

# INTRODUCTION TO INTELLECTUAL PROPERTY

LAW 091:286

Spring 2020 – *REVISED* March 25, 2020

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## ***Course Synopsis***

Introduction to Intellectual Property introduces students to the rules governing legal rights in what can loosely be called “creative intangibles,” a subject that encompasses ideas, expressions of ideas, technologies, source identifiers, and all sorts of other forms of information. This course covers the common ways that the law deals with rights to creative intangibles, ranging from the most basic forms (secrecy and trade secrecy) to the complex frameworks surrounding inventions (patents) and expressive works (copyright), and concluding with rights relating to commercial and personal source identifiers (trademarks and rights of publicity). We will also examine the intersection of innovation and competition policy. Along the way we will explore the justifications for and against the forms that these legal rights take, both at a general level and at the level of individual doctrines.

The core learning outcomes for this course are:

- Be able to explain the laws governing creative intangibles, especially copyrights, trade secrets, patents and trademarks, at a foundational level;
- Be able to explain the justifications commonly raised in support of and against granting legal rights in creative intangibles; and
- Be able to analyze factual scenarios under the laws governing creative intangibles.

Because this course deals with statutory law and judicial interpretations, it necessarily requires engagement with those sources. Secondary objectives of this course are to:

- Be able to read and explain statutory text using standard tools of statutory interpretation;
- Be able to apply legal reasoning to statutory law and judicial precedent.

While the primary goal of this course is to provide students with a strong grounding in intellectual property law, regardless of their ultimate area of legal practice, Introduction to Intellectual Property is also intended to provide law students interested in continuing on with advanced studies in copyrights, trademarks, and patents with the foundations of those areas. However, there is no assumption that students will be familiar with the background science or technology, other than a high school education and an understanding of the modern society in which we live. Nor are any specific prior law classes required.

Students who plan to take Copyrights (91:283), Patent Law (91:324), Intellectual Property Advocacy (91:508), or any intellectual property seminar are strongly encouraged to take this course prior to those courses or seminars.

This course is available as a first year law student spring elective and is open to both law and non-law graduate students.

### ***Required Texts***

This class will use three texts. The primary text is INTRODUCTION TO INTELLECTUAL PROPERTY: CASES AND QUESTIONS (2020). This text can be downloaded free of charge from the ICON course site. Hard copies, punched for a 3-ring binder, are available from the law school bookstore. In addition, students are required to obtain a copy of INTELLECTUAL PROPERTY: LAW & THE INFORMATION SOCIETY SELECTED STATUTES AND TREATIES. Free electronic copies of this text are available from [Duke's open source casebook site](#). A printed copy can be purchased from Amazon.com for approximately \$14.

Finally, students are encouraged to purchase a copy of UNDERSTANDING INTELLECTUAL PROPERTY LAW, *Fourth Edition*. This relatively low-cost text (\$50) will provide students with a useful reference source. It should be used as a supplemental, rather than primary, text and should be consulted with that in mind. This is a text that you can use as a reference long after this course is over.

*March 25 update:* In order to maximize efficient use of the Zoom platform, I will assign student teams to be responsible for presenting on the remaining cases in the syllabus. Student teams should expect to present for about 5-7 minutes on (1) the key facts of the case, (2) the key legal issue, (3) the court's decision, (4) the court's reasoning, and (5) any particularly significant statements in the case.

### ***Policy on Laptop and Electronic Device Use***

*March 25 update:* Due to the University of Iowa's shift to online courses beginning in mid-March, all students will need a device that allows for remote access. Synchronous distance learning will be delivered using the Zoom platform. Class sessions will be recorded for those students who need asynchronous access. Please contact me if you will not be able to participate in the Zoom sessions so that we can discuss a plan for ensuring regular engagement. In addition, self-assessment tools will be provided on a regular basis for students to monitor their progress; I will go over these assessments in class. The Trademarks group exercise will be conducted over Zoom using breakout rooms.

### ***Grading***

*March 25, 2020 update:* In accordance with the policy adopted by the Faculty of the College of Law in response to the extraordinary circumstances resulting from the COVID-19 coronavirus, the Spring 2020 Introduction to Intellectual Property course will be graded on a pass/fail basis. 10% of the pass/fail determination will be based on successful completion of the team exercises (graded on a credit/no credit basis) and 90% will be based on the final examination. The final examination will assess student competency with respect to the primary learning outcomes for this course.

The final examination will be a 3-hour take-home examination delivered via the ICON platform that students will have a 6-hour window to complete. Students will download the exam from ICON and submit their answers through ICON. Anonymous review of exams will be activated; however, I cannot guarantee perfect anonymity using this method. Students will write their exam number on the exam but not their name.

Finally, note that by taking this course you agree that any work product you submit in connection with the course may be reproduced by me for teaching purposes. This means, for example, that I may distribute all or part of your exam or other written assignments as a model answer without seeking further permission. If you wish to negotiate this provision, you may, but must do so prior to the end of the first week of classes.

### ***Recording Policy***

The policy is that all classes will be recorded and may be viewed by any student. Viewing a recording does not substitute for attending class.

*March 25, 2020 update:* All Zoom classes will be recorded and made available through the Panopto platform.

Please do not make personal audio or video recordings of this class.

### ***Course Schedule and Office Hours***

*March 25, 2020 update:* This course meets on Monday, Tuesday and Wednesday from 11 a.m. – 12:00 p.m. via a Zoom link provided on the course ICON page. My scheduled office hours are Tuesdays from 3:30 p.m. – 5:00 p.m. If you would like to meet during my scheduled office hours or at any other time, please send me a calendar invite so that we can set up a Zoom connection. The easiest way to schedule an appointment with me is to send me a calendar invitation for a time that is open on my university Outlook calendar.

You may contact me using the email and phone number at the top of this document. You can also IM me through the university system.

### ***Class Attendance and Participation***

*March 25, 2020 update:* You are expected to attend the class sessions delivered via Zoom. As noted above, please contact me if you will not be able to participate in the Zoom sessions so that we can discuss a plan for ensuring regular engagement.

### ***Accommodation Requests***

Requests for an accommodation on the basis of disability and exam accommodations for students with limited English proficiency should be directed to the Associate Dean of Student Affairs.