**INTELLECTUAL PROPERTY SURVEY**

**UNIVERSITY OF FLORIDA**

**LEVIN COLLEGE OF LAW**

**FALL 2023 SYLLABUS – LAW 6570 – 3 CREDITS**

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**Office Hours:** Mondays, 1pm-3pm, in office

**MEETING TIME:** Monday and Wednesday, 10:30am-11:55am

**LOCATION:** HH270

**COURSE DESCRIPTION AND OBJECTIVES:**

This course provides an introduction and overview of intellectual property law, which has, particularly in recent decades, grown to be a dominant force in the United States economy. After discussing the policies underlying the protection of intellectual property rights, we will cover trade secret, patent, copyright, and trademark law, and related doctrines such as the right of publicity. This course provides a foundation for advanced intellectual property courses. Alternatively, this course is also appropriate for students who seek a general understanding of how to recognize and manage intellectual property issues that are likely to arise in many other areas of legal practice, including business, family, and criminal law, among others.

It is expected that we will have some guest lecturers from government and private practice, which will help expand students’ understanding, as well as give students more opportunity to ask questions about intellectual property law and practice. Students will continue to focus on being ethical and responsible attorneys-in-training, including via in-class discussions and presentations.

**STUDENT LEARNING OUTCOMES:**

At the end of this course, students should be able to:

* Understand policies and principles of intellectual property law
* Identify legal issues involving intellectual property law
* Identify and characterize the different subsets of intellectual property law, including trade secret, patent, copyright, and trademark law, and some related doctrines including the right of publicity
* Identify and apply the elements of the various subsets of intellectual property law to a given set of facts, including by analyzing the policy objectives; the scope of protection; and the limits thereof.

**REQUIRED READING MATERIALS:**

The required reading for this course is a two-part casebook: Volumes I and II of Peter S. Menell, Mark A. Lemley, & Robert P. Merges, *Intellectual Property in the New Technological Age* (2023) – further information about the IPNTA casebook is available at <https://clause8publishing.com/ipnta/>.We will also refer sometimes to the relevant statutes. Although a compilation of statutes is available for purchase, you are not required to purchase that for this class, and you may instead access the statutes for free online, including via <https://www.law.cornell.edu/>.

Please be sure to register for the Canvas course page and to have the reading materials with you in print or via easily accessible electronic form in class. You are responsible for checking your Canvas page and the email connected to the page on a regular basis for any class announcements or adjustments.

**COURSE EXPECTATIONS AND GRADING EVALUATION:**

Class sessions will often include in-class group projects, which are intended to be fun opportunities to collaborate with “colleagues” on various intellectual property problems and projects. These are limited to class sessions, and when outside of class, you are free to collaborate or to pursue individual study methods as you see fit.

When assigned an in-class group problem or project, you will be asked to collaborate with your group, and to take turns reporting the results of your group discussion to the rest of the class when asked to do so. I may also cold-call students at other times during class. I will always endeavor to do so in a courteous and respectful manner. In this regard, please treat the classroom, and everyone in it, with the respectful demeanor and professionalism that you would display in a courtroom.

Conducting yourselves in a professional manner also means not engaging in any behavior during class that may distract me or your classmates. **This includes, but is not limited to, accessing social media, sending e- mails, and any other use of electronic devices during class that does not involve note taking.** Your failure to comply with this policy may be subject to the grade deduction for participation described below, your removal from the classroom, and/or loss of your privilege to use a laptop or other electronic devices in the classroom.

Your grade in this class will be based on your performance on the final exam. I reserve the right to increase or decrease your final grade + or – , based on the quality of in-class participation, including via the group discussions (or, on the negative side, your grade may be lowered by excessive absences, lateness, or unprofessional conduct in class).

The final exam will be a **closed-book, essay-style exam on Examplify**, consistent with the applicable UF and law school policies. The final exam has currently been scheduled by the law school administration for Monday, December 4, as a three-hour, in-person exam.

**CLASS ATTENDANCE POLICY:**
Attendance in class is required by both the ABA and the Law School. Attendance will be taken at each class meeting. Students are allowed a maximum of six absences during the course of the semester. Students are responsible for ensuring that they are not recorded as absent if they come in late. A student who fails to meet the attendance requirement will be dropped from the course. The law school’s policy on attendance can be found [here](https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies#:~:text=co%2Dcurricular%20activities.-,Attendance,regular%20and%20punctual%20class%20attendance.&text=UF%20Law%20policy%20permits%20dismissal,of%2012%20credits%20per%20semester.).

**UF LEVIN COLLEGE OF LAW STANDARD SYLLABUS POLICIES:**

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at this link: <https://ufl.instructure.com/courses/427635/files/74674656?wrap=1>.

**ABA OUT-OF-CLASS HOURS REQUIREMENTS:** ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. Each weekly class is approximately 3 hours in length, requiring at least 6 hours of preparation outside of class including reading the assigned materials, and gathering and studying your notes.

**COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS**

This syllabus is offered as a guide to the direction of the course. Our pace will depend in part on the class section, and is subject to change. Please come prepared, and read each assignment before class.

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| **Date** | **Topic** | **Assignment** |
| 8/21 | **I. Introduction**  | pp1-3(top); 33-40 |
| 8/23  | **II. Trade Secret Law**A. Introduction B. Subject Matter and Reasonable Efforts | pp44-52 (mid); 67-81 (mid)  |
| 8/28 | C. Misappropriation of Trade SecretsD. Proper Means and ImmunityE. Agreements to Keep Secrets F. The Case of Departing EmployeesG. Remedies | pp84-89 (mid); 116(bottom)-122(mid); 147(mid)-157 |
| 8/30 | **III. Patent Law**A. IntroductionB. Elements of Patentability (novelty); (nonobviousness) | pp176-184; 215(mid)-219(mid); 231(mid)-239 |
| 9/4 |  Labor Day: No Class |  |
| 9/6 | Possible Guest Speaker | TBA |
| 9/11 | Elements of Patentability cont’d (utility/disclosure) | pp247(mid)-275 (end) |
| 9/13 | Elements of Patentability cont’d (subject matter)C. Inventorship | pp283; 287-303(mid)pp326(mid)-330(top) |
| 9/18 | D. Administrative Patent Review Possible Guest Speaker | pp335-343 (top) |
| 9/20 | E. Claim ConstructionF. Infringement | pp343; 386-399(top) |
| 9/25 | G. DefensesH. Remedies | pp420-423; 431(mid)-438;450-462  |
| 9/27 | I. Design Patents Including Damages | pp475(mid)-496;502-504 |
| 10/2 | **IV. Copyright Law**A. Introduction B. RequirementsC. Copyrightable Subject Matter | pp520-526;529(bottom)-537;597-609(Volume II) |
| 10/4 | D. Ownership and Duration | pp622-631; 651-660  |
| 10/9 | E. Rights and Infringement  | pp663-675(top); 709-716 (bottom)  |
| 10/11 | No Class: Out of class assignment | TBA |
| 10/16 |  Indirect Liability F. Defenses (Fair Use) | pp772(bottom)-780;801(mid)-804;821(n.2)-839  |
| 10/18 | Defenses cont’dG. Remedies | pp900-904 |
| 10/23 |  **V. Trademark Law**A. IntroductionB. What Can Be Protected as a Trademark? | pp939 (top)- 970 |
| 10/25 | C. Establishment of Trademark RightsPriority; Trademark Examination and Procedures | pp1021 (mid)-1026;1035-1037(top) |
| 10/30 | D. Infringement Secondary Liability | pp1042 (bottom)-1057; 1104(top)-1115 |
| 11/1 | Dilution | pp1086(mid)-1101 |
| 11/6 | False advertisingAbandonmentFirst Sale | pp1117-1128; 1132(bottom)-1139;1147(mid)-1149(mid)  |
| 11/8 | E. Defenses/Fair Use F. RemediesCybersquatting | pp1149 (mid)-1171;1177-1178(mid);1102(mid)-1104 |
| 11/13 | Possible Guest Speaker | TBA |
| 11/15 | **VI. State IP Protections**D. Right of Publicity | pp1269-1283 |
| 11/20 | In-class Semester Review  |  |

I look forward to seeing you in class!