Intellectual Property Law

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Text: Copyright, Patent, Trademark and Related State Doctrines, Cases and Materials on the Law of Intellectual Property, Revised 7th Ed., by Paul Goldstein and R. Anthony Reese; Statutory Supp. to same. There may be additional readings that will distributed by email.

Class Participation: This will be a discussion-based course. Please come prepared.

Course Schedule:

Class No. 1

1. INTRODUCTION

The Sources and Limits of IP Law

1. Golan v. Holder (p. 2)
2. Notes (p.13)

The nature and functions of IP Law (p.18)

1. Article in the book (you can skim this, but it will give you a good overview and framework for later discussions).
2. U.S. Const. Art 1, § 8

2. STATE LAW RIGHTS IN UNDEVELOPED IDEAS

Rights in Undeveloped Ideas (p. 37-65)

2. Lueddecke v. Chevrolet Motor-Co., 70 F.2d 345 (8th Cir. 1943)
4. (Optional) Stanley v. CBS (Traynor Dissent) [in the Supplement]

3. STATE UNFAIR COMPETITION LAW AND FEDERAL TRADEMARK LAW

Passing Off (p. 66-77; 167-75)

1. Board of Trade of City of Chicago v. Dow Jones & Co. (plus notes)
Note: Jurisdiction and Courts (p. 163-66)

1. Review of Federal Jx & Courts

Class No. 2

Trademark Subject Matter (p. 232-45)

2. 15 U.S.C. §1127 [“trademark” “service mark”]

Incontestability & Notes (p. 249-52)

Standards for protection: Use, Intent to Use, Use in Commerce, Nonuse (p. 175-90)

3. 15 U.S.C. §1051(a)(1), §1051(b)(1), §1051(c) [Stat. Supplement]

Abandonment (p. 206-208)

Standards for Protection: Distinctiveness (p. 190-206; 219-222; 229-232 notes 2-55)

1. Security Center, Ltd. V. First Nat’l Security Centers, 750 F.2d 1295 (5th Cir. 1985)
2. King-Seeley Thermos Co. v. Aladdin Industries, Inc., 321 F.2d 577 (2d Cir. 1963)
3. Application of Sun Oil, 426 F.2d 401 (1970)

Standards for Protection: Deceptive, Geographic, & Confusingly Similar Marks (p. 208-217; 222-232; 214-19)

1. In Re Budge Manufacturing Co., 857 F.2d 773 (Fed. Cir. 1988)
2. In re N.A.D., Inc., 754 F.2d 996 (1985)

Class No. 3

Formalities & Duration: Registration, etc. (p. 245-52)

1. Notes in Book

Rights (p. 253-289)

1. United Drug Co. v. Theodore, 248 U.S. 90, 96098, 100 (1918)
2. Dawn Donut Co. v. Hart’s Food Stores, Inc., 267 F.2d 358 (2d. 1959)
4. 15 U.S.C. §1114(1)

Infringement (p.350-365; 370-73)

3. 15 U.S.C. §1114(1)

Class No. 4

Limitations on Rights (p.289-298)

1. Notes (p.295-298)
2. New Kids on the Block v. News American Publishing, Inc. 971 F.2d 302 (9th Cir. 1992)

Remedies & Secondary Liability

1. Maltina Corp. v. Cawy Bottling Co., 613 F.2d 582 (5th Cir. 1980) (p. 326)
3. 15 U.S.C. §1114
4. 15 U.S.C. §1114(1)
5. 15 U.S.C. §1116(a)

Beyond Traditional Trademark Law: Dilution
3. 15 U.S.C. §1125(c)

Class No. 5

Limits on Dilution Protection (p. 309)
1. Mattel Inc., v. MCA Records Inc., 296 F.3d 894 (9th Cir. 2002) (p. 309)
2. 15 U.S.C. §1125(c)

Domain Names (p. 323-26)
1. Notes from Book

Section 43(a) & Federal Unfair Competition Law: The Case of Trade Dress (p. 386)
4. 15 U.S.C. §1125(a)

Class No. 6

4. STATE TRADE SECRET LAW

Trade Secret (p. 78)

Trade Secret: Limits on Protection (p. 105)
1. PepsiCo Inc., v. Redmond, 54 F.3d 1262 (7th Cir. 1995) (p. 106)
2. Reed, Roberts Assoc., Inc. v. Strauman, 40 N.Y.2d 303 (1976) (p. 115)

Class No. 7

7. COPYRIGHT

Subject Matter (p. 693)
2. 17 U.S.C. §§ 102, 103
3. 17 U.S.C. § 101

Originality (p. 706)
3. 17 U.S.C. §§ 101, 103

Formalities (p. 681-686)
1. 17 U.S.C. §§ 410, 411(a), 412
2. Optional: 17 U.S.C. §§4401; 407(a), (b); 408(a), (b)

Works Made for Hire (p. 725)
2. 17 U.S.C. § 201(a), (b)
3. 17 U.S.C. § 101

**Class No. 8**

*Joint Works*


2. Aalmahammed v. Lee, 202 F.3d 1227 (9th Cir. 2000) (not in book; please print)

17 U.S.C. § 101

**Term; Termination of Transfers** (p. 758-762)


2. 17 U.S.C. §§ 302, 303, 304(a), (b)

3. 17 U.S.C. § 203

**Rights and Limitations** (p. 766-782)


3. 17 U.S.C. §§ 106; 109(a)


**Class No. 9**

*Infringement* (p. 893-902)

3. 17 U.S.C. § 501(a)

Fair Use
5. 17 U.S.C. § 107

Class No. 10

Secondary Liability

Remedies
3. 17 U.S.C. §§ 412, 502, 504, 505
Class No. 11

8. **RIGHT OF PUBLICITY** (page 123-46, including cases; plus several downloads)

   2. Carson v. Here’s Johnny Portable Toilets (698 F.2d 831, 6th Cir. 1983) (p.123)
   3. Midler v. Ford Motor Co. 849 F.2d 460 (9th Cir. 1989) (please print)

Class No. 12

9. **PATENT**

   Subject Matter (p. 415-418)
   
   1. Diamond v. Chakrabarty, 447 U.S. 303 (p. 418)
   2. State Street Bank & Trust Co. v. Signature Financial Group, Inc. (please print)
   4. 35 U.S.C. §§ 100(a), (b), 101

   Novelty (p. 453)
   
   1. Application of Borst, 52 C.C.P.A. 1398 1398 (1965), 345 F.2d 851 (p. 453)
   2. 35 U.S.C. § 102(a)

   Priority
   
   2. 35 U.S.C. § 102(g)(2)

   Loss of Right: *The statutory basis*
   

3. 35 U.S.C. § 102(b)

Nonobviousness (p. 485)


3. 35 U.S.C. § 103(a)(c)

Prior Act


2. 35 U.S.C. § 102(e)

Utility


Inventorship (p.541-544)

Enabling Disclosure


2. 35 U.S.C. §112

Class No. 13

Rights and Term


2. Wilbur-Ellis Co. v. Kuther, 377 U.S. 422 (1964) (p. 577)

3. 35 U.S.C. §§ 154(a), 271 [skip (d), (e)]

Infringement and Equivalent Rights


4. 35 U.S.C. §§ 154(a), 271 [skip 271(d), (e)]

Remedies


2. 35 U.S.C. §§ 283-86, 287(a)

Federal-State Interaction


Final Exam Review: We’ll schedule a final review of the material prior to the final. This review will not be mandatory, but will be available for those who want to attend.