student Conduct Code, and may subject an individual or entity to university discipline and/or legal proceedings. Again, it is a violation of USC's Academic Integrity Policies to share course materials with others without permission from the instructor.

No recording and copyright notice: No student may record any lecture, class discussion or meeting with the instructor without his/her prior express written permission. The word "record" or the act of recording includes, but is not limited to, any and all means by which sound or visual images can be stored, duplicated, or retransmitted whether by an electro-mechanical, analog, digital, wire, electronic or other device or any other means of signal encoding. The instructor reserves all rights, including copyright, to his/her lectures, course syllabi and related materials, including summaries, slides (e.g., Keynote, PowerPoint), prior exams, answer keys, and all supplementary course materials available to the students enrolled in the class whether posted to the LMS or otherwise. They may not be reproduced, distributed, copied, or disseminated in any media or in any form, including but not limited to all course note-sharing websites. Exceptions are made for students who have made prior arrangements with The USC Office of Disability Services and Programs and the instructor.

Participation: Students are expected to actively participate in this course. In an online forum, participation includes:

- Careful reading and viewing of assigned materials by the date due
- Regular, substantive contributions to discussions
- Active engagement with online content
- On-time attendance and full attention in synchronous sessions
- Significant collaboration with classmates and teammates

Course grades may be affected for students who do not contribute to the course through active participation. Students should notify the instructor in advance if they are unable to attend class. Those unable to attend will be required to review the online recording for the session missed, and submit thoughtful feedback to the Instructor.

Contact Hours

This 2-unit course requires 1500 minutes of instructional time per semester, which equals 125 minutes (2 hours and 5 minutes) of instructional time each week. In addition, it is expected that students will work, on average, an additional 240 minutes (4 hours) per week outside of class — on readings/viewings, homework assignments, field experiences, and individual or team projects. Synchronous class sessions will be offered as a regularly scheduled evening class once each week.

Course Schedule: A Weekly Breakdown

	Topics/Daily Activities	Readings and Homework	Deliverable/ Due Dates
Week 1	Overview of the Legal Environment: Statutes, Case Law, Practice	Introductory lecture; understanding intellectual property and the legal process.	
Week 2	Patent Law Overview: Basics of Invention and Registration	Graham v. John Deere Co., 383 U.S. 1 (1966); KSR International Co. v. Teleflex Inc., 550 U.S. 398 (2007). https://www.youtube.com/watch?v=gMLy-DOj4fE&ab_channel=SHIINE%C2%AETheInventor%27sJourney%E2%84%A2	
Week 3	Patent Law Overview: Case study analysis and overview	Understanding licensing and its limitations and infringement: Alice Corp. v. CLS Bank International (2014) 134 S. Ct. 2347; Handouts on current infringement cases	Quiz 1
Week 4	Trademark Introduction: Importance of distinguishing goods from another's	Playboy Enterprises, Inc. v. Frena, 839 F. Supp. 1552 (M.D. Fla. 1993); Brookfield Communications, Inc. v. West Coast Entertainment Corp., 174 F.3d 1036 (9th Cir. 1999); Zobmondo Entertainment v. Falls Media, 602 F.3d 1108 (9th Cir. 2010)	
Week 5	Trademark special topics: Is it trademarkable?	Trademarkable? :Park 'N Fly, Inc. v. Dollar Park & Fly, Park 'N Fly, Inc. v. Dollar Park & Fly, Inc., 718 F.2d 327 (9th Cir. 1983);	
Week 6	Trademark Special Topics: New Kids on the Block and other special cases of infringement	Fair Use: Special Fair Use Concerns: New Kids on the Block v. New America Pub, 971 F.2d 302 (9th Cir. 1992); Playboy Enterprises, Inc. v. Welles, 279 F.3d 796 (9th Cir. 2002); Levi Strauss Co. v. Abercrombie Fitch, 633 F.3d 1158 (9th Cir. 2011).	
Week 7	Trade Dress: "Hey that looks like..."	Revisit Two Pesos, Inc. v. Taco Cabana, Inc., 505 U.S. 763 (1992); Calloway Golf v. Golf Clean (1995) 39 USPQ 2d 1737; Mobil Oil v. Auto-Brite (1984) 615 F. Supp. 628; In re Clarke 17 USPQ2d 1238 (TTAB 1990); Qualitex v. Jacobson Products (1995) 115 S. Ct. 1300.	Quiz 2
Week 8		MIDTERM EXAM	
Week 9	Copyright Overview: Protection for Expression, Not Ideas	Baker v. Selden, 101 U.S. 99 (1879); Mazer v. Stein, 347 U.S. 201 (1954); Three Boys Music Corporation v. Bolton, 212 F.3d 477 (9th Cir. 2000);	
Week 10	Copyright Environment: Statutes, Case Law, Practice	https://www.copyright.gov/title17 ; RTC v. Netcom On-line Comm. Services 907 F.Supp. 1361 (ND Cal 1995), Fonovisa, Inc. v. Cherry Auction, Inc. 76 F.3d (9th Cir. 1996)	
Week 11	Copyright Special Topics: Mash-ups and	Music: Robin Thicke, "Blurred Lines", Coldplay "Viva La Vida"; Taylor Swift, "Shake it Off"; Lady Gaga, "Shallow"; Architecture: Nova Design v. Grace Hotels, Zaleski v. Cicero Homes.	Quiz 3

	special cases of infringement	Digital Fair Use: Handouts	
Week 12	Trade Secrets	California Civil Code Sec. 3426 Whyte v. Schlage Lock Company, 101 Cal.App.4th 1443 (Cal. Ct. App. 2002). Kewanee Oil Co. v. Bicron Corp., 416 U.S. 470 (1974); Aronson v. Quick Point Pencil Co. revisited	
Week 13	Rights of Publicity, Images and Likeness: Art, Photojournalism, and False Endorsement	Baltimore Orioles v. Major League Baseball, 805 F.2d 663 (7th Cir. 1986); Comedy III Productions, Inc. v. Gary Saderup, Inc., 25 Cal.4th 387 (Cal. 2001). Handouts	Quiz 4
Week 14	Possible Other Intellectual Properties: First Amendment Issues, Moral Rights, and Privileges	Concerns regarding protection in foreign jurisdictions; In particular, we'll look at the Michael Jordan case concerning infringement in China. Handouts	
15		FINAL EXAM	

Statement on Academic Conduct and Support Systems

Academic Conduct:

Plagiarism – presenting someone else’s ideas as your own, either verbatim or recast in your own words – is a serious academic offense with serious consequences. Please familiarize yourself with the discussion of plagiarism in SCampus in Part B, Section 11, “Behavior Violating University Standards” policy.usc.edu/scampus-part-b. Other forms of academic dishonesty are equally unacceptable. See additional information in SCampus and university policies on scientific misconduct, policy.usc.edu/scientific-misconduct.

Support Systems:

Student Health Counseling Services - (213) 740-7711 – 24/7 on call
engemannshc.usc.edu/counseling

Free and confidential mental health treatment for students, including short-term psychotherapy, group counseling, stress fitness workshops, and crisis intervention.

National Suicide Prevention Lifeline - 1 (800) 273-8255 – 24/7 on call
suicidepreventionlifeline.org

Free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week.

Relationship and Sexual Violence Prevention Services (RSVP)
-213-740-9355 (WELL)

<https://studenthealth.usc.edu/sexual-assault/>

Free and confidential therapy services, workshops, and training for situations related to gender-based harm.

Relationship and Sexual Violence Prevention and Services provides immediate therapy services for situations related to gender- and power-based harm (e.g., sexual assault, domestic violence, stalking).
(wording from the site)

Office of Equity and Diversity (OED) | Title IX - (213) 740-5086
equity.usc.edu, titleix.usc.edu

Information about how to get help or help a survivor of harassment or discrimination, rights of protected classes, reporting options, and additional resources for students, faculty, staff, visitors, and applicants. The university prohibits discrimination or harassment based on the following protected characteristics: race, color, national origin, ancestry, religion, sex, gender, gender identity, gender expression, sexual orientation, age, physical disability, medical condition, mental disability, marital status, pregnancy, veteran status, genetic information, and any other characteristic which may be specified in applicable laws and governmental regulations.

USC Policy Reporting to Title IX (213) 740-5086

<https://policy.usc.edu/reporting-to-title-ix-student-misconduct/>

The university encourages individuals to report prohibited conduct to the *Title IX Office*. Individuals can report to the university *Title IX Coordinator* in the *Office of Equity and Diversity*.

Bias Assessment Response and Support - (213) 740-2421

studentaffairs.usc.edu/bias-assessment-response-support

Avenue to report incidents of bias, hate crimes, and microaggressions for appropriate investigation and response.

The Office of Disability Services and Programs - (213) 740-0776

dsp.usc.edu

Support and accommodations for students with disabilities. Services include assistance in providing readers/notetakers/interpreters, special accommodations for test taking needs, assistance with architectural barriers, assistive technology, and support for individual needs.

USC Support and Advocacy - (213) 821-4710

studentaffairs.usc.edu/ssa

Assists students and families in resolving complex personal, financial, and academic issues adversely affecting their success as a student.

Diversity at USC - (213) 740-2101

diversity.usc.edu

Information on events, programs and training, the Provost's Diversity and Inclusion Council, Diversity Liaisons for each academic school, chronology, participation, and various resources for students.

USC Emergency - UPC: (213) 740-4321, HSC: (323) 442-1000 – 24/7 on call

dps.usc.edu, emergency.usc.edu

Emergency assistance and avenue to report a crime. Latest updates regarding safety, including ways in which instruction will be continued if an officially declared emergency makes travel to campus infeasible.

USC Department of Public Safety - UPC: (213) 740-6000, HSC: (323) 442-120 – 24/7 on call

dps.usc.edu

Non-emergency assistance or information.