



INTELLECTUAL PROPERTY LAW - BLAW 450

Professor Kurt M. Saunders

OFFICE: JH 3256

EMAIL: kurt.saunders@csun.edu

OFFICE HOURS: Monday & Wednesday, 12:30 – 2:00pm; & by appointment

Course Description

This course provides an introduction to the law of patents, copyrights, trademarks, trade secrets, and related forms of intellectual property protection. Considered will be the nature of intellectual property rights and the scope of protection for various subject matter, including international and trade aspects relating to technology protection and transfer; the enforcement of intellectual property rights and remedies for infringement or misappropriation of such rights; and practical strategies for intellectual property development, management, and licensing in the modern business environment. *Prerequisites:* BLAW 280; BUS 302, 302L for BSBA majors; passing score on the Upper-Division writing Proficiency Exam (WPE).

Course Objectives

You will gain an understanding of the various legal rules that apply to decision-making in the business environment, and to use these rules to manage legal risk and make ethical decisions. You will develop your analytical, argumentation, and writing skills by reading and briefing court decisions, identifying legal issues and legally relevant facts, using rules and facts to support an argument, and applying rules through oral discussion of cases and hypothetical problems in class and through written analysis on examinations.

Required Text

The text for this course is Saunders, *The Law of Intellectual Property: Business Law for Innovation and Competition* (2009).

Class Attendance and Participation

You are required to attend, be prepared for, and participate in class. Readings and problems will be assigned in advance of each class. Preparation for class entails reading the assigned materials, briefing all cases, and preparing written answers to problems. Case briefs must summarize the facts, issues, holdings, and rationale of each decision. In addition, class participation is mandatory. Class will be conducted through use of the Socratic and case methods, lecture, and discussion. You will be called upon at random during each class to discuss your briefs, answer questions, analyze problems, and a portion of your final grade will be based on your participation in class.

Method of Assessment

Plus and minus grading will be applied. Each examination consists of two essay questions. Except in emergency or unforeseeable circumstances that you can document, there are *no make-up examinations*. If you know *in advance* that you will be absent on the day of an exam and can present a valid excuse, you *may* be able to arrange with me to take the exam *in advance* of the rest of the class. Your final grade will be computed based on the total number of points you accumulate during the semester on the following:

Examination I	30 points
Examination II	30 points
Examination III	30 points
Class Participation	10 points

There will be *no extra credit* assignments. You are responsible for knowing and following the Academic Dishonesty Policy, available in the university catalog and online. Collaboration on

examinations is prohibited. Instances of academic dishonesty will be immediately reported and will result in a grade of "F" for the course.

Reading Assignments & Topical Outline

WEEK	TOPIC	READING	CASES
TRADE SECRETS			
1-2	<i>Can You Keep a (Trade) Secret?:</i> Requirements for Protection	TEXT: 1-11	<i>Metallurgical Industries, Rockwell Graphic Systems</i>
	<i>The Eye in the Sky:</i> Liability and Remedies for Misappropriation	TEXT: 11-20, 27-32	<i>DuPont, Chicago Lock, Lange</i>
	<i>You'll Never Work in this Town Again:</i> Departing Employees	TEXT: 20-26	<i>Pepsico, Earthweb</i>
PATENTS			
3	<i>Anything Under the Sun:</i> Patentable Subject Matter and the Utility Requirement	TEXT: 44-56	<i>Diamond, State Street Bank, Brenner</i>
3-4	<i>So What Else is New?:</i> The Novelty Requirement and Loss of Right	TEXT: 57-71	<i>Egbert, Pfaff, Klopfenstein, National Tractor Pullers</i>
	<i>Why Didn't I Think of That?:</i> The Nonobviousness Requirement	TEXT: 75-82	<i>Graham, Clay</i>
	<i>And the Tie Goes to...:</i> Priority of Invention	TEXT: 89-93	<i>Griffith</i>
5	<i>Stop Infringing or I'll Shoot!:</i> Literal Infringement and the Doctrine of Equivalents	TEXT: 93-103	<i>Larami, Graver Tank</i>
	EXAMINATION I: TRADE SECRETS & PATENTS		
TRADEMARKS			
6	<i>Use It or Lose It:</i> Priority of Use In Commerce	TEXT: 131-46	<i>Blue Bell, Zazu Designs, Dawn Donut</i>
6-7	<i>A Mark of Distinction:</i> The Distinctiveness Requirement	TEXT: 146-63	<i>Abercrombie & Fitch, Zatarains, Henegan Construction, Nantucket</i>
	<i>Hey, This Mexican Restaurant Sure Looks Familiar:</i> Distinctiveness of Color and Trade Dress	TEXT: 164-71	<i>Qualitex, Two Pesos, Wal-Mart</i>
7-8	<i>Work Better, Look Good:</i> The Nonfunctionality Requirement	TEXT: 171-78	<i>Morton-Norwich, Wallace Silversmiths</i>
	<i>Yes to Safe Sex, No to Fake Fur:</i> Prohibited Trademarks	TEXT: 178-86	<i>Old Glory, Brough</i>
9	<i>Wait a Minute, I'm Confused:</i> Trademark Infringement	TEXT: 186-93	<i>CBS, GoTo.com</i>
	<i>Blurred and Tarnished:</i> Trademark Dilution	TEXT: 193-96	<i>Jada Toys</i>
	<i>Playboys and Chewtoys:</i> Fair Use and Permitted Uses	TEXT: 197-210	<i>Smith, Champion Spark Plug, Playboy, Mattel, Louis Vuitton</i>
RIGHT OF PUBLICITY			
10	<i>What Do Singers and Game Show Hostesses Have in Common?:</i> The Scope of Publicity Rights	TEXT: 220-32	<i>Henley, Midler, White</i>
	<i>You're Out!:</i> Free Speech Considerations	TEXT: 232-40	<i>C.B.C., Cartoons</i>
11	EXAMINATION II: TRADEMARKS & RIGHT OF PUBLICITY		
COPYRIGHTS			
11	<i>Fix It or Forget It:</i> The Fixation Requirement	TEXT: 248-51	<i>Stern Electronics</i>
12	<i>Wow, This Phone Book Sure is Fascinating!:</i> The Originality Requirement	TEXT: 252-58	<i>Burrow-Giles, Bleistein, Feist</i>
12-13	<i>Ideas on the Left, Expression on the Right:</i> The Idea/Expression Dichotomy	TEXT: 258-64	<i>Baker, Hoehling, Ets-Hokin</i>
13-14	<i>Use Your Body:</i> The Useful Article Doctrine	TEXT: 264-67	<i>Carol Barnhart</i>
	<i>No Room at the Inn (Unless You're an Employee):</i> Copyright Ownership and Formalities	TEXT: 267-75	<i>Community for Creative Non-Violence, Childress, New York Times</i>
	<i>When Private Rooms Become Public:</i> Exclusive Rights	TEXT: 275-83	<i>Horgan, Lee, Columbia Pictures</i>
14-15	<i>My Sweet Lord, He's So Fine!:</i> Liability for Copyright Infringement	TEXT: 283-92	<i>Bright Tunes, Nichols, MGM</i>
	<i>A Pretty Hairy Woman:</i> The Fair Use Defense	TEXT: 292-300	<i>Harper & Row, Campbell</i>
Final	EXAMINATION III: COPYRIGHTS		