

International Intellectual Property, Spring 2018

- I. Course Outline:** This course examines, analyzes, and studies the remarkable subject of International Intellectual Property Law and how to enforce trademarks, patents, and copyrights beyond national boundaries. Special emphasis will be placed on international standards for intellectual property and its implementations, applications, and practices in national jurisdictions. In addition, the course covers the differences and similarities between the diverse national intellectual property systems. The course will be divided into six major blocks:

 - a. Overview and Introductory Themes
 - b. International Copyright and Neighboring Rights
 - c. International Patent Laws
 - d. International Trademarks and Geographical Indications
 - e. Unfair Competition and Trade Secrets
 - f. International Intellectual Property Rights in the Oil and Gas Industry
- II. Class and Materials:** The class will meet once a week in a two-hour session. Each class will cover approximately 40 pages per week.
- III. Prerequisites:** (i) IP Survey in past semesters; (ii) two of the following: Copyright Law, Patent Law, or Trademark Law; or (iii) with the permission of the professor.
- IV. Student Attendance:** The Law Center attendance policy requires sufficient attendance at scheduled (or makeup) classes or a student will risk being dropped from the class. Attendance will be taken at the beginning of each class. Students are responsible for managing their absences from class and for ensuring that their number of absences do not exceed the threshold for the class.
- V. Student Preparation and Participation:** Preparation and participation are mandatory. The professor will indicate for each class the material and the book chapter that shall be prepared by the students. Also, the professor will provide documents and supplements electronically or by hard copies. All the material indicated and supplied by the professor will be subject for questioning. The professor will randomly call upon a group of students from the class and will ask questions regarding the material previously indicated. This method will help contribute to a fructiferous discussion and will improve the professor's discourse. If practical exercises are deemed necessary, they are to be minor projects that might require some out-of-class preparation in order for students to participate in role playing during class, presentations to

fellow students, and debates/discussions on specific topics. There will be no more than two practical exercises.

VI. Evaluation and Grades: The course grade will be based 100% on an open-material final exam. Class participation is not a part of the course grade. However, the professor reserves the right to adjust a student's grade by lowering one grade level for inadequate class participation. Inadequate participation could include: insufficient preparation for class, as shown through in-class questioning; exceeding the threshold for absences; and insufficient participation in any practical exercises that the professor assigns.

VII. Required Text: Daniel Chow and Edward Lee, *International Intellectual Property: Problems, Cases, and Materials* (2nd Ed., 2012).

VIII. Supplement: There is no requirement to purchase a statutory supplement. Certain documents may be assigned from time to time from Internet open sources. Some of these international instruments are:

- a. Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreements
- b. Berne Convention for the Protection of Literary and Artistic Works
- c. Brussels Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite
- d. Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms
- e. Madrid Agreement for the Repression of False and Deceptive Indications of Source on Goods
- f. Paris Convention for the Protection of Industrial Property
- g. Patent Law Treaty (PLT)
- h. Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations
- i. Trademark Law Treaty
- j. World Intellectual Property Organization (WIPO) Copyright Treaty (WCT)
- k. WIPO Performances and Phonograms Treaty (WPPT)
- l. Regional Treaties and National Legislation
- m. Argentinean Trademarks Law and Patent and Industrial Utility Models Law
- n. Brazilian Industrial Property Law and Copyright Law
- o. Mexican Federal Copyright Law and Industrial Property Law
- p. Andean Community Legislation Regarding Copyright and Industrial Property
- q. North American Free Trade Agreement (NAFTA)

- r. Organization Africaine de la Propriété Intellectuelle (OAPI)
- s. African Regional Intellectual Property Organization (ARIPO)
- t. Trans-Pacific Partnership (TPP)

Module I – Introduction and Overview

First Day Assignment

Assignment	Pages	Comments/Notes	Date
Why Intellectual Property Has Gone International / International Trade	From page 4 to 11		
The System of International Intellectual Property	From 16 to 40		
International Legal Institution	From 49 to 58		
The Vienna Convention of the Law of Treaties			

Module II – International Copyrights and Neighboring Rights

Assignment	Pages	Comments/Notes	Date
Introduction: The Rights of Authors, International Agreements (Berne, Rome and TRIPS)	From page 84 to 89 stop before problem Page 93 to 112 stop before notes and questions.		
Foreign Nationals Acquiring Copyrights and Neighboring Rights	From 122 Bruce Springsteen and his Band to 146 stop before problem 2-12		
Subject Matter Originality or Creativity Requirements and Exclusive Rights	From page 129 to 143 and from page 165 to 179		
Exclusive Rights of	Exceptions to		

Copyright (Economic) and Moral Rights	exclusive rights: from page 184 to 230		
---------------------------------------	--	--	--

Module III – International Patents

Assignment	Pages	Comments/Notes	Date
Introduction	From page 252 to 274		
India Patent Protection for Pharmaceutical and Agricultural Chemical Products.			
Filing for and Prosecuting patents around the world,	From 276 to 287		
Ownership and Formalities	From page 287 to 293, from 298 to 301 from 302 to 312		
Patent Requirements	From page 314 to 335 from 351 to 388		
Exclusive Rights	From page 400 to 430		

Module IV – International Trademarks and Geographical Indications

Assignment	Pages	Comments/Notes	Date
Introduction	TBD		
Ownership, Transfer and Exhaustion	TBD		
Special Discussion: Related Companies, First-Sale Doctrine and Exhaustion	TBD		
Subject Matter	TBD		
Generic Marks	TBD		
Exclusive Rights	TBD		
Dilution	TBD		
Abandonment	TBD		

Module V – Unfair Competition and Trade Secrets

Assignment	Pages	Comments/Notes	Date
Unfair Competition	TBD		
Protecting Trade Secrets Internationally			

Module VI – International Enforcement of Intellectual Property Rights

Assignment	Pages	Comments/Notes	Date
Introduction	TBD		
International	TBD		
Private Enforcement	TBD		
Review Session			

Professor contact information:

Ricardo Colmener
Director
Direct phone: 8327285567
Ricardocolmener@entraconsulting.com
www.entraconsulting.com

Office Hour:

Contact professor to arrange a meeting date and time