

LAW C158: INTELLECTUAL PROPERTY

Item	Value
Top Code	140200 - Paralegal
Units	3 Total Units
Hours	54 Total Hours (Lecture Hours 54)
Total Outside of Class Hours	0
Course Credit Status	Credit: Degree Applicable (D)
Material Fee	No
Basic Skills	Not Basic Skills (N)
Repeatable	No
Grading Policy	Standard Letter (S), • Pass/No Pass (B)

Course Description

A study of the requirements and procedures for obtaining and maintaining patent, trademark, and copyright protection under the laws of the United States and foreign laws, including: understanding regulations; formulating search requests; preparing applications, forms, and documents; maintaining records; and protecting information. ADVISORY: LAW C100 and LAW C105. Transfer Credit: CSU.

Course Level Student Learning Outcome(s)

1. Define and identify the rights obtained under each protected class and determine the ethical obligations of paralegals regarding intellectual property when working with client case situations.
2. Draft a trademark application and/or copyright application given a client fact situation.
3. Distinguish between trade secret protection and patent protection and between a trademark, a service mark, a collective mark, and a certification mark when analyzing case information.
4. Differentiate the basic claims and defenses in a trademark, copyright, patent, or trade secret infringement lawsuit.
5. Formulate a plan to protect trade secrets when working with a client case situation.

Course Objectives

- 1. Describe the disciplines that comprise intellectual property law.
- 2. Define a copyright, trademark, patent, and trade secret.
- 3. Determine the ethical obligations of a paralegal regarding intellectual property.
- 4. Explain the principles of the right of publicity.
- 5. Contrast the various recording and registration requirements in intellectual property law.
- 6. Identify major tasks performed by paralegals in the intellectual property law arena.
- 7. Differentiate between intellectual property and other forms of property.
- 8. Outline the basic requirements for patent, trademark, copyright, and trade secret protection.
- 9. Explain the origins of federal copyright law.
- 10. Define the concept of federal preemption.
- 11. Discuss the role of the U.S. Copyright Office.

- 12. Identify the relevant U.S. copyright acts and amendments.
- 13. Describe the general principle of originality used in copyright law.
- 14. List and explain the eight categories of works of authorship.
- 15. Distinguish between a sound recording and a musical work.
- 16. Describe the difference between an idea and its expression.
- 17. Discuss the differences and similarities between compilations and derivative works.
- 18. Describe the bundle of rights granted to each author.
- 19. Differentiate between the right to produce a work and the right to adapt the work.
- 20. Analyze the use of a copyrighted work under fair use principles.
- 21. Identify the correct copyright notice for a work.
- 22. Discuss the ramifications of the omission of a copyright notice for various works.
- 23. Explain the advantages of registration of copyright.
- 24. Choose the correct copyright application for a particular work containing mixed claims of authorship.
- 25. Identify and list preexisting material and material added to the work.
- 26. Outline the various methods of registering sound recordings and the underlying works.
- 27. Describe the elements of copyright infringement.
- 28. Outline the standards for substantial similarity.
- 29. Explain and contrast various defenses in a copyright infringement lawsuit.
- 30. Distinguish between trade secret protection and copyright and patent prosecution.
- 31. Identify examples of trade secrets.
- 32. Explain reverse engineering.
- 33. Identify a covenant not to compete.
- 34. Discuss the limitations on protecting customer lists.
- 35. Explain the relationship between goodwill and a trademark.
- 36. Describe what can function as a trademark.
- 37. Explain what is and is not protectible under trademark law.
- 38. Explain the difference between strong and weak marks.
- 39. Contrast a trademark with generic goods.
- 40. Describe the rights associated with a trade name and trade dress.
- 41. Outline the method for evaluating a proposed trademark.
- 42. Identify the appropriate goods or services used in connection with a trademark.
- 43. Contrast the benefits of state and federal trademark registration.
- 44. Identify the forms of abandonment.
- 45. Contrast a trademark license and trademark assignment.
- 46. Differentiate between the basic claims and defenses in a trademark infringement lawsuit.
- 47. Explain the remedies for trademark infringement.
- 48. Locate sources of patent law.
- 49. Outline the requirements for granting a utility patent.
- 50. Distinguish between a utility patent and a plant or design patent.
- 51. Explain patent rights and patent limitations.
- 52. Describe the statutory classes for a utility patent.
- 53. Differentiate between a design patent and a copyright.
- 54. Differentiate between literal infringement and the doctrine of equivalents.

- 55. Describe inducing infringement and contributory infringement.
- 56. Identify the elements of the patent specifications.

Lecture Content

Intellectual Property Law Overview (4 hours) Patent Copyright Trademark Trade Secret Right of Publicity Paralegal Tasks Ethical Considerations Principles of Copyrights (4 hours) Sources What is Protectible Eight Categories of Works Derivative Works and Compilations What is Not Protectible Copyrights: Rights and Limitations (4 hours) Grant of Exclusive Rights Fair Use Music Software Copyright Ownership (4 hours) Ownership Joint Authorship and Co-Ownership Collective Works Works for Hire Duration Transfer Terminating Transfers Copyright Formalities (4 hours) Notice Omission Registration Application Special Situations Deposit Requirements Correction Cancellation Recording Transfers Copyright Disputes (4 hours) Elements of Infringement Liability for Infringement Defenses Remedies Pre-Litigation Resolution Copyright Litigation International Copyrights Trade Secrets (4 hours) What is Protectible Maintaining Protecting A Submission Trade Secret Litigation Principles of Trademarks (4 hours) Trademarks and Unfair Competition Acquiring Rights Types of Marks Strong v. Weak Mark What is Not Protectible Trademarks: Selection, Evaluation, and Registration (4 hours) Selecting and Evaluating Federal Registration Application Trademark: Administration and Protection (4 hours) Protection and Maintenance Ownership of Trademarks Inter Parties Proceedings Likelihood of Confusion Related Trademark Claims Defenses to Infringement Remedies Resolving Infringement Pre-Litigation Trademark Litigation International Trademark Law Patents: Rights and Limitations (4 hours) Sources of Law Subject Matter Rights Requirements Limitations Patent Ownership Patent research, Applications, Disputes (4 hours) Patent Search Patent Application Patent Infringement Patent Litigation Examinations (6 hours)

Method(s) of Instruction

- Lecture (02)
- DE Live Online Lecture (02S)
- DE Online Lecture (02X)

Instructional Techniques

Multiple methods of instruction will be used to enhance student understanding of the paralegal profession. Lectures, discussions, forums, interactive activities, and group projects will be utilized to facilitate the learning process. This class requires the use of various methods of audio visuals such as PowerPoint, audio, and video presentations.

Reading Assignments

Students will read from the course textbook as well as any other primary and/or secondary readings assigned by the instructor.

Writing Assignments

Students will be required to complete written homework assignments, write essays on the exams, and prepare a project paper discussing a topic as assigned by the instructor.

Out-of-class Assignments

Outside of the classroom, students will complete the required readings; work on assigned papers, reports, and projects; study for tests; conduct research; and communicate with the instructor and/or fellow students through telephone, email, discussion boards, or virtual chat.

Demonstration of Critical Thinking

Students will analyze and apply the law to a set of facts to determine the appropriate outcome.

Required Writing, Problem Solving, Skills Demonstration

Develop and formulate search requests and a plan to protect trade secrets and other intellectual property

Eligible Disciplines

Law: J.D. or LL.B NOTE: Courses in aspects of law for application to a particular discipline may be classified, for minimum qualifications purposes in the discipline of the application. Masters degree required.

Textbooks Resources

1. Required Bouchoux, D. Intellectual Property, the Law of Trademarks, Copyrights, Patents and Trade Secrets, 5 ed. Cengage, 2018 Rationale: -

Other Resources

1. Coastline Library 2. Selected laws of the United States and foreign countries as assigned by the instructor. 3. or equivalent textbook selected by the instructor.