Learning Objectives:
Students will gain a basic understanding of the statutory and case law pertaining to copyright, and some of the broader issues involved in a legal practice engaged with copyright issues. The focus will primarily be on U.S. copyright law, but some international themes and regulations will be addressed. These topics will be examined from both theoretical and practical perspectives, particularly with a view of the development of copyright doctrine and legislation as a response to, and at times an important influence upon, the business models emerging from the burgeoning technology and entertainment industries. A consideration of the various stakeholders’ interests in the efficacy and impact of copyright law will serve as a key analytical framework.
This portion of the course will conclude with an exercise designed to give students an opportunity to apply copyright doctrine in a realistic business opportunity.

Expectations:
Each 90 minutes class will include some lecture and open discussion or exercises. Attendance is important in part because I will sometimes lecture on material not covered in the reading assignments. I will try to post all handouts or presentations will on the website or blog after class. If you are unable to attend class, please let me know, and make arrangements for another student to give you notes and handouts.
On the first day of class, I will pass around an “expert” sign-up sheet for most of the remaining classes. Each student must be an expert once. Up to five students may be experts on a given day. Experts will be responsible for particularly thorough preparation of that day’s assignment and ready to take the lead on responding to questions and participating in discussions. I encourage experts to collaborate with each other and to share the fruits of their labors with the rest of the class. Experts are welcome to meet with me individually or as a group in advance of their class day. (That will require some advance preparation and scheduling, obviously). Experts may exchange days with another student, but please notify me so that I can update my records.
The use of experts, however, does not relieve other students from being fully prepared to discuss the topics and readings on any given day.
We will also create a blog to be used both as a tool for communications about our topics, as well as an on-line forum for discussions between classes. Each student will be expected to contribute to the blog at least once during the quarter.
There is an abundance of literature and material related to the long and complex development of copyright law in the U.S. and abroad. The assigned readings below have been selected to make your reading manageable, albeit there are still some lengthy assignments. I will occasionally offer additional materials for you to read and consider.

Evaluation:
Your overall score in the copyright portion of the class will constitute 50% of your quarter grade.
As to that portion of the grade, each student must be an expert once and will be evaluated on their contributions in that capacity, which will constitute 25% of your final evaluation for the copyright section.
In addition, general class participation and engagement will constitute another 25%. This includes your contributions to the blog.
The final 50% will be judged on a copyright exercise that will be due on the Monday after the last day of the copyright section of the course, February 9. I will provide the assignment to you by mid-January. This shall be an individual exercise.

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IP Survey LawE567a Professors Steve Davis & Michael Atkins

TOPICS AND READINGS (Winter Quarter):
Required Text:
Merges, Menell & Lemley, Intellectual Property in the New Technological Age (Revised 4th ed. 2007) (Note that the following includes readings for the Revised 4th Edition.)
Other Resources:
Ginsburg & Dreyfuss, Intellectual Property Stories (Foundation Press 2005) (recommended but not required)
U.S. Copyright Office: http://www.copyright.gov (and links contained therein)
Online digest of internet-related copyright cases, compiled by Perkins Coie LLP:
http://www.perkinscoie.com/casedigest/icd_results.cfm?keyword1=copyright&topic=Copyright (and links contained therein)
Kernochan Center Intellectual Property Program:
http://www.law.columbia.edu/center_program/kernochan/IIPPResources

Schedule of Assignments: Assignments are subject to modest change.

1/6 Introduction: lecture on IP history & philosophy; structure of the Copyright Act of 1976; international copyright regimes; enforcement & remedies.
  • Reading: Text 383-392; 616-632.

1/8 What is copyrightable? 17 U.S.C. §102(a)
  • Reading: Burrow-Giles Lithographic Co. v. Sarony, 111 U.S. 53, 4 S. Ct. 279, 28 L. Ed. 349 (1884); Text 392 – 405; 436 – 446.

1/13 What is not copyrightable? the idea-expression dichotomy; merger of useful items with expression, 17 U.S.C. § 102(b); unlicensed derivative works, 17 U.S.C. § 103.
  • Reading: Text 411 – 431; 500 – 510.

  • Reading: Text 474 – 500; 510 – 522.
- Reading: Text 522 – 569; 609 – 615.

1/22 **Fair Use.** See readings from 1/20 and additional handouts.

1/27 **How this Really Works in Practice?**
- Outside Lecturer

- Handouts/Blog on DMCA today

2/3 **Locating initial ownership; formalities; implications for sales and licensing agreements**
- Reading: Text 446 – 474; 405 – 411.

2/5 **Duration, restoration and termination; scope; implications for sales and licensing agreements; federal pre-emption, 17 U.S.C. §301.**
- Reading: Text 465 – 474

Written answers to the copyright exercise are due to Academic Services on Monday, 2/9, by 1:00 p.m.

**Overview of Trademark Portion of IP Survey**

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Winter 2009

**Trademark Portion of IP Survey**

Class will be taught in lecture and discussion formats based on the assigned readings from the casebook and supplement, and associated sections of the Lanham Act, 15 U.S.C. § 1051, et seq.)


When completing the assignments below, students are expected to read the text of the Lanham Act (Supp. 345-398) referenced in each assigned reading, paying particular
attention to Lanham Act Sections 32-35 and 43.

Evaluation will be by closed-book exam. Consistent high-quality class participation may raise a student’s grade by one half-grade (e.g., from a B to a B+). More than one unexcused absence from class may lower a student’s grade by one half-grade (e.g., from a B+ to a B).

Course expectations will be discussed in more detail at the first class on February 9.

2/10---Trademark history and theory; What can be protected by trademark?
Reading: Text 633-650

2/12---Establishing trademark rights; Classification and protection of marks
Reading: Text 650-64

2/17---Trade dress and product configuration
Reading: Text 664-76

2/19---Priority of marks
Reading: Text 676-95

2/24---Trademark infringement; Dilution
Reading: Text 725-39; Supp. 25-32; Text 750-52

2/26---Defenses to trademark infringement; Nominative Use
Reading: Text 787-807, 821-31

3/3---Franchising; Cybersquatting
Reading: Text 755-771

3/5---Remedies for trademark infringement
Reading: Text 838-51

3/10---Review