

Intellectual Property
Prof. Zvi Rosen, Fall 2023
Email: zvi.rosen@siu.edu
Office: Room 238

Overview

This course covers the basics of property law. We will examine what makes property rights distinctive; how property rights are created, transferred, and destroyed; and what the powers and duties of property owners are. This course will serve as a foundation for a variety of upper-division courses, including land use, environmental law, intellectual property, and commercial law.

The objective of this course is to teach students the basics of intellectual property, both in its three main areas and more obscure corners. In the process, students will learn the policy and social levers that underlie intellectual property and some of the social impacts of these choices.

Class will meet on Mondays and Wednesdays from 3 to 4:15 pm in Room 202.

Required Reading

The book for this class is the 2023 edition of Intellectual Property in the New Technological Age, available at <https://clause8publishing.com/ipnta>. Additional readings may be posted to the course's D2L page, discussed below. You can mostly skim the problems in the book; if you want to try to do them I'm happy to take a look. I may assign select problems as the semester continues, which will be graded pass/fail.

Attendance Policy

Attendance is mandatory. If you miss more than six classes you will not be able to take the final exam.

Participation

Students are expected to be prepared for class – you've paid to be here and the way to get the most out of this class is to do the reading before class so you understand what's going on in class. Excellent participation can result in a one-step raise in your grade in this class, and notably poor participation can result in a one-step reduction in your grade.

ChatGPT/Other AI/LLM Models

Students are strongly discouraged in this class, unless specifically instructed to do so as part of the writing assignment. It won't be available for the exam.

Class Website

There is a class website on D2L, aka mycourses.siu.edu. I will be endeavoring to share as much as possible there, including slides and other materials. Students are expected to monitor the D2L site, although I'll also alert students in class and electronically of when materials are added there.

Video Recordings of Lectures

All classes will be recorded and posted, subject to the caveat that there may be technical glitches. A recording of a class is not a substitute for real-time participation, and you may also want to ask another student to take notes for you if you are unable to be present.

Grading

Your grade is determined by a combination of class participation (10%), writing assignment (15%) and final exam (75%). The final exam schedule will be posted to the law school website. The exam is closed book.

Office Hours

Office Hours are 3-5 PM on Tuesdays. I encourage everyone to come by, whether to talk about class material, career goals, or anything else. Too often, students who are struggling don't come to office hours until the end of the semester. Remember—don't be ashamed, and ask me your questions as they come up – waiting until days before the final is hazardous.

Workload Expectations

The American Bar Association standards for accrediting law schools contain a formula for calculating the amount of work that constitutes one credit hour. According to ABA Standard 310(b)(1), a "credit hour" is an amount of work that reasonably approximates: (1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time. This is a 3-credit hour class, meaning that we will spend two 75-minute blocks of time together each week (scheduled for Wednesday and Friday, except for the initial class scheduled during Orientation Week). The amount of assigned reading and out of class preparation should take you about 6 hours for the week. All told, applying the ABA standard to the number of credits offered for this class, you should plan on spending a total of 9 hours per week (3 in class and 6 preparing for class) on course-related work.

Emergency Procedures

We ask that you become familiar with **Emergency Preparedness @ SIU**. Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness @ SIU website, and through text and email alerts. To register for alerts, visit <http://emergency.siu.edu/>.

Disability Policy

SIU Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Disability Support Services coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval, please contact DSS immediately at 618-453-5738 or disabilityservices.siu.edu. You may request accommodations at any time, but timely requests help to ensure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty. Please send approved accommodations to your faculty through the DSS online portal.

Saluki Cares

The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students, and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-2461, or siucares@siu.edu, <https://salukicare.siu.edu/>. Associate Dean Doug Lind (dlind@siu.edu, 618-453-8713) and Assistant Dean Judi Ray (judiray@siu.edu, 618-453-8135) are available at the School of Law to help students access university resources.

Safety Awareness Facts And Education

Title IX makes it clear that violence and harassment based on sex and gender is a Civil Rights offense subject to the same kinds of accountability and the same kinds of support applied to offenses against other protected categories such as race, national origin, etc. If you or someone you know has been harassed or assaulted, you can find the appropriate resources here: <http://safe.siu.edu>

Provisional Reading

This reading is tentative—updated syllabi will be posted to the D2L class website. When problems are assigned, you only need to read them before class unless the syllabus says otherwise.

| | |
|--------------------------------|---|
| August 21 | Introduction to IP – 1-41 |
| August 23 | Introduction to Trade Secret Law – 44-83 |
| August 28 | Misappropriation– 84-116, 127-145 |
| August 30 | Trade Secret Remedies and Patent Overview – 147-158, 170-182 |
| September 4 | Labor Day – no class. |
| September 6 | Novelty – 182-219 |
| September 11 | Nonobviousness & Utility – 220-257 |
| September 13 | Disclosure & Subject Matter – 257-311 |
| September 18 | Inventorship & Claim Construction – 326-334, 343-377 |
| September 20 | Infringement, Defenses, & Remedies – 386-402, 420-431, 450-467 |
| September 25 | Design Patents – 475-505 |
| September 27 | Copyright Intro & Requirements – 520-557 |
| October 2 | Limitations – 570-590, 597-614 |
| October 4 | Ownership – 622-663 |
| October 9 | Rights/Infringement – 663-689 |
| October 11 | More Rights – 707-725, 736-762. |
| October 16 | Liability & Fair Use – 772-810 |
| October 18 | Defenses – 810-848 |
| October 23 | Digital Copyright – 767-772, 865-899 |
| October 25 | Copyright: Remedies and International– 900-928 |
| October 30 | Introduction to Trademarks – 931-959 |
| November 1 | Establishing Trademarks –972-1002 |
| November 6 | Priority, Office Procedures, Incontestability – 1002-14, 1021-37, 1037-42 |
| November 8 | Infringement – 1042-59, 1071-73, 1083-85 |
| November 13 | Dilution & Domain Names – 1086-1104 |
| November 15 | Indirect Infringement, Defenses, Remedies – 1104-16, 1132-50, 1177-90 |
| Nov. 21 & 23 | No Class - Thanksgiving |
| November 27 | State IP – 1201-1208, 1219-1245 |
| November 29 | Right of Publicity – 1269-1313 |
| December 5 through December 15 | - finals weeks |

Syllabus Attachment

Fall 2023

MISSION STATEMENT FOR SOUTHERN ILLINOIS UNIVERSITY CARBONDALE

SIU embraces a unique tradition of access and opportunity, inclusive excellence, innovation in research and creativity, and outstanding teaching focused on nurturing student success. As a nationally ranked public research university and regional economic catalyst, we create and exchange knowledge to shape future leaders, improve our communities, and transform lives.

IMPORTANT DATES:

Semester Classes Begin:08/21/2023
Last day to add full-term course (without Dean's signature):08/27/2023
Last day to withdraw from the University with a full refund:09/01/2023
Last day to drop a full-term course for a credit/refund:09/03/2023
Last day to drop a full-term course (W grade, no refund):10/29/2023
Final examinations:12/11–12/15/2023

Note: Please verify the above dates with the Registrar calendar and find more detailed information on deadlines at <http://registrar.siu.edu/calendars>. For add/drop dates that apply to shorter-than-full-term courses, please look at the Schedule of Classes search results at <http://registrar.siu.edu/schedclass/index.php>

FALL SEMESTER HOLIDAYS:

Labor Day 09/04/2023
Thanksgiving Break 11/18-11/26/2023

DIVERSITY: Southern Illinois University Carbondale's goal is to provide a welcoming campus where all of our students, faculty and staff can study and work in a respectful, positive environment free from racism and intimidation. For more information visit: <http://diversity.siu.edu>. Additional [informational flyer](#).

DISABILITY SUPPORT SERVICES: SIU Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Disability Support Services coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval please contact DSS immediately at (618) 453-5738 or <https://disabilityservices.siu.edu>. You may request accommodations at any time, but timely requests help to insure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty.

MILITARY COMMUNITY: There are complexities of being a member of the military community and also a student, and military and veteran related developments can complicate academic life. If you are a member of the military community and in need of accommodations please visit Veterans Services at <http://veterans.siu.edu/>.

STUDENT MULTICULTURAL RESOURCE CENTER: The Student Multicultural Resource Center serves as a catalyst for inclusion, diversity and innovation. As the Center continues its work, we are here to ensure that you think, grow and succeed. We encourage you to stop by the Center, located in the Student Services Building Room 140, to see the resources available and discover ways you can get involved on the campus. Visit us at <https://smrc.siu.edu/>.

SALUKI CARES: The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIUC will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For information on Saluki Cares: Call (618) 453-2461, email siucares@siu.edu, or <http://salukicare.siu.edu/>.

SAFETY AWARENESS FACTS AND EDUCATION: Title IX makes it clear that violence and harassment based on sex and gender is a Civil Rights offense subject to the same kinds of accountability and the same kinds of support applied to offenses against other protected categories such as race, national origin, etc. If you or someone you know has been harassed or assaulted, you can find the appropriate resources here: <http://safe.siu.edu>.

SIU COUNSELING AND PSYCHOLOGICAL SERVICES (CAPS): Mental health counseling services are available by calling [CAPS](#) at (618) 453-5371. CAPS offers confidential same-day services and ongoing counseling. For after hours crisis care, students are encouraged to call 988, 911, or present to their nearest emergency room.

WITHDRAWAL POLICY (Undergraduate Only): Students who officially register for a session must officially withdraw from that registration in a timely manner to avoid being charged as well as receiving a failing grade for those classes. An official withdrawal must be initiated by the student, or on behalf of the student through the academic unit, and be processed by the Registrar's office. For the proper procedures to follow when dropping courses and when withdrawing from SIUC visit: <http://registrar.siu.edu/students/withdrawal.php>.

SIUC'S EARLY WARNING INTERVENTION PROGRAM (EWIP): Students enrolled in courses participating in SIUC's Early Warning Intervention Program might be contacted by University staff during a semester. More information can be found at the University Core Curriculum's Overview webpage: <https://corecurriculum.siu.edu/for-faculty/>.

EMERGENCY PROCEDURES: We ask that you become familiar with Emergency Preparedness at SIU. Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness at SIU website, and through text and email alerts. To register for alerts visit: <http://emergency.siu.edu/>.

CATALOGS:

catalog.siu.edu
gradcatalog.siu.edu - Graduate policies often vary from Undergraduate policies. To view the applicable policies for graduate students, please refer to the graduate catalog.

CENTER FOR LEARNING AND SUPPORT SERVICES:

Tutoring: <https://clss.siu.edu/>
Math Labs: <http://math.siu.edu/courses/course-help.php>

WRITING CENTER: <http://write.siu.edu/>

PLAGIARISM: See the Student Conduct Code: <http://srr.siu.edu/student-conduct-code/>

INCOMPLETE POLICY (Undergraduate Only): <http://registrar.siu.edu/grades/incomplete.php>

REPEAT POLICY: <http://registrar.siu.edu/students/repeatclasses.php>

MORRIS LIBRARY HOURS: <https://libcal.lib.siu.edu/hours/>

ADVISEMENT: <http://advisement.siu.edu/>

SIU ONLINE: <https://online.siu.edu/>

Need additional help with an issue? Visit **SALUKI SOLUTION FINDER** at <http://solutionfinder.siu.edu/>