

Intellectual Property Law, Spring 2021

EEL 4331/ POLS 4325

Syllabus

Instructor: David Novick

Course Time: Tuesdays and Thursdays, 3:00-4:30 p.m.

Room: Remote (Blackboard/Zoom)

Overview: This course introduces students to intellectual property law, with particular attention to topics of interest for the fields of engineering and computing. The course focuses on the constitutional provisions, laws and court decisions that create and define rights in intellectual property, with primary attention to patents and copyrights, and with secondary attention to trade secrets. Students will gain basic skills in critical thinking, reading, understanding and explaining statutes and cases relating to intellectual property.

Texts

- Required text: Loren & Miller, *Intellectual Property Law: Cases and Materials* (Version 6.0, 2018) (Semaphore Press). This required text is available for download only at www.semaphorepress.com. Semaphore Press uses a publishing model different from the traditional law school casebook publishers; in previous semesters, the price of the text from traditional publishers was \$165. I encourage you to read about Semaphore Press's publishing approach on its Web site. This book has a suggested price of \$30. I urge you to pay the suggested retail price in order to keep high-quality legal educational material available at reasonable prices.
- Required text: Anthony Lewis, *Gideon's Trumpet* (1964). Vintage Books. I recommend buying this used via Amazon.

About the Course: This course is appropriate both for students in engineering and computer science interested in entrepreneurship and commercialization and for students in a pre-law program. The course is presented in a traditional law-school format, emphasizing the Socratic method and oriented toward developing skills of critical thinking. Preparation for class is the key to success in the course. The course includes teamwork on researching actual patent ideas from local inventors and concludes with a moot-court appellate argument on current cases.

About the Instructor: Dr. Novick is a professor in the Department of Engineering Education and Leadership. He is a graduate of Harvard Law School and is an active member of the bar in the State of Oregon and the District of Columbia. Despite this, he has a sense of humor.

Course Outcomes

Upon successful completion of this course, students will be able to demonstrate accomplishments of knowledge and comprehension, application and analysis, and synthesis and evaluation:

1. Knowledge and Comprehension

Explain the purpose and scope of:

- US Constitution patent and copyright clause
- Federal statutes on patent, copyright and trademark
- Judicial decisions on intellectual property

Explain the key concepts of:

- Non-obviousness
- Novelty
- Authorship
- Fair use
- Trade secret
- Copyright

2. Application and Analysis

Apply skills of:

- Critical thinking
- Reading, understanding, explaining and applying IP-related statutes
- Reading, understanding, explaining and applying IP-related cases
- Analyzing the facts of a case in light of applicable law
- Researching existing IP for an invention

3. Synthesis and Evaluation

- Contrast the interests of authors vs. the interests of consumers
- Discuss the public interest in the production of intellectual property
- Prepare and deliver an appellate argument in an IP case

Standards of Conduct. You are expected to conduct yourself in a professional and courteous manner, as prescribed by the UTEP Standards of Conduct. Graded work, such as homework and tests, is to be completed independently and should be unmistakably your own work, although you may discuss your project with other students in a general way. You may not represent as your own work material that is transcribed or copied from another person, book, or any other source, e.g., a Web page. The instructor is required to—and will—report academic dishonesty and any other violation of the Standards of Conduct to the Dean of Students.

Disabilities. If you have a disability and need classroom accommodations, please contact the Center for Accommodations and Support Services (CASS) at 747-5148, or by email to cass@utep.edu, or visit their office located in UTEP Union East, Room 106. For additional information, please visit the CASS website at www.sa.utep.edu/cass.

Assignments. Reading and homework assignments will be handed out or announced in class. If you miss a class, it is your responsibility to find out what you missed. You should expect to spend at least seven hours per week outside of class on reading and homework.

Grading. For undergraduate students, the semester grade will be based on a combination of take-home, on-line quizzes), two midterm examinations (combination of short answer and short essay), projects involving IP research for inventions, and a moot court argument. The percentages are as follows:

- 20% Case précis
- 40% Two midterm examinations
- 30% Projects
- 10% Moot court argument