INTERNATIONAL INTELLECTUAL PROPERTY LAW

(Syllabus 3 credits)

Professor Thomas DREIER

Time: Tuesdays and Thursdays, 2:05 - 3:20
Classes begin: Tuesday, January 13, 2004
Place: VH 216
Course Book: Dinwoodie/Hennessey/Perlmutter, International Intellectual Property Law and Policy, and Documentary Supplement, LexisNexis
Pages of reading: approximately 40 pages per class

Part I: Introduction and Overview [ch. 1] (2)
(Reading: pp. 8 - 34;
for those who have been admitted with little or no IP-background, additionally pp. 3 - 8)
* Rationales for protecting IP
* General principles of int’l IP-law; multilateral treaties
* Practical implications

Part II: International Law and Institutions [ch. 2] (2)
(Reading: pp. 35 - 41; Note and Question # 3, p. 41;
pp. 79 - 80
pp. 61 - 76, incl. N & Q 65-66, and # 3-4 pp. 77-78
pp. 41-59)
* Nature and Sources
* Instruments (national treatment/MFN) and consequences (market segmentation and parallel imports)
* Treaty obligations and national law
* Treaties: Overview
* International Actors: WIPO, WTO and others
* Regional Actors

---

1 Chapters refer to the chapters in the course book of Dinwoodie/Hennessey/Perlmutter.
2 Numbers refer to the number of classes devoted to a particular part of the course.
Part III: International Copyright Law [ch. 4] (6)

Reading:

Classes 5 - 7
- General introduction: pp. 513-516; 526-535; 539-541; 541- 542
- Berne Convention, UCC, Rome Convention, Geneva and Brussels Conventions: pp. 542 - 560
- Connecting factors: pp. 636-642
- TRIPS (and NAFTA): pp. 563-565; 561-563
- WIPO Treaties and beyond: pp. 725-729; 735-737; 718-725; 747-757
- National treatment: pp. 622-627; 628-636; 780; optional: 761-770)

Classes 8 - 10
- pp. 645 - 650; 651 - 668; 668 - 697 (plus one student Advocat General’s opinion in Case C-C-481/01, http://europa.eu.int/jurisp/cgi-bin/form.pl?lang=en); 705-712, 715-716
- Reports on the implementation of Directives on computer programs and public lending rights (http://europa.eu.int/comm/internal_market/en/intprop/docs/index.htm)

* General Concepts
* Berne Convention
* Rome Convention
* TRIPS
* WIPO Internet Treaties and beyond
* National treatment/reciprocity
* EU-Copyright: harmonisation strategy (including Directives)
* International exhaustion and reciprocity
Part IV: **International Patent Law** [parts of ch. 3, 6] (3)

(Reading: to be announced)

* Registration requirement and registration harmonisation/concentration (PCT; EPC; Community Patent)
* Forfeiture of Right; Right of Priority
* Paris Convention, art. 5; PLT
* TRIPS minimum standard; dispute settlement

Part V: **International Trademark Law** [parts of ch. 3, 6] (4)

(Reading: to be announced)

* Concentration of registration systems (Madrid Agreement; Madrid Protocol)
* Territoriality in Trademark Law
* Trademark Treaties and Implementation in national law
* Priority and telle-quelle-mark
* Well-known marks
* EU Trademark Law
* Domain name disputes

Part VI: **Other International Industrial Property Law** [parts of ch. 3] (2)

(Reading: to be announced)

* Trade secrets
* Unfair competition
* Industrial Designs
* Geographical indications

Part VII: **Enforcement (1): Disputes between States** [ch. 5] (4)

(Reading: to be announced)

* Mechanism (also as compared to U.S. Special 301)
* Disputes
* DSU Interpretative Methodologies; other aspects
* WTO Cross-sectoral enforcement
* Non-violation Complaints
* Developing Countries
Part VIII: Enforcement (2): Enforcement of rights by rightholders [ch.7] (3)

(Reading: to be announced)

* Copyright Management
* Remedies (TRIPS, Art. 41 et seq.)
* Border controls
* International Jurisdiction
* Choice of Law
* Applicable Law

Part IX: Upcoming Issues [ch. 8] (2)

(Reading: to be announced)

* Internet
* AIDS drugs issues
* Traditional knowledge
* Indigenous ressources
* Biodiversity