

**INTELLECTUAL PROPERTY SURVEY
LAW 766 – SECTION 511
FALL 2017 – PROF. RAM**

SYLLABUS

Welcome to Intellectual Property Survey! This syllabus will provide you with important information about our course meeting times, how to contact me, and a partial schedule of assignments. Please note that this syllabus and the included schedule are subject to change. I will do my best to notify you of any changes well in advance of their assigned date. If you have any questions about the syllabus or the course, please contact me.

Reaching the instructor. My office is Room 1010. My regular office hours during the Fall 2017 semester are Mondays and Wednesdays from 1:30 to 3:00 p.m. Unless I announce otherwise, you can stop by at any time during these hours without an appointment.

I am also happy to meet with you at a mutually convenient time outside my posted office hours. Please email me (or my assistant, Shavaun) if you would like to schedule a time to meet.

My office phone number is 410-837-5979 and my e-mail is nram@ubalt.edu. My assistant, Shavaun O'Brien, can be reached at 410-837-4635 and sobrien@ubalt.edu; her office is located in Room 1112.

Class meetings. Except as otherwise announced, we will meet every Monday and Wednesday from 10:30 to 10:45 a.m. We are currently scheduled to meet in Room 402, but *please double check this room assignment* before our first class, as rooms tend to get shuffled around as the term begins.

Course description. **LAW 766 INTELLECTUAL PROPERTY SURVEY (3 credits):** Survey of general principles of copyright, patent, and trademark law. Covers issues of subject matter, scope of protection, and remedies under each of the federal statutes and related state theories of protection, including rights in books, music, art, drama, inventions, computer programs, and other trade products. Prerequisites: None

Required texts. Peter S. Menell, Mark A. Lemley & Robert P. Merges, *Intellectual Property in the New Technological Age: 2017* (Clause 8 publ'g, 2017) [hereinafter IPNTA].

Our casebook, IPNTA, comes in two volumes. You will need to purchase both Volumes I and II. IPNTA is best ordered online, either from the publisher's website or from Amazon. The instructions for ordering (and available discount codes) are as follows:

1. From the Clause 8 eStores:
 - IPNTA2017 Volume I: <https://www.createspace.com/7326157>
 - Student Discount Code: LA5MBHHD (15% off)
 - IPNTA2017 Volume II: <https://www.createspace.com/7326171>
 - Student Discount Code: LA5MBHHD (10% off)

2. Amazon.com: The books are also available directly through Amazon.com. Amazon.com does not offer the substantial discount available at the eStore (with the above discount codes). In addition, Amazon takes a larger share of the price when students purchase at Amazon.com as opposed to the eStore.

You may download the first two chapters of the book at the following link/URL: Intellectual Property in the New Technological Age: 2017 - Chapters 1 and 2, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2999038. This will give students who are unable to order the book in advance of our first day of class access to the assigned material.

I may occasionally assign or provide supplemental materials. If so, these will be distributed via TWEN (*see* TWEN website, *infra*).

The reading assignment for the first day of class appears below. At our first meeting, I will distribute an expanded set of reading assignments. This schedule will in turn be expanded as the semester progresses, and it may be otherwise modified.

TWEN website. Please be sure to register for the course's TWEN website. Occasional handouts and other materials may be distributed via TWEN, and I may use TWEN to communicate with the class as a whole.

Student learning outcomes. By the end of the semester, a successful student will be able to: (1) identify examples of trade secrets, patents, copyrights, and trademarks in existing commercial use; (2) state the legal elements, claims, and defenses relevant to covered intellectual property topics (e.g., trade secrecy, patent validity, patent infringement, fair use); (3) identify relevant facts used to reach a correct result; (4) identify available legal claims and defenses arising out of complex factual scenarios; (5) construct arguments using the facts to demonstrate that the elements of claims or defenses are satisfied; (6) assess the strength of claims or defenses.

Class attendance policy. Regular class attendance is required and necessary to succeed in this course. Please keep the following in mind with regard to attendance. Pursuant to ABA and School of Law policy, each student will be allowed a maximum of **five (5) absences** during the semester. Any student with more than five absences will not be permitted to sit for the final exam. Except as required by law or by School of Law or University policy, I will not excuse absences, regardless of the reason.

I will monitor attendance by means of a sign-in sheet circulated at the beginning of class each day. If you do not sign in, you will not be counted as present. If you have not signed in when the attendance sheet is collected, it may count as an absence. Late arrivals to class are disruptive and unprofessional. **Persistent late arrivals** to class may be counted as an absence at my discretion.

Class Cancellation. If there is inclement weather, students should visit the University of Baltimore web site or call the University's Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule. In addition, should I need to cancel a class meeting, I will inform you either in a prior class meeting, by email, or both.

Class participation and professionalism. Learning cannot effectively take place in an environment that is unprofessional or uncivil. I expect that you will observe basic professional courtesies. Students should arrive on time and not leave the room other than in an emergency, turn off or silence cell phones, and stay off the internet during class. On the first day of class, I will ask you to complete a seating chart. Thereafter, students should sit in seats according to the seating chart. Among other things, this will help me learn your names.

In addition, I expect that you will come to class prepared to participate, and that you will respect your classmates' viewpoints. Please keep in mind that the purpose of law school is to explore ideas, even if those ideas seem outrageous at first blush. To that end, I expect that you will give due respect to your classmates and the thoughts they express in class. On the other hand, when speaking in class please attempt to make your comments thoughtful and keep them on-point.

If you have not been able to prepare for class on a particular day, please let me know before class begins and I will not call on you that day. You will, however, receive only **ONE (1)** such pass this semester. If you are present and have not taken a pass for the day, I will assume you are prepared to participate fully. If you are called on and are not prepared, I will mark you as absent for that day, because in my view being "present" involves more than just being physically in your seat; it also involves being mentally present.

I may (and will) take class participation and professionalism into account in determining your final grade. Law school policy permits me to raise grades by one "step" (e.g., from "B" to "B+") for superior class participation. I expect to make use of that policy. Conversely, the policy permits me to lower grades one "step" for poor participation. While I do not expect to grade based on *non*-participation, I may (and will) lower grades for lack of preparation or for unprofessional conduct in class (e.g., booing, hissing, or insulting your classmates).

Finally, students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or the School of Law. Violations of academic integrity include, but are not limited to: cheating; plagiarism; misuse of library materials; use of another's book or study materials without consent; unapproved multiple submissions; material misrepresentation of one's academic history or standing; misrepresentation of any academic matter; intentionally giving another student false or inaccurate information about class requirements; inappropriate discussion of exams; and misrepresenting or falsifying class attendance reports. *See* School of Law Honor Code, https://law.ubalt.edu/academics/policiesandprocedures/honor_code/index.cfm.

Exam and grading. Your final grade in the course will be based on two components: (a) a take-home final exam, worth 90% of your grade, and (b) four brief pass/fail assignments, each worth 2.5% of your grade (for a total of 10%).

Although the final exam will focus primarily on subjects and materials we have discussed in class, you are responsible for all material in the assigned readings, including material we have not covered in class. We will discuss each component of your grade in greater detail over the course of the semester. In addition, as set forth above, your grade may be impacted by excessive absences (more than five) and/or your classroom participation and professionalism (or lack thereof).

Title IX Sexual Harassment and Sexual Misconduct Policy. The University of Baltimore's Sexual Harassment and Sexual Misconduct policies are compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the University any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB's nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix>.

Disability accommodations. If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Services at 410-837-5623 or via email at lmetzger@ubalt.edu.

Other information. You may access UB's list of Student Success Resources at <https://ubonline.ubalt.edu/access/content/public/policies-resources.html>.

(Partial) Schedule of Assignments

- Page numbers are from the IPNTA casebook. There will be times when we will not get through an entire assignment in a single class period. ***This is by design and to be expected.*** For each class, you are responsible for any leftover material from a prior class in addition to the new assignment listed on the syllabus, unless explicitly instructed otherwise.
- Other materials not included in IPNTA will be made available on the course TWEN website.

INTRODUCTION

Class 1: IPNTA 1-2 (introduction), 16-39

TRADE SECRETS

Class 2: What is a trade secret?

IPNTA 42-56 (n.6), 58-59 (n.9 only), 60-69

Class 3: Disclosure, misappropriation, and reverse engineering

IPNTA 70-96

Class 4: Licensees, departing employees, and remedies

IPNTA 101-112, 133-144

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