SURVEY OF COPYRIGHT, PATENT, AND TRADEMARK LAW
L12.3030
Professor R. Dreyfuss
Office: VH 333
Fall 2005

Materials:
(1) Dreyfuss & Kwall, Intellectual Property, 2d ed. (“CB”)
(2) Statutory Supplement
(3) Case Supplement (on-line) (“CS”)

Useful websites:
http://lcweb.loc.gov/copyright/ – U.S. Copyright Office
http://www.icann.org/udrp/ - domain name dispute resolution
http://www.law.nyu.edu/engelbergcenter/ – other internet resources

This casebook is organized in a manner that is probably different from that with which you are familiar. Each section (“Assignment”) begins with a Problem that is to be analyzed with the help of the statutory provisions cited, the cases reproduced in the text, and the Notes. Even though the discussion of the Assignments will sometimes take more than one class, you should, unless otherwise noted, read all of the materials necessary to solve a given Problem in one sitting, as preparation for all of the classes on that Assignment. Remember, this is largely a statutory course, so the statutory sections assigned are crucial to your understanding of the material. Finally, note that the CS (case supplement) sometimes supplements the material in the CB (case book) and sometimes substitutes for it, so be sure to read the material indicated in the CS for each Assignment – this is a fast moving field, that’s what makes it so much fun!

The time allocations are tentative in that a great deal depends on the class’s interests.

SYLLABUS

I. Trademark Law (9 classes)

a. Introduction and Introduction to Registration (1 class)
   • Assignment 1: CB 1-24
   • Assignment 2: READ ONLY CB 25-32 (this is an exception from the usual rule!)

b. Registration
   • Requirements for registration (2 classes)
   • Assignment 2: CB 32-81

c. Trademark Infringement and Unfair Competition (3 classes)
   • Assignment 3: CB 82-138; CS 1-5
d. Public Access (2 classes)
   • Assignment 4: CB 139-177

e. Remedies (1 class)
   • Assignment 5: CB 178-211 (we will not discuss the Problem in class)

II. Copyright Law (12 classes)

a. Introduction: Originality and Authorship (2 classes)
   • Assignment 6: CB 212-222 (this will not be discussed much in class)
   • Assignment 7: CB 223-261

b. Subject Matter: Useful Articles and Characters (1 class)
   • Assignment 8: 262-291

c. Incentives: Ownership, Duration, and Moral Rights (2 class)
   • Assignment 9: 292-358

d. Copyright Infringement (2 classes)
   • Assignment 10 (the Problem is interesting for the musically inclined, but we will probably not discuss it in class)

e. The Interest in Public Access (3 classes)
   • Assignment 11: CB 411-429; CS 5-17
     CB 430-491; CS 17-18

f. Remedies (1 class)
   • Assignment 12: CB 492-522 (omit the Problem); CS 18-19

g. State Rights and their Preemption (1 class)
   • Assignment 13: CB 523-562

III. Patent Law (7 classes)

a. Introduction and Patent Reform (1 class)
   • Assignment 14: CB 564-582 (read the patent); 583-588 (skim)
   • HO: 19-21; skim 21-25 to get a handle on the scope of contemplated reform

b. Subject Matter and Utility (1 class)
   • Assignment 15: CB 599-619
   • Assignment 16: CB 620-634

c. Novelty, Nonobviousness and Originality (1 class)
   • Assignment 17: CB 635-665
• Assignment 18 and Problem A (bioengineers can think about Problem B too):
  o CB 666-679; 686-693; 696-713
  o If you are interested in Problem B, read CB 693-696

d. Statutory Bars and Priority (1 class)
  • Assignment 19: CB 714-717; 720-740
  • Assignment 20: 741-764 (omit the Problem)

e. Infringement (1 class)
  • Assignment 21: CB 765-766; 799 Note 1
    CB 774-783; 800-811 (Notes 2-7, 9-11) (omit the Problem)
    For contributory infringement: reconsider Sony and Grokster

f. Public Access and Remedies (1 class)
  • Assignment 22: CB 812, 814-826 (omit the Problem); CS 25-31
  • Assignment 23: CB 842-843. 874-881, consider reform agenda, supra

g. State Rights and their Preemption (1 class)
  • Assignment 24: CB 882-884 (omit the Problem), 890-898, 914-921, 925-928 (Notes 2-4),
    931-935 (Notes 6-9)