



SUBJECT TO CHANGE

**LAW 211 - Intellectual Property and Technology (4 units)
Spring 2023**

Location: WPH 203

Instructor: Neil Desai

Office:

Office Hours: TBD

Contact Info: TBD

Classes Begin	Mon, January 9
Martin Luther King's Birthday	Mon, January 16
President's Day	Mon, February 20
Spring Recess	Sun-Sun, March 12-19
Classes End	Fri, April 28
Study Days	Sat-Tue, April 29-May 2
Exams	Wed-Wed, May 3-10

Course Description

Intellectual property forms the backbone of the modern economy. This course provides students with an understanding of how American law protects and facilitates the creation of intellectual property. The course begins with a short introduction to the origins of American intellectual property law and the policies that the law is designed to further. The course will then move on to cover the basics of patent, copyright, trademark, and trade secrets, as well as some of the current controversies in intellectual property law. After finishing this course, students will understand the relevance of copyrights, patents, trademarks, trade secrets, industry contracts, and other legal instruments they may encounter in their careers.

Learning Objectives

- Introduce students to major legal and policy issues in intellectual property law.
- Analyze what constitutes a patent, what constitutes a copyright, and what constitutes a trademark, and the differences between the legal classifications.
- Contrast the legal rights afforded copyrights, patents, and trademarks.
- Examine how patents and trademarks are sought and formed.
- Apply the knowledge required to competently engage with colleagues and legal professionals about intellectual property law.
- Identify work that is patentable, or should be trademarked.
- Explore how trade secrets are enforced in the legal system, and their role in the market.
- Study the economic incentives behind certain intellectual property laws, and critically consider the benefits and costs of different models of regulation.

Prerequisite(s): NA

Co-Requisite(s): NA

Concurrent Enrollment: NA

Recommended Preparation: NA

Required Readings and Supplementary Materials

Readings will include selected chapters from this textbook. The readings are listed in the weekly schedule.

Stephen McJohn and Lorie Graham, *Fundamentals of Intellectual Property Law*

<https://www.americanbar.org/products/inv/book/221935251/>

Readings will also be taken from current events and court cases, and will change from semester to semester.

Description and Assessment of Assignments

Assignments will include reading and briefing cases prior to class, and meaningful participation in class the “Socratic method” of discussion.

Discussion and participation assessment:

- Participation accounts for 10% of the final grade. Instructor and Graders/TAs actively note student participation during the semester.
- Students will be required to engage with professor and classmates in the Socratic method of questioning.
- Students will be expected to come to class prepared with meaningful questions, ideas, and criticisms to discuss with their peers and the professor.

Assessment of exams and assignments include:

1. Ability of student to identify key legal issues and prioritize between the main issue and peripheral considerations by the court.
2. Ability of student to identify and assess strengths and weaknesses in legal reasoning.
3. Ability of the student to analyze and consider the public policy implications on any given issue.
4. Communicate responses to questions clearly and concisely in writing. Ability to use evidence and facts in writing.

Grading Breakdown

Assessment Tool (assignments)	Points	% of Grade
Assignments:		
1. Patent	10	
2. Trademark	10	30%
3. Copyright	10	
Midterm	30	30%
Final	40	30%
Class Participation	10	10%
TOTAL	100	100%

Grading Scale

Course final grades will be determined using the following scale

A	93-100
A-	90-92
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

Assignments are to be submitted via blackboard on the due date indicated in the weekly breakdown table.

1. Trademark Assignment, due before first class of week 5

'A word, phrase, design, or a combination that identifies your goods or services, distinguishes them from the goods or services of others, and indicates the source of your goods or services.'

<https://www.uspto.gov/trademarks/basics/trademark-patent-copyright>

For the Trademark Assignment, students will be provided with a prompt, they must respond to that prompt using class material and readings on trademark. Each written response should be no longer than 600/700 words. This assignment is worth 10 points. The grading is based on answering the question thoroughly, using past and/or current issues as examples. This should not be an opinion piece, it should be based on evidence and facts.

2. Copyright Assignment, due before first class of week 10

'Artistic, literary, or intellectually created works, such as novels, music, movies, software code, photographs, and paintings that are original and exist in a tangible medium, such as paper, canvas, film, or digital format.'

<https://www.uspto.gov/trademarks/basics/trademark-patent-copyright>

For the Copyright Assignment, students will be provided with a prompt, they must respond to that prompt using class material and readings on copyright. Each written response should be no longer than 500 words. This assignment is worth 10 points. The grading is based on answering the question thoroughly, using past and/or current issues as examples. This should not be an opinion piece, it should be based on evidence and facts.

3. Patent Assignment, due before first class of week 14

'Technical inventions, such as chemical compositions like pharmaceutical drugs, mechanical processes like complex machinery, or machine designs that are new, unique, and usable in some type of industry.'

<https://www.uspto.gov/trademarks/basics/trademark-patent-copyright>

students will be provided with a prompt, they must respond to that prompt using class material and readings on patent. Each written response should be no longer than 600/700 words. This assignment is worth 10 points. The grading is based on answering the question thoroughly, using past and/or current issues as examples. This should not be an opinion piece, it should be based on evidence and facts.

Assignments will be graded down 1/3 of a grade for each day late. Thus, papers that would have received an A- if turned in on time will receive a B+ if turned in one day (up to 24 hours) late.

Midterm Exam and Final Exam

The midterm exam will be a combination of multiple choice and short essay questions based on the writing assignments and material covered in class through Week 6.

The final exam will be a combination of multiple choice and short essay questions based on the writing assignments and material covered in class from weeks 8 through 15.

Grading Timeline

Students will receive feedback on writing assignments before the next is due.

Additional Policies

Students are expected to not only attend class, but participate in class discussion (worth 10% of the final grade). Full participation credit will not be given for attendance only.

Course Schedule: A Weekly Breakdown

	Topics/Daily Activities	Readings/Preparation	Deliverables
Week 1	Introduction to Intellectual Property, and relevance to technology; economic implications	USPTO Introductory Reading Run a trademark search through USPTO	Each week: Students will come to class prepared to discuss the readings and argue legal issues with their peers.
Week 1	Foundations of Legal Analysis (Contracts, common law, statutory law, etc.), economic incentives behind intellectual property regulation	Intellectual Property Economic Incentives reading How to read a legal opinion readingex	
Week 2	Trademarks	<i>Fundamentals of Intellectual Property Law - Chapter 14: Trademarks</i>	
Week 3	Trademark – what is a “mark,” types of marks	<i>Fundamentals of Intellectual Property Law - Chapter 15: Requirements To Be a Mark</i>	
Week 4	Trademark – policies of trademark law	<i>Fundamentals of Intellectual Property Law - Chapter 16: Choosing, Registering, and Owning a Trademark</i>	
Week 5	Copyright law – what is a copyright / copyrightable, rights under a copyright law.	<i>Fundamentals of Intellectual Property Law - Chapter 1: Copyright: What, Why, When, Whence?</i>	Trademark Assignment, due before first class of week 5
Week 6	Copyright law – policies of copyright law	<i>Fundamentals of Intellectual Property Law - Chapter 2: What Is Copyrighted: A Creative Work of Authorship in Tangible Form</i>	
Week 7	Review & MIDTERM	Midterm will cover weeks 1 to 6	short essay and multiple choice (material from weeks 1 to 6)
Week 8	Copyright law - Rights of the public	<i>Fundamentals of Intellectual Property Law - Chapters 6: Fair Use & 7: Copyright Lawsuits</i>	
Week 9	Copyright protection	<i>Fundamentals of Intellectual Property Law - Chapters 6: Fair Use & 7: Copyright Lawsuits Cont</i>	
Week 10	Patent Law: Foundations of	Review Sample Patent for Mechanical Invention	Copyright Assignment, due before first class of week 10

	Patent Law, what is a patent		
Week 11	Patent Law: policies of patent law	<i>Fundamentals of Intellectual Property Law</i> - Chapter 8: Patentable Inventions: Products and Processes	
Week 12	Patent Law – Patent protection	<i>Fundamentals of Intellectual Property Law – Chapters 11 & 12</i>	
Week 13	Trade Secrets	<i>Fundamentals of Intellectual Property Law</i> - Chapter 18: Trade Secrets	
Week 14	Intellectual Property Law Reform	United States PTO v. Booking.com B.V., 140 S. Ct. 2298 (2020).	Patent Assignment, due before first class of week 14
Week 15	Recent developments in Intellectual Property Law & Review	https://www.johnstonclerk.com/news-insights/emerging-issues-in-intellectual-property-law-2021/ & https://www.law.com/nationallawjournal/2021/12/22/intellectual-property-law-in-2021-a-year-of-surprises-covid-related-and-otherwise/?slreturn=20220410115318	
FINAL	Short Essay questions and multiple choice	Final exam will cover weeks 8 to 15	Refer to the final exam schedule in the USC <i>Schedule of Classes</i> at classes.usc.edu .

Statement on Academic Conduct and Support Systems

Academic Integrity:

The University of Southern California is a learning community committed to developing successful scholars and researchers dedicated to the pursuit of knowledge and the dissemination of ideas. Academic misconduct, which includes any act of dishonesty in the production or submission of academic work, comprises the integrity of the person who commits the act and can impugn the perceived integrity of the entire university community. It stands in opposition to the university's mission to research, educate, and contribute productively to our community and the world.

All students are expected to submit assignments that represent their own original work, and that have been prepared specifically for the course or section for which they have been submitted. You may not submit work written by others or "recycle" work prepared for other courses without obtaining written permission from the instructor(s).

Other violations of academic integrity include, but are not limited to, cheating, plagiarism, fabrication (e.g., falsifying data), collusion, knowingly assisting others in acts of academic dishonesty, and any act that gains or is intended to gain an unfair academic advantage.

The impact of academic dishonesty is far-reaching and is considered a serious offense against the university. All incidences of academic misconduct will be reported to the Office of Academic Integrity and

could result in outcomes such as failure on the assignment, failure in the course, suspension, or even expulsion from the university.

For more information about academic integrity see [the student handbook](#) or the [Office of Academic Integrity's website](#), and university policies on [Research and Scholarship Misconduct](#).

Please ask your instructor if you are unsure what constitutes unauthorized assistance on an exam or assignment, or what information requires citation and/or attribution.

Students and Disability Accommodations:

USC welcomes students with disabilities into all of the University's educational programs. The Office of Student Accessibility Services (OSAS) is responsible for the determination of appropriate accommodations for students who encounter disability-related barriers. Once a student has completed the OSAS process (registration, initial appointment, and submitted documentation) and accommodations are determined to be reasonable and appropriate, a Letter of Accommodation (LOA) will be available to generate for each course. The LOA must be given to each course instructor by the student and followed up with a discussion. This should be done as early in the semester as possible as accommodations are not retroactive. More information can be found at osas.usc.edu. You may contact OSAS at (213) 740-0776 or via email at osasfrontdesk@usc.edu.

Support Systems:

[Counseling and Mental Health](#) - (213) 740-9355 – 24/7 on call

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

[988 Suicide and Crisis Lifeline](#) - 988 for both calls and text messages – 24/7 on call

The 988 Suicide and Crisis Lifeline (formerly known as the National Suicide Prevention Lifeline) provides free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week, across the United States. The Lifeline is comprised of a national network of over 200 local crisis centers, combining custom local care and resources with national standards and best practices. The new, shorter phone number makes it easier for people to remember and access mental health crisis services (though the previous 1 (800) 273-8255 number will continue to function indefinitely) and represents a continued commitment to those in crisis.

[Relationship and Sexual Violence Prevention Services \(RSVP\)](#) - (213) 740-9355(WELL) – 24/7 on call

Free and confidential therapy services, workshops, and training for situations related to gender- and power-based harm (including sexual assault, intimate partner violence, and stalking).

[Office for Equity, Equal Opportunity, and Title IX \(EEO-TIX\)](#) - (213) 740-5086

Information about how to get help or help someone affected by harassment or discrimination, rights of protected classes, reporting options, and additional resources for students, faculty, staff, visitors, and applicants.

[Reporting Incidents of Bias or Harassment](#) - (213) 740-5086 or (213) 821-8298

Avenue to report incidents of bias, hate crimes, and microaggressions to the Office for Equity, Equal Opportunity, and Title for appropriate investigation, supportive measures, and response.

[The Office of Student Accessibility Services \(OSAS\)](#) - (213) 740-0776

OSAS ensures equal access for students with disabilities through providing academic accommodations and auxiliary aids in accordance with federal laws and university policy.

[USC Campus Support and Intervention](#) - (213) 740-0411

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

[Diversity, Equity and Inclusion](#) - (213) 740-2101

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

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) 442-1200 – 24/7 on call

Non-emergency assistance or information.

[Office of the Ombuds](#) - (213) 821-9556 (UPC) / (323-442-0382 (HSC)

A safe and confidential place to share your USC-related issues with a University Ombuds who will work with you to explore options or paths to manage your concern.

[Occupational Therapy Faculty Practice](#) - (323) 442-2850 or otfp@med.usc.edu

Confidential Lifestyle Redesign services for USC students to support health promoting habits and routines that enhance quality of life and academic performance.