

**Intellectual Property Law in a Commercial Environment**  
**BUL 4514 001 MW 1:15 – 2:50 pm**  
**Syllabus**

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**TEXT:** *Intellectual Property*, 3<sup>rd</sup> Edition, by Stephen M. McJohn, Aspen Publishers. There will also be handouts.

**COURSE OBJECTIVES:** Intellectual Property represents a significant component of business assets in the U.S.. In this course you will learn to identify intellectual property, spot issues relevant to securing and maintaining intellectual property rights, and explore ways to use intellectual property rights. We will address trademark, copyright, patent, and trade secret uses in the commercial environment. There will be opportunity to experience applying for copyright protection and doing the initial inquiries concerning patent applications. We will cover the basic rules of law governing intellectual property rights, strategies for using those rights, as well as social and ethical consequences.

**COURSE REQUIREMENTS:** Read all chapters of the text and handouts assigned, and complete all assigned homework. We will be creating Wiki pages and your particular assignments are noted on the Wiki page assignment. Please note the due dates because we will edit the Wiki pages in class and any assignment not placed on Blackboard by the date we edit in class will be too late to accept. Read the assigned material before coming to class and be prepared to discuss the material in class. Refer to the Wiki page assignment documents in Blackboard for specific assignments and at least weekly check the course website for any changes in assignments. Although lectures will generally follow the material in the book, in some instances they may not. You will be responsible for material presented in class as well as that found in the text.

**COURSE WEBSITE:** The website for the course is <http://blackboard.fau.edu>. Course documents will be posted along with announcements, reading assignments and other information you will need for the course in Content. It is your responsibility to check the website frequently for changes in assignments and for announcements.

**ASSESSMENT PROCEDURES:** There will be approximately 5 homework assignments which you will find on Wiki Page Assignments. You will then post your portion of the assignment on Blackboard. There will be some Internet research. The assignments will be worth 40% of your final grade. There will be unannounced classwork worth 10% of your final grade. There will be 2 tests, worth 25 points each, with the combined tests representing 50% of the grade. The class tests are composed of short answer questions. There may be some random in-class assignments which will be used as extra credit points.

We will use the University's grading scale:

A 94-100	B+ 88-89	C+ 78-79	D 65-70
A- 90-93	B 84-87	C 74-77	F 0-64
	B- 80-83	C- 70-73	

**General rule: No make-up exams. Exception to the rule: In dire circumstances at the instructor's discretion and ONLY if student has made arrangements with the instructor prior to the exam.**

**ACCOMODATION FOR STUDENTS WITH DISABILITIES:** In compliance with the Americans with Disabilities Act (ADA), students who require special accommodations due to a disability in order to properly execute coursework must register with the Office for Students with Disabilities (OSD) located in Boca Raton at SU 133 (561-297-3880), in Davie at MOD 1 (954-236-1222), in Jupiter at SR 117 (561-799-8585), or at the Treasure Coast at CO 128 (772-873-3305), and then follow all OSD procedures.

**ACADEMIC HONESTY:** Students at Florida Atlantic University are expected to maintain the highest ethical standards. Academic dishonesty, including cheating and plagiarism, is considered a serious breach of these ethical standards, because it interferes with the University mission to provide a high quality education in which no student enjoys an unfair advantage over any other. Academic dishonesty is also destructive of the University community, which is grounded in a system of mutual trust and places high value on personal integrity and individual responsibility. Harsh penalties are associated with academic dishonesty. Violation of this ethical concept will result in penalties ranging from a grade of "F" in the course to dismissal from the University. A letter of fact will be included in the student's file for all violations. See Rules and Regulations of the University, Chapter 6C5-4.001 Student Affairs.

## **Course Content**

### **Intro to Intellectual Property Rights May 16-18**

*Chapter 1 of text, Handout #1, #6, #10*

Identifying intellectual property rights

Public policy issues

Historical context

Internet Intellectual Property Rights

### **Copyrights May 23- June 8**

*Homework #1 due June 6. Read chapters 2-5 of text and Handouts #2 and 3.*

Copyright Act of 1976

- Subject Matter, Registration, Duration, Exclusive statutory rights,  
Reproduction, Distribution
- Derivative Works
- Theories of liability for Copyright infringement
  - Direct Infringement
  - Contributory Infringement
  - Vicarious Infringement
- Limitations on rights
  - Fair Use Doctrine, First Sale Doctrine, Work-For-Hire, Public Domain
- Internet issues
- Licensing, royalties and/or assignment

**Patents, June 13 - 27**

*Homework #2 due June 22. Chapters 6-9 of text.*

**Business Methods, Utility, Design and Plant Patents**

- What is patentable?
- How to conduct a search
- Patent Applications
- Ownership Rights
- Assignment, licensing issues
- Infringement
  - First Sale Doctrine
  - Resolution of infringement disputes
- Problems with the current system

**Test #1: June 29 on introductory material, copyrights and patents**

**Trademarks July 6 – July 18**

*Homework #3 due July 13. Chapters 10-13 of text.*

- Service Marks
- Trade Dress
- Registration
- Duration
- Trademark infringement & dilution
- Protecting trademark IP
- Lanham Act
- Federal Trademark Dilution Act
- Trademark Infringement and Commercial Insurance Coverage

**Trade Secrets, July 20**

*Homework #4 due July 25. Read chapters 14-16 of text.*

- Development of Trade Secret Concepts
- Unfair competition
  - Misappropriation
  - Right of Publicity

- False Advertising
- Product Disparagement
- Dilution
- Tools to establish and maintain trade secret protection
  - Covenants
  - Business Policies and Processes
- Misappropriation of trade secrets
- Remedies

**The Commercial Aspects of Intellectual Property, July 25-27**

*Homework # 5 due July 27 . See Handout #s 3, 4, 5, 8,11, and 12.*

- Developing a strategic plan
- Evaluating IP assets
- Protecting IP rights
- Acquiring and policing IP rights
- Intellectual Property Audits and Due Diligence Reviews

**International Intellectual Property Systems, August 1**

*See Handouts #6, 7 and 9.*

- Currently existing IP systems
- Global challenges

**Test #2: August 3: on Trademarks, Trade Secrets, Commercial Aspects of IP and International Systems**