

**SYLLABUS FOR ADVANCED TOPICS SEMINAR  
IN INTELLECTUAL PROPERTY LAW  
S2018**

**Prof. Janicke**

This seminar is for research and writing. It will meet in the classroom only four times spaced through the semester, and attendance is optional. Each student will have a choice either to attend a given class session or, if preferred, to arrange one-on-one time with the instructor at approximately the same dates. Accordingly, no one will be kept out of the seminar because of class schedule conflicts with another course that you want to take. Additional one-on-one meetings will be scheduled through the semester in order to monitor progress and resolve questions.

Prerequisite: Patent Law, or IP Survey, or Patent Remedies & Defenses, or Copyright Law, or Trademark Law.

The seminar's writing topics will address issues in the four main areas of intellectual property law:

- A. Patent law. The body of Federal law governing patenting of inventions in the United States and other countries. The subjects of investigation include requirements for obtaining a patent, patent infringement litigation, and patent licensing.
- B. Trademark law. Appellate cases and statutes governing the protectability of marks: trademarks; service marks; collective membership marks; and certification marks. Infringement actions and the remedies available therein.
- C. Copyright law. The Federal statute and decided appellate cases thereunder over the thirty years since enactment of the current statute. Definitions of works of authorship will be investigated, as well as exemptions for fair use, compulsory music licensing, and other special situations.
- D. Trade secret law. State laws will be investigated, along with the Restatement of Unfair Competition and major decisions by state and Federal appellate courts in the area of misappropriation of technical or commercial confidential information.

This is a writing seminar in which each student must perform independent legal research and produce a scholarly paper on an approved topic within the above four categories. Each student chooses her own topic before the semester begins, subject to the approval of the instructor. *Outcomes:* The seminar is designed (1) to provide each student with solid professional skill in brief-writing and motion-writing in judicial and administrative cases involving intellectual property law, at a level equivalent to that of third- or fourth-year associate in a law firm; (2) to give each student a realistic opportunity to produce a publishable work in this area, as has often happened in the past; and (3) to provide each student with a high-level legal writing sample for consideration by potential employers.

*Assessments:* As has been done for several past years in this seminar, the paper will be due in four separate, graded submissions spaced over the semester. The first three are the component parts of the final work, roughly one-third each. These will be promptly and extensively commented upon by the instructor, and will be graded at 20% for each submission. The final submission, also commented upon and graded, will count for the remaining 40% of the final grade. It will be due shortly before the last day of classes. In order to keep to the schedule, no time extensions can be allowed.

A list of suggested writing topics will be provided by email.

There are no required books for this seminar.

Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS ([www.uh.edu/caps](http://www.uh.edu/caps)) by calling 713-743- 5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the “Let's Talk” program, a drop-in consultation service at convenient locations and hours around campus. [http://www.uh.edu/caps/outreach/lets\\_talk.html](http://www.uh.edu/caps/outreach/lets_talk.html)