Course Description

Intellectual property law seeks to promote valuable innovation by granting innovators certain exclusive rights in their creations. We will look at the four primary categories of intellectual property (patents, trademarks, copyrights, and trade secrets) and the laws that govern the creation, protection, and enforcement of the associated intellectual property rights. We will also examine the tensions in intellectual property law between protecting private rights and protecting the public’s interest.

Our focus will be on intellectual property law in the United States. However, we will touch on international and foreign intellectual property laws of which a U.S. IP practitioner should be aware. By the end of the semester you should be able to:

- identify innovations that are potentially protectable under intellectual property law;
- identify which of the categories of intellectual property rights are available to provide potential protection to an innovation;
- identify subject matter that is ineligible for intellectual property law protection;
- identify when intellectual property rights have been created;
- advise clients how to create intellectual property rights;
- identify the original owners of intellectual property rights;
- advise clients on the requirements for securing intellectual property rights and avoiding unintentional loss thereof;
- advise clients as to the probability for securing valuable intellectual property rights;
- advise clients as to the duration and scope of intellectual property rights;
- advise clients as to the appropriate transfer of intellectual property rights;
- identify infringement/misappropriation of intellectual property rights;
- make and defend against a *prima facie* case of infringement/misappropriation; and
- generally advise clients as to the potential remedies available in the case of infringement/misappropriation.
Required Texts:

This required text is available for download only at www.semaphorepress.com.
Semaphore Press uses a publishing model different from the traditional law school casebook publishers. I encourage you to read about Semaphore Press’s publishing approach on its website. This book has a suggested price of $30. I urge you to pay the suggested retail price in order to keep high-quality legal educational material available at reasonable prices.


This text is available via http://web.law.duke.edu/cspd/openip. The text is available for download at http://web.law.duke.edu/cspd/pdf/IPStatutes2016.pdf. A print copy may be purchased at http://amzn.to/2aWYZWX. The current listed price for the print copy is $12.50.

Websites to keep handy are:
- The United States Copyright Office: http://www.copyright.gov/

Other readings may be assigned as the course progresses.

Disability Support Services Reasonable Accommodations Statement

Reasonable accommodations are available for students who have documented temporary or permanent disabilities. Students should meet with Disability Support Services (DSS) by the end of the first week of class to assess if any accommodations are needed for courses and/or examinations. All accommodation requests are then submitted by DSS to Dean Dodge for final approval. DSS serves as the sole evaluator of medical documentation and determines reasonable accommodations on a per semester basis. The College of Law does not have the authority to evaluate or grant disability accommodations without DSS first submitting a recommendation. You may contact DSS by:
- Visiting the Idaho Commons Building, Room 306
- Calling 208-885-6307
- Emailing dss@uidaho.edu

It is ultimately the student’s responsibility to seek a disability accommodation, and until an accommodation is approved by DSS and Dean Dodge, no student will be entitled to receive any accommodations. To learn more about DSS, visit its website at http://www.uidaho.edu/studentaffairs/taap/dss. Please review the College of Law Catalog and Student Handbook for more information on the disability accommodation process.
Civility

In any environment in which people gather to learn, it is essential that all members feel as free and safe as possible in their participation. To this end, it is expected that everyone in this course will be treated with mutual respect and civility, with an understanding that all of us (students, instructors, professors, guests, and teaching assistants) will be respectful and civil to one another in discussion, in action, in teaching, and in learning.

Should you feel our classroom interactions do not reflect an environment of civility and respect, you are encouraged to meet with your instructor during office hours to discuss your concern. Additional resources for expression of concern or requesting support include the Dean of Students office and staff (885-6757), the UI Counseling & Testing Center’s confidential services (885-6716), or the UI Office of Human Rights, Access, & Inclusion (885-4285).

Laptop, Tablet, Mobile Device Policy

Laptops, tablets, and other mobile devices can be useful academic tools. Please be professional and respectful in your use of devices and avoid unnecessary and unproductive distractions. You may use your laptop, tablet, or other mobile device in class to take and review your own textual notes. During class, you are not permitted to activate audio or visual capturing or streaming features on any device, absent prior consent from me or absent a disability accommodation permitting such activity. For example, taking photographs, recording video, recording audio, streaming audio, and streaming video are prohibited absent prior authorization.

During class, maintain your focus on this class. Therefore, devices may not be used for purposes unrelated to class. For example, social media usage, shopping, gaming, electronic correspondence (other than specifically related to this class), and internet searching (other than specifically related to this class) is not permitted, absent direction from me or prior consent from me. Before class begins, turn all devices to an appropriate setting to avoid disturbances from alerts and the like.

Attendance, Punctuality, Preparation, and Participation

The American Bar Association and the College of Law require regular class attendance. If your cumulative absences (for any reason) exceed three (3) classes, please see me to discuss the issue. Habitual absence from class will negatively affect your final grade and can lead to your disqualification from the course (e.g., a failing grade). Likewise, habitual tardiness will negatively affect your final grade. I will take attendance at the beginning of each class. Please be on time and ready to focus on the class by the scheduled start time.

Your careful and consistent preparation for class is vital, as is your willingness to be engaged with the material, with me, and with your fellow students. This is an exciting and dynamic area of the law, and your active participation in the course is expected so that this course will also be exciting and dynamic. Please come to every class prepared to discuss the assigned material and to present your own informed perspective on the issues at hand.
Grades

Your grade in the course will be based on your performance on a final exam. We will discuss the substance and format of the final exam later in the semester.

Remember that you are already building the professional reputation that will follow you into the practice of law. As noted above, habitual absences and habitual tardiness will negatively affect your final grade. In addition, severe or habitual unpreparedness, inattentiveness, and/or incivility will negatively affect your final grade.

Topics Schedule
The schedule below is preliminary and subject to modification as time and other considerations require.

- Introduction to Intellectual Property Law  Aug. 22
- Trade Secret Law  Aug. 24–Aug. 31
- Patent Law  Sep. 7–Sep. 28
- Copyright Law  Oct. 3–Oct. 19
- Trademark Law  Oct. 24–Nov. 16
- Intellectual Property Remedies  Nov. 28
- Review  Nov. 30
- Final  Dec. 14, afternoon

First Week’s Assignment
For Aug. 22: Read Loren & Miller, Chapter 1, pages 1–28
For Aug. 24: Read Loren & Miller, Chapter 2, pages 29–58