

**Intellectual Property  
Law 470  
Spring, 2010**

**SYLLABUS**

- Professor: Jonathan R. Siegel  
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Office Hours: Tuesdays and Wednesdays, 3:30 - 4:30 pm.
- Class Schedule: Tuesdays, Wednesdays, and Thursdays, 1:40 - 2:35 pm. Classes will begin promptly at the appointed time.
- Required Texts:
1. Goldstein & Reese, *Copyright, Patent, Trademark and Related State Doctrines* (6<sup>th</sup> ed.)
  2. Goldstein & Kitch, *Selected Statutes and International Agreements on Unfair Competition, Trademark, Copyright and Patent* (2009 ed.)
  3. Supplementary Materials (available in Records Office)
- Assignments: A list of reading assignments is attached. You should read each assignment before the class in which the assigned material is discussed, think carefully about the reading, and be prepared to participate in class discussion. The assignment numbers do not correspond to class periods; you will know which assignment you should be on from announcements made during class. However, if, at the end of any class, we have made substantial progress on the last materials so far assigned and no announcement is made, read the next assignment. For the first class, please read assignment 1 (that's "1", not "I").
- Requirements: The requirements for all students are: read the assignments in a timely fashion, attend class, participate in class discussion, and take the final exam. Grades will be based primarily on the final exam, with classroom participation also considered. Students who are persistently and excessively absent will not receive a positive class participation adjustment and may receive a negative class participation adjustment or a grade of No Credit. Occasional, isolated absences do not directly affect a student's grade; students should not seek approval for such absences.
- Taping of Classes: All requests for class taping must be made through the Office of Student Affairs. Students should not ask me about taping of classes. Approval of the class instructor is required for taping. I am somewhat stricter than the Student Affairs Office but generally follow its policy. Taping of classes by students is not permitted. I am always happy during my office hours or by other appointment to discuss any topics a student may have missed.

**Class Participation:** All students are invited and encouraged to be prepared for all classes, but we will use an on-deck system to determine who will be called on for each class. An on-deck schedule will be distributed for the semester shortly after the drop-add period. An e-mail announcement will be made regarding the first few classes. It is important to be present and prepared on days when you are on deck. No trades. If you must miss an on-deck day, the way to make up for it is to participate actively on nearby days.

**Electronic Devices:** All cell phones, computers, watches, and other devices must be set so as not to make noise during class. The “vibrate” setting is allowed. Computers that sound music or make other noise on start-up may not be started once class has begun.

Using computers to take notes in class is permitted. Using computers for any other purposes during class, such as playing games, surfing the Internet, or reading or sending messages, is distracting to other students and is therefore prohibited.

The use of electronic means to transmit answers to students being asked questions during class is prohibited. Violation of this rule constitutes academic dishonesty.

The use of computers in taking the final examination is strongly encouraged. Students who choose to handwrite their exam are cautioned that words that are not readily legible may be disregarded.

**Communication:** I sometimes send important messages relating to the course to students by e-mail. Students are responsible for checking their GW e-mail accounts daily.

**Curricular Notes:** This survey course is designed primarily for students who desire broad exposure to the various forms of intellectual property but who do not care to devote a full course to a particular form of intellectual property. If taking this course inspires you to take a more specific intellectual property course, that is fine; however, in light of the overlap between the courses, individual faculty members teaching Law 471 (Patent Law), Law 472 (Copyright Law), or Law 474 (Unfair Competition and Trademark Law) are permitted to decide whether their courses should be open or closed to students who have taken this course. Thus, after taking this course, you may not be able to take the more specific courses with a particular instructor. This course is not suitable for candidates for the LL.M. degree in Intellectual Property and may not be taken by such students for credit. Also, students who have already taken courses in two or more of the areas of intellectual property (patent, copyright, and trademark) should not take this course.

**Examination:** The examination may contain a mix of essay and multiple choice questions.

## READING ASSIGNMENTS -- Part 1

The initial list of reading assignments follows. Further reading assignments and supplementary materials will be distributed as the term progresses.

When the assigned reading refers to a statutory provision, you should read that provision in your statutory supplement. Usually, this is indicated in the assignments below, but you should do it even when it is not so indicated.

Abbreviations used below:

GR	Goldstein & Reese, <i>Copyright, Patent, Trademark and Related State Doctrines</i> (6 <sup>th</sup> ed.)
SM	Supplementary Materials (available from Records Office)

### **I. State-Law Protection for Intellectual Property**

#### *Rights in Ideas*

1. *Read this syllabus*, particularly the first two pages. It contains important information that you will need to know. Retain this syllabus throughout the semester.  
SM 1-4  
GR 17-19, 36-49
2. GR 49-64, 632-637

### **II. Trademarks and Unfair Competition**

#### *Unfair Competition*

3. GR 167-175

#### *Acquisition and Retention of Trademarks*

4. GR 175-190  
15 U.S.C. §§ 1051(a)(1), (b)(1), (c), (d)(1), (d)(2); 1057(c); 1127 (definition of “trademark”)

#### *Protectible Marks and Trade Dress*

5. GR 190-208  
15 U.S.C. § 1052
6. GR 209-232

7. GR 233-237  
15 U.S.C. §§ 1053, 1127 (definition of “service mark”)  
GR 246-257
8. GR 367-383, 389-395  
15 U.S.C. § 1125(a)

*Rights in Trademarks*

9. GR 261-263, 265-277 (pay attention to the briefly noted *Rectanus* case)  
15 U.S.C. §§ 1072, 1114-1115
10. GR 345-367
11. GR 277-287  
SM 5-6  
GR 287-297
12. GR 297-322

*Remedies*

13. GR 326-345  
15 U.S.C. §§ 1116(a), 1117, 1118, 1124

*Other Unfair Competition*

14. SM 7-12  
GR 67-76 (skip note 1 on 73-74)