

# Standard Course Outline

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## BLAW 422 – Intellectual Property

### I. General Information

- ♦ Course number: BLAW 422
- ♦ Title: Intellectual Property
- ♦ Units: 3
- ♦ Prerequisites:
- ♦ Course Coordinator: Allison E. Butler, JD
- ♦ SCO Prepared by: Allison E. Butler, JD
- ♦ Date prepared/ revised: March 9, 2019

### II. Catalog Description

This course is an introduction to the development, policy, and environment of intellectual property with focus on trademarks, service marks, patents, copyrights, and trade secrets in relation to technology, business, and the arts including best practices, statutes, and judicial decisions.

Letter grade only (A-F).

### III. Curriculum Justification(s)

#### A. General

**Critical Thinking:** Students will be able to demonstrate conceptual learning, critical thinking, and problem-solving skills. An understanding on how intellectual property is obtained, owned, assigned and recognized by the law in all of these various fields through problem solving provides students with a better understanding of the importance and value of intellectual property in our current society.

**Ethics:** Students will be able to demonstrate awareness and knowledge of social responsibility, ethical leadership, and citizenship issues in the local, regional and world communities. Students learn how to recognize and evaluate ethical effect of their decisions with reference to intellectual property on various stakeholders – locally, domestically and internationally, dealing with conflicting interests as well as preserving contractual obligations.

**Interpersonal, Leadership & Team Skills:** Students will be able to demonstrate interpersonal and leadership skills for working in a dynamic and diverse world, both independently and in a team environment. An individual or group project and presentation requiring an oral presentation on a pre-approved, cutting-edge intellectual property issue. This project will help students apply the knowledge learned and to explore an area of interest in depth for further understanding and development of this matter while simultaneously broadening their verbal and written communication skills.

## **B. Management Specific**

**Business Functions:** Students will be able to demonstrate understanding of all business functions, practices and related theories and be able to integrate this functional knowledge in order to address business problems. A key aspect of this course is for students to have the ability to identify intellectual property with a full understanding of these observations including ownership, protection and enforcement of rights within a legal and business context. This knowledge can serve to benefit the business or individual with reference to the role that a decision could have with respect to ownership, use, dilution or infringement of intellectual property.

**Domestic & Global Environment:** Students will be able to demonstrate knowledge of today's dynamic business environment (e.g., legal, regulatory, political, cultural, and economic), especially the links between our region and global business. Through this course, students will be able to demonstrate knowledge of federal and state laws governing intellectual property within the United States. Judicial opinions will also be explored as well as case laws' domestic and global impact on individuals and businesses throughout the world. There will also be discussion on international treatment of intellectual property through examination of various treaties.

## **IV. Course Objectives, Student Learning Outcomes, Evaluation Instruments, and Instructional Strategies for Skill Development**

Students will learn the policies behind the creation and protection of intellectual property reflecting on its social, political, and economic impact. Examination of a broad scope of laws and regulations further critical thinking through 1) identifying intellectual property; 2) making informed and prudent decisions with protecting intellectual property; 3) understanding the role of intellectual property within the business structure that includes, but not limited to, the supply chain, marketing, IT developers and writers; and, 3) recognizing the ability of a company or individual to capture economic value from intellectual property. The objectives of this course are the following:

**OBJECTIVE I:** To enable students to recognize what constitutes intellectual property and ability to recognize the different types of intellectual property

**A. MEASUREABLE OUTCOME:** Students will demonstrate understanding of what constitutes intellectual property through reading and analyzing federal and state regulation and laws including case law that defines intellectual property.

**B. EVALUATION INSTRUMENTS:** Specific assignments will vary by instructor, but typical assignments include take-home essays, research papers and activities, and in-class exams.

**C. INSTRUCTIONAL STRATEGIES:** Instructional strategies include lecture, exercises, and research assignments facilitating various sources including the United States Patent and Trade Office, United States Copyright Office and Westlaw via CSULB Library database to further their knowledge on what constitutes intellectual property.

**OBJECTIVE II:** To provide students with a full understanding of how IP rights are acquired, registered (if necessary), protected, transferred, and infringed.

- A. MEASUREABLE OUTCOME:** Students will be able to determine how ownership of intellectual property is achieved through registration, use, contractual or assignment and the rights of ownership. Each type of ownership will be explored to enhance their knowledge of these different forms permitted and protected by law.
- B. EVALUATION INSTRUMENTS:** Specific assignments will vary by instructor, but typical assignments include exercises in-class, research papers and outside activities, and in-class exams.
- C. INSTRUCTIONAL STRATEGIES:** Instructional strategies include lecture, exercises, and research assignments facilitating various sources including the United States Patent and Trade Office, United States Copyright office and Westlaw via CSULB Library database to further their knowledge on what constitutes intellectual property. There will be two exams to reinforce concepts learned during class time.

**OBJECTIVE III:** To bring awareness of emerging intellectual property issues in various environments and the related laws.

- A. MEASUREABLE OUTCOME:** Students will review intellectual property as it relates to current issues as well as future technology challenges and emerging international issues with reference to the internet and social media outlets. This would include discuss on international agreements that relate to intellectual property such as the Madrid Protocol and the Berne Convention.
- B. EVALUATION INSTRUMENTS:** Assignments will include, but not be limited to, researching and reading case law, international law, and legal articles with reference to emerging issues such as protection against patent and trademark trolls. There will be two exams to reinforce concepts learned during class time.
- D. INSTRUCTIONAL STRATEGIES:** Instructional strategies include lecture, exercises, and research assignments facilitating various sources including the United States Patent and Trade Office, United States Copyright office and Westlaw via CSULB Library database to further researching and reading case law, legal articles and relevant law with reference to domestic and international issues arising from use and infringement of intellectual property.

**OBJECTIVE IV:** To advance students abilities and skills in understanding and drafting of various contracts frequently facilitated with intellectual property.

- A. MEASUREABLE OUTCOME:** Students will be instructed on various types of transactional agreements commonly associated with intellectual property. Instruction will be given on use and meaning of cease and desist letters to

protect ownership of intellectual property as well as the use of intellectual property to develop and generate other intellectual property or enter into licenses or assignment agreements for additional income.

**B. EVALUATION INSTRUMENTS:** Specific assignments will vary by instructor, but typical assignments include exercises in-class, research papers and outside activities, and in-class exams.

**C. INSTRUCTIONAL STRATEGIES:** There will be drafting and reviewing assignments to reinforce transactional concepts. Development of transactional awareness and understanding and application of legal concepts as it relates to intellectual property.

## **V. Outline of Subject Matter**

### **A. SUGGESTED COURSE SCHEDULE / TOPICS TO BE COVERED.**

Class 1	Intellectual Property Overview; Introduction to Trademarks
Class 2	Trademark Searching and Registration; Post-Registration; Trademark Transfers
Class 3	Inter Partes Proceedings; Infringement; Dilution; New Developments; International Trademark Law
Class 4	Introduction to Copyrights
Class 5	Exclusive Rights of Copyright Ownership
Class 6	Copyright Ownership; Transfers; Duration; Registration; and Infringement
Class 7	New Developments in Copyright Law; International Copyright Law
Class 8	Introduction to Patents; Patent Application and Post-Issuance Process; Patent Ownership and Transfer
Class 9	Patent Infringement; New Developments; International Patent Law
Class 10	Trade Dress
Class 11	Case Studies and New Developments
Class 12	Trade Secrets
Class 13	Case Studies and New Developments
Class 14	License Agreements and other related topics
Class 15	Presentations
Class 16	Presentations

## **VI. Disclaimer:**

**ALTHOUGH THE INSTRUCTOR IS AN ATTORNEY, ANY LEGAL INFORMATION PROVIDED IN THIS COURSE SHOULD NOT BE TAKEN AS PERSONAL LEGAL**

**ADVICE FOR AN INDIVIDUAL STUDENT, NOR IS THE INSTRUCTOR TO BE CONSIDERED TO BE THE STUDENT'S ATTORNEY. STUDENTS ARE ADVISED TO SEEK INDIVIDUALIZED LEGAL ADVICE REGARDING THEIR SPECIFIC FACTUAL SITUATION FROM AN ATTORNEY OF THEIR CHOOSING.**

**THIS IS A BROAD OUTLINE OF TOPICS TO BE COVERED. SUBJECT MATTER AND SEQUENCE OF TOPICS MAY VARY BY INSTRUCTOR**

## **VII. Methods of Instruction**

**A. INSTRUCTION MODE. Check one or more modes of instruction that this course is authorized to use. Syllabi must also contain an explicit statement describing the mode of instructional delivery.**

May refer to [University policies](#) on "Academic Technology and the Mode of Instruction" and "Course Syllabi and Standard Course Outlines," for descriptions of modes of instruction and for guidelines for non-traditional modes of instruction.

X Traditional      X Hybrid      X Local Online       Distance Education

**B. CLASSROOM ACTIVITIES. (Optional but highly recommended for core courses)**

**C. EXTENT AND NATURE OF TECHNOLOGY USE. (Optional but highly recommended for core courses)**

The use of technology will depend on individual instructors, but may include BeachBoard, and must include the development of familiarity with the following websites:

- [U.S. Patent and Trade Office:](#)
  - Examination of registration, ownership, and assignments of patents and trademarks and service marks.
- [U.S. Copyright Office:](#)
  - Examination of registration, ownership and assignments of copyrights
- [U.S. Federal Court System:](#)
  - Examination of filings for infringement, dilution, and other federal actions.
- [California Secretary of State:](#)
  - Examination of ownership through different business entities
- [US Federal Trade Commission \(Business\):](#)
  - Examination of unfair business actions.
- [California Courts \(Forms and Courts\):](#)
  - Examination of filings for infringement, dilution, and other state actions.

## **VIII. Information about Textbooks/Readings**

In addition to the foregoing, there will be use of the CSULB library database of Westlaw for discussion of recent laws and case law. The following is a short list of textbooks that are most likely to be used for this course. Instructors may assign one or more of these and/or include other relevant texts/readings. Instructors may be asked to justify the use of old textbooks, if updated texts are available.

Deborah E. Bouchoux, Esq., *Intellectual Property: The Law of Trademarks, Copyrights, Patents, and Trade Secrets*, Cengage 5<sup>th</sup> Edition.

## IX. Instructional Policies Requirements

Instructor's syllabi must contain explicit statements regarding their own policies with regard to plagiarism, withdrawal, absences, etc., which should be consistent with the university policies published in the CSULB Catalog. It is expected that every course will follow [university policies](#) on "Attendance," "Course Syllabi & Standard Course Outlines," and "Final Course Grades, Grading Procedures, and Final Assessments." If some or all sections of the course are to be taught, in part or entirely, by distance learning, the course must follow the provisions of [university policy](#) on Academic Technology and the Mode of Instruction. Instructors should refer to the current [CSULB Catalog](#) and to the [Academic Senate website](#) for campus guidelines and policy statements as they develop their individual course policies.

All sections of the course will have a syllabus that includes the information required by the syllabi policy adopted by the Academic Senate. Instructors will include information on how students may make up work for excused absences. When class participation is a required part of the course, syllabi will include information on how participation is assessed. When improvement in oral communication is an objective of the course, syllabus will include a rubric for how oral communication is to be evaluated.

## X. Course Assessment and Grading

### A. DESCRIPTION OF ASSESSMENTS

The exact set of course assignments will vary depending on the instructor. University policy requires that no single evaluation of student achievement may count for more than one-third of final grade. The assignments may include the following

Assignment Description	Linked to SLO	% of Course Grade
Assignment #1 In-class Participation	SLO #1-4	5%
Assignment #2 Drafting of Transactional Agreement	SLO #2-4	5%
Assignment #3 Researching Trademarks and Patents	SLO #1	10%
Assignment #4 Research Copyrights	SLO #1-3	5%
Assignment #5 Presentations	SLO #1-4	25%
Assignment #6 Exams	SLO #1-4	50%

To summarize course requirements:

2. Attendance and participation (5%)
3. Homework assignments (20%)
4. Midterm exam (essay/multiple choice) (25%)
5. Final exam (essay/multiple choice) (25%)
6. Presentations (25%)

## B. GRADING POLICIES AND PROCEDURES.

Grading policies, procedures, and the percentage of the course grade associated with each assessment must be explicit on each instructor's syllabus and must be consistent with [University policy](#) on "Final Course Grades, Grading Procedures, and Final Assessments." Instructors must develop scoring guidelines for assessments, which must be made available to students. The final course grade will be based on a descriptive scale such as the following:

<u>Percent</u>	<u>≡</u>	<u>Grade</u>	<u>Grade Description</u>
90-100%	=	A	Mastery of the relevant course standards.
80-89%	=	B	Above average proficiency of the relevant course standards.
70-79%	=	C	Satisfactory proficiency of the relevant course standards.
60-69%	=	D	Partial proficiency of the relevant course standards.
Below 60%	=	F	Little or no proficiency of the relevant course standards.

## XI. Disabilities

The Bob Murphy Access Center (BMAC) provides certification for students with disabilities and helps arrange relevant accommodations: [Bob Murphy Access Center](#). Any student requesting academic accommodations based on a disability is strongly encouraged to register with Disabled Student Services (BMAC) each semester. A letter of verification for approved accommodations can be obtained from BMAC. Please be sure to provide your instructor with BMAC verification of accommodations as early in the semester as possible. The phone number for BMAC is (562) 985 5401. The email address is: [bmac@csulb.edu](mailto:bmac@csulb.edu).

## XII. Assistive Technology

In compliance with [university policy](#) on "Accessibility and Faculty Responsibility for the Selection of Instructional Materials," instructors are responsible for ensuring that their syllabi and instructional materials are accessible to all students.

## XIII. Consistency of SCO Standards across Sections

All future syllabi will conform to the SCO. The course coordinator should review the SCO and offer advice and/or materials to faculty member new to teaching the course. The course coordinator may

offer or require regular review of instructors' course materials as well as anonymous samples of student work.

**XIV. [Additional Resources for Development of Syllabi.](#)**