

UNIVERSITY OF BALTIMORE SCHOOL OF LAW
SPRING 2017

Course: **LAW 867/511**
Seminar (Intellectual Property Based Entrepreneurship)

Instructor: **Professor Max Stul Oppenheimer**
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Days/Time: **Wednesday 9-11:45AM**

Location: Room assignments are available through MyUB.

Course Description:

CATALOG DESCRIPTION

LAW 867 PATENTS, COPYRIGHT & TRADEMARK SEMINAR (3)

Advanced study concerning current problems in patent, trademark, trade secret, and copyright law. The course includes an analysis of the interrelationship of these areas, and the effectiveness of controls that are designed to prevent misuses of these rights. Each student is to prepare and present a paper concerning at least one of these four areas of intellectual property law. Prerequisite: Copyright and the Arts, or Patents and Trademarks. [Limited Enrollment]

The focus this semester will be on the role of intellectual property in building a company. Questions (including requests to waive prerequisites): stop by or email.

Course Materials:

REQUIRED TEXT INFORMATION

**Barnes & Conley, Integrated Intellectual Property (American Casebook)
ISBN 978-1-63460-256-3**

RECOMMENDED TEXTS OR OTHER MATERIALS, ETC.

You are responsible for providing materials related to your presentation; either a single copy of these materials must be provided to the instructor 10 days in advance of the presentation or a copy of the materials must be provided to each student one class in advance of the presentation. If you miss a class, it is your responsibility to obtain notes and any handouts from a classmate.

Student Learning Outcomes:

This seminar will explore the role of intellectual property in entrepreneurial ventures. It will survey the types of intellectual property and characteristics of each type, and the options available for organizing a business entity suitable for exploiting a venture's available intellectual property. Each student will select a topic related to identifying, developing or exploiting intellectual property and will prepare and present a paper on the topic.

Students who successfully complete the seminar should be able to:

- identify the main types of intellectual property and explain the characteristics of each;
- identify the main types of business entity and explain the characteristics of each;
- explain the steps required to protect each type of intellectual property;
- explain the pros and cons of each type of business entity;
- develop and present a plan for inventorying intellectual property;
- develop and present a plan for organizing an entity appropriate for commercializing a venture's intellectual property;
- explain, in depth, the chosen paper topic.

Grades:

Each student will select and research a topic, make a formal "work-in-progress" presentation, comment on other students' presentations, make a final formal presentation and prepare a final paper. Grading will be based on

- 1) work in progress presentation 10%**
 - 2) class participation* including your comments on others' presentations 20%**
 - 3) final presentation 10%**
 - 4) final Paper 60%**
- *quality, not quantity**

Course Expectations:

"American Bar Association Standards for Law Schools establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately one hour of classroom instruction and two hours of out-of-class work for each credit earned in a class."

This is a seminar. Class time will be devoted to exploring the materials covered in the assignments. Accordingly, students are expected to complete all assignments before class and to participate consistently in class discussion to demonstrate completion of, and reflection on the issues raised in, the assignment.

STUDENT RECORDING OF CLASSES IS PROHIBITED. Anyone violating this policy will be required to withdraw from the course. **Cell phones must be kept out of sight and silenced.**

Attendance:

"Class attendance is a primary obligation of each student whose right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor."

As a seminar, a student's absence, late arrival or lack of preparation impacts the entire class. Students are expected to be on time and prepared. Students will be allowed one late arrival, following which late arrival will be considered an absence.

An attendance sheet will be circulated at the beginning of each class and it is your responsibility to sign the sheet. Deborah Pinkham keeps the official attendance list - if you have any question about your attendance record, you should contact her. If you miss a class, it is your responsibility to get notes from another student and any handouts from Ms. Pinkham.

A student who exceeds the maximum allowed absences as illustrated below WILL be compelled to withdraw from the course. "Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA (failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools."

Regular Semester Hours		
Credit Hours	Meetings Per Week	
	1	2
2	<u>2 absences</u>	<u>5 absences</u>
3	<u>2 absences</u>	<u>5 absences</u>
4	--	<u>5 absences</u>

Class Cancellation:

"If the instructor must cancel a class, notices will be sent to students via email and posted on the classroom door. 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."

Academic Integrity:

"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 School of Law. Violations of academic integrity include, but are not limited to: cheating, plagiarism, misuse of materials, inappropriate communication about exams, use of unauthorized materials and technology, misrepresentation of any academic matter, including attendance, and impeding the Honor Code process. The School of Law Honor Code and information about the process is available at http://law.ubalt.edu/academics/policiesandprocedures/honor_code/."

Title IX Sexual Misconduct and Nondiscrimination Policy:

"The University of Baltimore's Sexual Misconduct and Nondiscrimination policy is 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 Policy:

"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 lmetzger@ubalt.edu."

A NOTE ON EMAIL

If you send me an email, I will confirm receipt as soon as I get it. If you don't get a confirmation, don't assume that I've received your email. In the first class, please provide an email address for class contact – I will distribute a complete class email list so that anyone can communicate with everyone in the class.

ASSIGNMENTS

The first two classes set the basic stage for the course. How we proceed from there depends on the topics selected for your papers. It is important that you make a final topic selection by Class 3 so that a schedule can be distributed before Class 4.

Tentative Schedule

CLASS	ASSIGNMENT	OBJECTIVES
1	Bring a proposed topic (or more if you haven't decided) for your paper. Your final selection will be due Class 3. Select a successful company and be prepared to discuss why it is successful	Organize; review procedures; discuss preliminary topics Begin development of an analytical framework for entrepreneurship
2	Reading: 3-32 Be prepared to discuss "what is intellectual property" and why is it valuable	Become familiar with intellectual property rights, sources of authority Update thinking on topics Begin to develop connections between proposed topics
3	Choose a final topic Conduct a pre-emption check Begin to develop a plan	Report final choices on topics, preliminary research strategy Discuss what the preliminary outline should look like (core authority, logic, conclusion)

The general plan is to cover the following topics, subject to adjustment depending on progress and the particular seminar topics chosen.

- Overview of IP
- Trade Secrets
- Patents
- Trademarks
- Copyrights
- IP Audits
- Developing an IP Plan
- Overview of Business Entities
- Partnerships
- Corporations
- S Corporations
- LLCs
- Choice of Entity
- Developing an Entity Organization Plan