

**IDSN 428: Overview of Intellectual Property Laws
for Creatives and Entrepreneurs**

Units: 1.0

Summer 2022—Tuesdays—5:15-7:20pm

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: Digital Campus Online Technical Support

Contact Info: 1-833-740-1273, TechSupport@digitalcampus.2U.com

Course Description

This course provides students with an overview of the intellectual properties that exist and provides a basic vocabulary for understanding of copyright, trademark, and patents, etc., 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 the very basics of invention, registration, and infringement.
- Differentiate patents, trademarks, copyrights, trade secrets and the rights of publicity.
- Be able to apply the basics of intellectual property laws in their creative and entrepreneurial pursuits.

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 |

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|-------------------------|--|---|
| 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.

Final Exam: There will be a final exam on the last day of class. The Final will be cumulative. It will be open book/open note and consist of a series of essay questions related to the intellectual property issues studied during the session.

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 | 150 | 15 |
| Quiz 02 | 150 | 15 |
| Quiz 03 | 150 | 15 |
| Quiz 04 | 150 | 15 |
| Participation | 100 | 10 |
| Final Exam | 300 | 30 |
| TOTAL | 1000 | 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 noncritical 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 1-unit course requires 750 minutes (12.5 hours) of instructional time per term. In addition, it is expected that students will work, on average, an additional 1500 minutes (25 hours) outside of class — on readings/viewings, homework assignments, field experiences, and individual or team projects. Synchronous class sessions will be offered as regularly scheduled evening or weekend classes, once each week.

Course Schedule: A Weekly Breakdown

| | Topics/Daily Activities | Readings and Homework | Deliverable/Due Dates |
|---------------|--|--|-----------------------|
| Week 1 | Overview of the Legal Environment | Lecture | |
| | Patent Law Overview and Basics | https://www.uspto.gov/patents-getting-started/generalinformation-concerning-patents | |
| Week 2 | Patent Licensing | Licensing: <i>Brulotte v. Thys Co.</i> , 379 U.S. 29 (1964); <i>Aronson v. Quick Point Pencil Co.</i> , 440 U.S. 257 (1979). Provisional Patents: <i>New Railhead Mfg. v. Vermeer Mfg. Co.</i> , 298 F.3d 1290 (Fed. Cir. 2002); | |
| | Patent Infringement | <i>Planet Bingo, LLC v. VKGS LLC</i> , 2013- 1663 (Fed. Cir. Aug. 26, 2014), <i>RecogniCorp LLC v. Nintendo Co.</i> , 855 F.3d 1322 (Fed. Cir. 2017). | Quiz 1 15% |
| Week 3 | Trademark Introduction: Importance of distinguishing goods from another's | www.uspto.gov/sites/default/files/documents/BasicFacts.pdf ; www.uspto.gov/trademarks-getting-started/trademarkbasics ; | |
| | Current Issues in Trademark: Slantz, BLM, and the struggle for identity in a | https://www.bloomberg.com/news/articles/2020-06-24/-black-lives-matter-trademark-applications-surge-after-protests https://smithhopen.com/2020/06/09/black-lives-matter-slogan-belongs-to-the-people/ | Quiz 2 15% |

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| | micropolitical world | | |
| Week 4 | Trade Dress: "Hey that looks like..." | Kellogg Co. v. Nat. Biscuit Co., 305 U.S. 111 (1938); "Maker's Mark Distillery, Inc. v. Diageo North America, Inc., 6th Cir. (2012) 679 F.3d 410. ;Two Pesos, Inc. v. Taco Cabana, Inc., 505 U.S. 763 (1992); | Quiz 3 15% |
| | Trademark "Fair Use" | www.uspto.gov/trademarks-gettingstarted/trademark-process; 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) | |
| Week 5 | Copyright Overview: Protection for Expression, Not Ideas | Download/print Copyright Basics, Registration, Notice, Renewal and Duration Circulars from: https://www.copyright.gov/circs/ | Quiz 4 15% |
| | Trade Secrets: Recipes and more | California Civil Code Sec. 3426 - 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; | |
| | Rights of Publicity, Images and Likeness: Art, Photojournalism, and False Endorsement | Zacchini v. Scripps-Howard Broadcasting Co., 433 U.S. 562 (1977); Carson v. Here's Johnny Portable Toilets, Inc., 698 F.2d 831 (6th Cir. 1983); White v. Samsung Electronics America, Inc., 971 F.2d 1395 (9th Cir. 1992); Downing v. Abercrombie Fitch, 265 F.3d 994 (9th Cir. 2001);Waits v. Frito-Lay, Inc., 978 F.2d 1093 (9th Cir. 1992) | |
| Week 6 | | FINAL EXAM | 30% |

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/scientificmisconduct.

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.