INTERNAL INTELLECTUAL PROPERTY
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Materials

Text (“CB”): Dinwoodie, Hennessey, Perlmutter, *Int’l Intellectual Prop. Law & Policy*

Documents: You may use any source for the international instruments assigned. The bookstore stocks Dinwoodie et al., *Int’l Intellectual Prop. Law & Policy: Documentary Supplement*

Supplement (“CS”): Dinwoodie, et al. 2006 *Supplement*, is posted on Blackboard

“Posted”: Supplementary materials are posted on Blackboard

A background in at least one intellectual property regime (copyright, patent, or trademark law) is assumed. Anyone concerned about this, should read CB 1-35 as background.

Tentative Syllabus

Introduction to International Intellectual Property Law

Class 1: Actors, treaties and institutions; the principle of territoriality

CB 35-48; 56-70; 76 note (1); 77 note (3)-98; 107-112

CS 1-4

McDonalds Corp. v. Joburgers Drive-Inn Restaurant (posted)

Trademark Law

Class 2: Trademark conventions: implementation, priority rules, and telle quelle principle

Paris Convention arts. 2, 4, 6quinquies

CB 138-144, 146-150

Review CB 71-79

CB 160-167, 183-187

CS 60-71

Class 3: The TRIPS Agreement and well known marks under international law

Paris Convention arts 6bis and 10bis; TRIPS arts. 15-21

CS 27-60

CB 187, 190-95, 200-201, 203-221

CS 82-83; 97-113

Class 4: Geographic Indications

TRIPS arts. 22-24 and 6

CB 315-347
Patent Law

Class 5: Territoriality, substantive harmonization and substantive disagreement
   Paris Convention arts. 4(A)(1), 4bis, 5, 5quarter; TRIPS arts. 27-33
   CB 372-387
   Harvard College v. Canada (S.Ct. Canada) (posted)
   NTP v. RIM pp. 1-8 (posted)
   Request for Comments (on harmonizing patent law) (posted)
   CB 416-422
   Draft second edition 1-4 (posted)

Class 6: Impact of patent rights on less developed countries: access to medicine
   TRIPS arts. 7-8, 27-28, 30-31
   Draft second edition, 4-9, 12-41 (posted)
   Canada-Patent Protection of Pharmaceutical Products (posted)

Copyright Law

Class 7: Berne Convention, TRIPS, NAFTA; US-§ 110(5) Panel Report
   TRIPS art. 13, Berne art. 9
   CB 513-548; 563-565; 575-622

Class 8: Copyright: regional protection; balancing other values—the case of the EU
   CB 49-55
   Kur, is Fifty Years of European Legal Integration (excerpt) (posted)
   CB 651-668
   ECJ - Tod’s (posted)

Class 9: Databases, copyright competition law interface
   CB 668-698
   CS 175-200

Parallel Imports

Class 10: Exhaustion of rights in the international context
   CB 1222-1261
   NTP v. RIM, review and pp. 9-12 (posted)
   CS 309-317

Dispute Resolution
State to State Dispute Resolution

Class 11: Unilateralism, bilateralism and multilateral WTO dispute resolution
   DSU 3(2), 4; TRIPS 64(2)
   CB 781-797
   CB 340-342
   CB 825-873; 881-898
   EU-GI (NT) Panel Report (posted) (not likely covered in class)

Class 12: The three-step test cases and deference to member states -
   Review: Canada-Pharma (posted)
   US-110(5) (CB 575-619
   EU-GI (TM) Panel Report (posted)
   Martin Senftleben, Towards a Horizontal Standard for Limiting Intellectual Property Rights? (posted)

Private Dispute Resolution (enforcement of IPRs)

Class 13: Giving local laws extraterritorial effect
   CB 1124-1134, 1145 note (1)
   CS 242-257
   CB 1097-1115
   AT&T v. Microsoft (posted)

Class 14: Giving local courts extraterritorial power; new institutions
   CB 1205-1207 (Brussels Convention)
   Roche, GAT/Luk (posted)
   Voda v. Cordis (posted, if decided in time)
   CS 300-308
   CB 1320-1325; CS 328-340 (UDRP)
   Other approaches (ALI, Max Planck, EC judicial cooperation) (posted)