SYLLABUS

INTELLECTUAL PROPERTY SURVEY

LAW 630-3

Fall 2015

Professor Ryan T. Holte

Credit Hours: 3
Office # 256
Tuesdays, 3pm—5:30pm
Office Phone: 618.453.8749
Room 251
Email: rholte@law.siu.edu
Exam: December 10, 2015, 8:15am
Secretary: Susan Williams

This syllabus is subject to change at the discretion of the professor. The class will generally follow the order of this syllabus (see assignments infra) with further reading assignments distributed as the course progresses. Students should monitor TWEN for announcements, assignments, and any changes from the syllabus. You will be expected to check TWEN daily (or signup for TWEN email updates) and are responsible for the materials posted.

COURSE DESCRIPTION

Intellectual Property surveys federal and state laws that protect intellectual property. The course will discuss federal rights, including patents, copyrights, and trademarks, and state rights, including trade secrets and rights of publicity. The course is intended to provide a background for non-specialists, while establishing a foundation for those who wish to explore the field further.

Although many of the cases in this class involve technology, or an understanding of unique copyrighted works, no prior technical background or artistic knowledge is required. Any background information required will be explained in class and students should not hesitate to ask for additional technical/artistic explanations.

OBJECTIVES

In addition to learning the fundamentals of intellectual property law, the broad classroom discussion of IP principles will help students understand: (1) how the law develops, changes, and is applied; and (2) evaluate legal institutions, doctrines, and principles critically and from multiple practical, theoretical, philosophical, and social perspectives. Further, through written work and class presentations, this course will help develop students’ abilities to learn complex legal principles individually and explain them in a group setting.

TEXT

LAPTOP & CELL PHONE POLICY
Laptops are allowed for class note taking purposes only. Cell phones must always be on vibrate/silent setting in the classroom and should not be used during class.

CREDIT HOURS / MEETING TIMES
This is a three credit hour course that will meet Tuesdays from 3pm to 5:30pm. If a class is cancelled, a makeup class will be scheduled as soon as possible.

ATTENDANCE
Regular attendance and consistent preparation and participation are expected and required by the American Bar Association, School of Law, and the professor. Given that important circumstances can always arise (e.g. taking children to a doctor’s appointment, job requirements, extended trip home, good concert tickets for a show in Chicago), you are allowed TWO absences.

Attendance will be taken at every class. Your signature on the attendance sheet certifies that you are prepared for class—you have read the assigned material, prepared written case briefs if applicable, and are ready to participate in class discussions. If you are unprepared, you may attend class but not sign the attendance sheet. If you are found grossly unprepared through the class discussion, but signed the attendance sheet, you will be counted as absent. Do NOT sign the attendance sheet for anyone else.

If you collect more than two absences, you will be withdrawn from the course. You are responsible for keeping track of your own absences. If you have a question about your records, you may consult with my faculty assistant, Susan Williams. Ms. Williams maintains my attendance records based upon the signatures on the attendance sheets.

Further points on attendance:
- Late arrivals will be treated as absences—do not sign the attendance sheet if class has already started when you walk in.
- If you have special circumstances that may require you to have an excused absence from class, or an excuse to turn in a written assignment late, please contact the Associate Dean for Academic Affairs, Chris Behan. Dean Behan will then be in contact with me to notify me of any excused absences and how to proceed. Please note that absences may be excused in only extremely rare circumstances (not for the normal cold/flu or pre-planned vacations, generally only for hospital treatment emergencies or funerals).

SEATING
To assist with calling on students during class discussions and monitoring attendance, beginning with the second class meeting, all students will be required to remain in the same seat during classes throughout the semester.
GRADING / EXAM

Grades in this class will be determined as follows:

50%, Final Exam—The final exam will consist of a three hour short answer and essay question exam. It will be an open-book/open-notes exam administered on Thursday, December 10, 2015, at 8:15am.

20%, Class Presentation—Each student will be required to present on an intellectual property law subject. Students will be allowed to select their subject through a pool of options. The presentation will be to the class and will be expected to last 15 minutes with discussion included. The style of presentation is to facilitate more of a classroom discussion on the subject as opposed to a speech. Students will be graded on clarity, organization, handouts and/or visuals, and discussion.

30%, Written Paper—Tied to the presentation, each student will be required to draft a research paper regarding the intellectual property law subject they present on. The paper will be between 3,000 and 3,500 words including properly Blue-booked footnote citations (roughly 10 to 12 double spaced pages). The paper will introduce and explain the subject, historical background, recent developments, and future concerns. Students will be graded on research, organization, and clarity. All papers will be due the last day of class, Tuesday December 1, 2015.

*Given that IP Law is a very broad subject, and most students will not be strict IP practitioners in their careers, my hope with the presentation and paper is that everyone will have the opportunity to research and learn about an area of IP law that interests them the most. Whether the interest applies to a current development (e.g. “patent trolls”), a unique copyright issue (e.g. fan fiction) or a personal connection (a professional athlete friend with a right of publicity contract), I hope you will find selecting your own topic as an enjoyable and rewarding exercise.

Your grade on the final exam may be adjusted upwards or downwards based on the following:

- You will be required to attend and participate in class. I reserve the right to decrease your final grade by 0.10 (e.g., from a 3.00 to a 2.90) if you are unprepared on multiple occasions or for unprofessional conduct in the classroom such as regular disruptions or being rude to your classmates.
- In extraordinary circumstances, I may raise your final grade by 0.10 (e.g., from 3.00 to 3.10) for regular, thoughtful class participation combined with exemplary attendance.

*Students should contact Dean Behan to discuss any extensions of time for the final exam, rescheduling the date the exam is administered, or extensions of time related to written assignments.*
**DISABILITIES REQUIRING ACCOMMODATION**

Disability Support Services provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must come to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements.

http://disabilityservices.siu.edu/. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar’s Office to ensure the School of Law provides the proper classroom and examination accommodations.

*Due to the anonymous grading policy, students should not discuss exam accommodations with professors.*

**TWEN**

You should begin accessing the “Intellectual Property—Holte, Fall 2015” TWEN website during the first week of class. I will post announcements, updates to the syllabus, reading assignments, class PowerPoint slides, and other materials that you will be responsible for. You should also register with your current email address so you do not miss new materials when they are posted.

**CLASS RECORDING**

Recording the class is prohibited without my written permission. It is an Honor Code violation to create or distribute such recordings when the instructor has prohibited either action.1

**OFFICE HOURS / COMMUNICATING WITH PROFESSOR**

I have an open door policy for students to drop by my office. If my door happens to be closed, please knock to see if I may be available to meet. Please feel free to stop by whenever you’d like, or email me to make an appointment, as I am in my office regularly during normal business hours on Mondays, Tuesdays, and Wednesdays. My “official” office hours are Mondays and Wednesdays from 3pm to 4:30pm. I am generally occupied with class preparation immediately before class, so please avoid dropping by my office between 2pm and 3pm on Tuesdays.

You may also email me questions about the course or material; however, if the answer requires lengthy explanation I will likely suggest that you stop by my office to discuss. **If you email me, please put the words “IP CLASS” in your subject line.** You should also be aware that I may post a response to any course-related email to the TWEN site if I deem the information to be of general interest to the entire class.

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1 Honor Code I.E.1.g
LETTERS OF RECOMMENDATION
Many legal jobs, or other legal positions (internships, externships, etc.), have applications requiring letters of recommendation from law professors. When considering which of your professors to request a letter from, you should consider how much direct interaction you have had with the professor, including classroom discussions, office hour meetings, and non-class law school activities that may reflect your individual interests (e.g. law school clubs devoted to a special interest).

Should you need a letter of recommendation, please email me at least four weeks before the letter is needed. Please include a copy of your résumé, all detail regarding what the letter is for, a list of all classes you have taken from me, and the grade you received in each class. Since building material to discuss in a recommendation letter takes time, if this is your first class with me, I will be happy to write a letter after the fall semester.

PROFESSIONALISM
Since law students are lawyers in training, and since a large part of the law school classroom time is to prepare students for how to interact in a professional legal environment, there will be certain expectations for professionalism in the classroom. I will address all students as Mr. or Ms. (name), and the professor will be addressed as “Professor Holte.” In class, students should address each other as Mr. or Ms. (name) and, during lecture time, should act as if they were within a courtroom (no eating, no phone usage, no talking amongst each other, etc.). Drinks in closed containers are allowed in the classroom and I do not expect students to dress as if they were in court (but please dress appropriately). With the exception of medical or religious necessity, hats are not allowed to be worn in class. As discussed supra, I reserve the right to decrease your final grade by 0.10 for unprofessional conduct in the classroom.

Since social media is such a large part of our professional culture, it is worth noting that I look forward to adding all students as social media contacts or “friends” once students transition from “students” to “legal colleagues” (after graduation). Until graduation please do not try to add me on LinkedIn, Facebook, etc.
EMERGENCY PROCEDURES
Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT's website at www.bert.siu.edu, Department of Safety’s website www.dps.siu.edu (disaster drop down) and in Emergency Response Guideline pamphlet. Know how to respond to each type of emergency.

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.

SALUKI CARES
The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-5714, or siucares@siu.edu, http://salukicares.siu.edu/index.html. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is judiray@siu.edu, and her phone number is 618-453-3135.

WORKLOAD EXPECTATIONS
Given that IP is such a broad subject, and one day per week classes can seem burdensome, it’s worth mentioning the ABA and law school mandated work expectations. ABA Standard 310 defines a “credit hour” as “an amount of work that reasonably approximates: (1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time.” Applying that rule to a three-credit class, students should expect to spend 150 minutes per week in class (2.5 hours), plus six hours of study, for a total of 8.5 hours per week.
READING ASSIGNMENTS

- Further class assignments will be distributed throughout the semester as the course progresses.
- We may move through some material more quickly or slowly. I will announce at the end of each class what should be prepared for the next class period if it diverges from the listed assignment. Should the class discussion not include a case from the assigned reading, students should review their notes for the previous day’s reading prior to the next class session.
- You are responsible for all the material assigned including case notes, comments, and questions that follow the principle cases in the book.
- All assigned material, even if not covered in class, is fair game for the final exam.
- All written papers for the class should include the following at the top of the first page: your name, the date the assignment is due, total word count, and the subject (or purpose) of the paper. All written papers should be double spaced, have 1” margins, 12 point Times New Roman font, be printed on white paper, have properly Blue-booked footnotes for all citations in 10 pt font, and have all pages stapled together.

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<tr>
<th>CLASS</th>
<th>READING AND WRITING ASSIGNMENTS</th>
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| 1. Tuesday, 25 August | Topic: intro to the course; philosophical perspectives on IP; overview of trade secrets, patents, copyrights, and trademarks; presentation/paper topic selection  
Reading: Syllabus; MMLIP 1-31; TWEN handout—Philosophical and Policy Justifications for IP; TWEN handout—Summary Table of IP  
Assignment: Turn in a one page list of your top three subject area choices for the class research paper and presentation requirement (see detail supra). Subjects can be from topics in the course book or other current IP law issues. The list should be in descending order of preference and meet the written paper requirements detailed in this syllabus (no need for word count).  
Note: should you list a topic we will review in a future class (which I expect most people will), your presentation will likely be the date scheduled in the syllabus for that topic. Should you list an IP topic that we will not review in a future class, and is not discussed in the text, please briefly describe your plan for the discussion (2-3 sentences for each topic). |
| 2. Tuesday, 1 September | Topic: Trade Secrets  
MMLIP Reading: 33-57 |
| 3. Tuesday, 8 September | Topic: Trade Secrets  
MMLIP Reading: 89-104; 106-111; 117 (bottom)-122  
Topic: Patents  
MMLIP Reading: 123-139 |
|     | Tuesday, 15 September | Topic: Patents  
MMLIP Reading: 139-154; TWEN handout—review and skim *Alice Corp. v. CLS Bank Int'l.*, 573 U.S. __, 134 Sup. Ct. 2347 (2014)  
MMLIP Reading: 177-181; 185-190; 191-200 |
|---|---|---|
| 5. | Tuesday, 22 September | Topic: Patents  
MMLIP Reading: 226-246  
Topic: Patents  
MMLIP Reading: 421-427; 399-415 |
|   |   | Further assignments to be distributed in mid-September via TWEN |