

Professor Ira Steven Nathenson

Syllabus

**INTELLECTUAL PROPERTY, SPRING 2015
ST. THOMAS UNIVERSITY SCHOOL OF LAW**

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Class time: Mon. & Wed. 10:00-11:15AM (room 109A)
Office hours: Mon. 3:30-5:30PM, Tues. 2:30-4:30PM, Wed. 3:30-5:30PM, & by appt.
Course website: <http://nathenson.org/> (select Intellectual Property in Course menu)

ABOUT INTELLECTUAL PROPERTY AND CLASS METHODOLOGY

Intellectual property, or “IP,” is at the center of some of today’s most important legal disputes, such as YouTube videos, cybersquatting disputes, the smartphone wars, and more. This course will focus primarily on the three main areas of federal intellectual property protection: trademarks, copyrights, and patents. In so doing, we’ll study historical and modern IP disputes with the goal of an integrated understanding of IP doctrine, theory, policy, and practice. Studies will go beyond mere cases and statutes into the real world of IP practice through experiential IP projects. There will be no final examination. Instead, our classes will focus on learning-centered discussions using the *Harkness* method, an approach that places students at the forefront of learning as discussion leaders, and that will help to foster the knowledge and skills underlying the experiential IP projects.

BOOKS

One of the major questions raised in Intellectual Property Law is *what* materials should be propertized and *when*. For reasons we’ll discuss, we will be using an “open” coursebook and statutory supplement as well as a book. All are available in PDF. All are **free** and Creative Commons licensed. **Because electronic devices may not be used during class, please be sure to print out any materials you’ll need for a particular class and bring them with you.**

1. **COURSE WEBSITE:** Site at <http://nathenson.org/courses/ip/>. This website is your source for assignments, project information, and other materials. Details on the course website are provided below.
2. **CASEBOOK:** JAMES BOYLE & JENNIFER JENKINS, INTELLECTUAL PROPERTY: LAW & THE INFORMATION SOCIETY—CASES AND MATERIALS (2014). The full PDF may be downloaded at <http://web.law.duke.edu/cspd/pdf/IPCasebook2014.pdf>. Individual chapters are available at <http://web.law.duke.edu/cspd/casebook>. If you wish, you may purchase a printed paperback version of the casebook for low cost at <http://www.amazon.com/gp/product/1500855804>.

3. **STATUTORY SUPPLEMENT: SELECTED STATUTES & TREATIES FOR JAMES BOYLE & JENNIFER JENKINS, INTELLECTUAL PROPERTY: LAW & THE INFORMATION SOCIETY—CASES AND MATERIALS** (2014), *available at* <http://web.law.duke.edu/cspd/pdf/IPStatutes2014.pdf>. If you wish, you may purchase a low-cost paperback version of the statutory supplement for low cost at <http://www.amazon.com/gp/product/1500338869>.
4. **BOYLE “PUBLIC DOMAIN” BOOK: JAMES BOYLE, THE PUBLIC DOMAIN: ENCLOSING THE COMMONS OF THE MIND** (2008), *available at* http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=5385&context=faculty_scholarship.

COURSE WEBSITE

Assignments and course-related materials will be posted to the course website at <http://www.nathenson.org/courses/ip/assignments/>. In addition, selected course-related announcements and materials may be sent to your official St. Thomas Law email account.

FIRST WEEK’S ASSIGNMENTS

See the course website at <http://www.nathenson.org/courses/ip/assignments/> for the first assignments and all future assignments. The books are free and easily obtained: because each class will build heavily on the matters discussed in our first session, all students are expected to be well-prepared for the first class and ever class following.

ASSIGNMENTS; GRADING

There will be no final examination. Instead, your grade will be based on three experiential projects (75% of grade) as well as class participation (25%). Regarding class participation, your score will take into consideration a number of factors, including: regularity and quality of preparation and discussion; contributions as a discussion leader; and regular class attendance.

CLASSROOM POLICIES

Class attendance. “Regular class attendance” means, among other things, that you are in your seat and ready to start work on time. I cannot emphasize enough how important it is for you to be in your seat and ready to start on time. Because we will be doing practice-oriented projects, class will often begin with important announcements and project guidance. If you are late, you will miss out on that information. Tardiness will also impact your class participation score. Along similar lines, do not exit the classroom without extremely good cause. If you leave class early without permission, you may be counted absent and may be denied reentry.

Computers & other technology. The *Harkness* method demands that we are engaged with one other. Accordingly, unless I give permission, no technology may be used during class (such as laptops, tablets, or smartphones). Here's why:

- *Distraction-free zone.* I recognize the irony of banning technology in a class that oftentimes focuses on technology; however, discussions are far richer when we sit together and engage one another rather than hiding behind electronic walls of email and social media. Therefore, turn off or turn down every device that could conceivably beep, buzz, ring, or otherwise emit sound in class. As a colleague tells his students, if your device goes off during class, you will be expected to bring impressive treats for the entire group for the next session. Indeed, in my Cyberlaw law class last Fall, I was the first culprit (my iPhone) and happily treated everyone in the next session.
- *Print it out, bring it.* Print out hard copies of any assignments, notes, or other materials you will need for class discussion and bring them with you. When the casebook is free, there is zero excuse for not having all relevant materials at hand.
- *Group tablet will be available.* We will have a tablet hooked up to the screen during class. If you believe that we should look something up during class, simply suggest that we do so and we'll do it together using the tablet.

Last updated Jan. 9, 2015