

INTELLECTUAL PROPERTY & INFORMATION LAW

Paul Janicke / Craig Joyce / Sapna Kumar / Ray Nimmer / Greg Vetter

Consistent with our view that students are attending the University of Houston Law Center (UHLC) primarily for a broad-based education in the law, we recommend going easy on Intellectual Property (IP) and Information Law (IL) courses at the outset. Thus, the place to begin is with non-IPIL courses, and perhaps with IP Survey, in the 2L fall. One can then schedule advanced courses in IP and IL in the 2L spring and the third year (or, in the case of part-time division students, the third and fourth years).

The IP Survey course in the fall semester meets at least four needs. First, for those planning to practice outside IPIL, it provides an overview of the field and presents the basic doctrine for fundamental IPIL subjects, primarily Patent, Copyright, Trademark, and Trade Secrets. Second, for those interested in exploring the possibility of a concentration in IP or IL, but not yet ready to commit, taking IP Survey can facilitate that process. Third, for those already decided on IP or IL, IP Survey affords insurance against the possibility of missing one or more of the stand-alone courses in the fundamental subjects due to scheduling patterns, opportunities and preferences. Finally, IP Survey also satisfies the prerequisite requirement for many (but not all) of the other IPIL courses that have prerequisites. On the other hand, some IPIL courses do not require any prerequisite. Thus, whether to start with IP Survey, or move directly to other IPIL courses, depends on a variety of factors and how these factors interact with one's plans and preferences.

Once a 2L student knows that she wants to invest substantial time in IPIL study, the next step typically is to take an additional "core" course in the field, such as Patent or Copyright on the IP side, or a course on the Information Law side. Professor Nimmer notes that many students find it useful to take the IP Survey or Copyright course prior to taking one of the Information Law courses (although these may or may not be prerequisites). Professor Joyce prefers that students interested in Copyright Law take that course in their second year rather than in their third year, in part to avoid "last semester burn-out," and because Copyright Law (typically a spring semester course) is the optimal (but not necessarily only) prerequisite to Copyright Seminar (typically a fall semester course). Professor Kumar notes that some non-IPIL courses, such as Administrative Law, are fundamentally important to IPIL practice in the area of patent law. Professor Vetter notes that students should carefully check the prerequisites for all IPIL classes they might want to take while at UHLC in order to best plan their schedule.

Once students have decided on courses for the 2L year, they may want to consider additional IPIL courses or seminars during the 3L year. To facilitate awareness of the courses that may be available, the table below lists IPIL courses traditionally offered on a regular or semi-regular basis.

Basic & Stand-Alone Courses in Fundamental IPIL Subjects	Additional IPIL Courses	Other IPIL-related courses
<ul style="list-style-type: none"> • IP Survey • Patent Law • Copyright Law • Trade Secrets • Trademarks & Unfair Competition • Licensing & Tech. Transfer 	<ul style="list-style-type: none"> • Patent Remedies & Defenses • Patent Prosecution • Internet Law • Digital Transactions • Entertainment Law • Privacy & Data Protection • International IP • IP Seminar • Copyright Seminar • Special Research in IP or IL 	<ul style="list-style-type: none"> • Property Crime in the Info. Age • Communications Law • Franchising & Distribution • IP Strategy & Mgmt. or Entrepreneurship • Transactional Clinic and/or Mediation • Virtual Worlds • Art Law (sometimes emphasizing Cultural Heritage Protection) • Antitrust • Administrative Law

Remember that taking too many IPIL courses not only detracts from the breadth of a J.D. education generally but also is typically unnecessary. UHLC offers a LL.M. in Intellectual Property and Information Law that provides practicing attorneys the opportunity to specialize further as their careers in IPIL develop.

For further information about the J.D. and LL.M. programs, contact IPIL professors, Paul Janicke, Craig Joyce, Sapna Kumar, Ray Nimmer, or Greg Vetter, or call the IPIL Program Manager, Sindee Bielamowicz (713/743-2180), who has details available on all aspects of the IPIL program.

First Principles

- Self Assessment
 - **Design** the remainder of your experience in law school
 - Look to fill skill and knowledge gaps
 - round out your experiences
 - perhaps take some classes just for fun ☺
- Assessment for the legal marketplace
 - **Become a great attorney first**
 - And, for those planning to be IPIL attorneys,
 - Become a great IPIL attorney **second**
- Assessment for the IPIL marketplace
 - Class mix should include areas supporting the commercialization of Intellectual Property and Information Products/Services
- Extra-curricular opportunities
 - Journals, moot courts, externships, clinics, student organizations, professional organizations, research . . .
- Transitional credentialing opportunities
 - Judicial clerkships



IP and IL Offerings – preliminary draft 2010-11 schedule (subject to change – only exemplary)

- The table also exemplifies the general schedule of courses typically offered
- Course coding: (# credit hours, professor (**bold**, if **regular/visitor**, *italics if adjunct*), other remarks, [prerequisite]).
- Class names in **BLUE** may change semesters from year. Only 1 course, IP Survey, is ever offered twice in a year, with a day and a night Fall offering.

Time	Fall 2010	Spring 2011
Day	IP Survey (2, Vetter) Advanced Topics in Copyright (3, Joyce, seminar, [IP Survey or Copyright]) Property Crime in the Info. Age (3, occasionally available, Moohr) Int'l IP (3, Vetter, [see course listing]) Licensing & Tech. Transfer (3, Janicke, [IP Survey, Patent or Copyright])	Advanced Topics in IP (3, Janicke, seminar, [Patent or Copyright]) Patent Remedies & Defenses (2, Janicke, [IP Survey or Patent]) Internet Law (3, Vetter)
Alternating (typically)		Copyright (3, Joyce, night) Patent Law (3, Kumar, day)
Night	IP Survey (2, Pinsky) Trademarks & Unfair Comp. (3, Krieger) Patent Prosecution (2, Friedrich, [Patent]) Digital Transactions (2, Chichester)	Trade Secrets (2, Krieger) Entertainment Law (2, Alonso) Virtual Worlds (2, occasionally available, Bojin)

This slide was updated in the Fall of 2009, after the original generation of these materials in Spring 2008, and after the audio recordings made against the originals and posted on Prof. Vetter's site.

Credentialing by area of IPIL practice (excluding Trade Secret)

- ☺ = only a state license is required

	Copyright	Trademark	Patent
Litigation	☺	☺	☺
Licensing	☺	☺	☺
Application*	☺ (there is only a very minor, de minimus volume of work in registering copyrighted works)	☺	"Patent Bar" exam required

* The process of applying for a patent before the US Patent and Trademark Office (PTO) is called "patent prosecution." This is practice before a Federal Administrative Agency and requires that one be a "Registered Patent Attorney."

- A special license is required to "prosecute patents" - which means that one must take the PTO's "Patent Bar" exam to do this.
- Whether one needs the credential of being a Registered Patent Attorney depends on a variety of factors, including general market conditions and the specific conditions in the area or niche of IP in which a student is interested.
- Sometimes large IP law firms prefer to hire patent bar eligible attorneys because such individuals can be more flexibly applied to service a variety of work.
 - For example, if trademark or licensing work is slow, the attorney could perhaps perform patent prosecution instead.
 - Or, the attorney may be perceived as more valuable in patent litigation due to the patent bar credential (although there are many great patent litigators who are not "Registered Patent Attorneys").
- In other employment situations, however, the patent bar credential carries little or no weight because the mixture of work available is more specialized and/or the patent bar credential is not significant within that employment market or community.

Other courses to consider

- IPIL & related courses
 - Genetics & the Law
 - IP Strategy & Management
 - Entrepreneurship
 - Various seminars offered from time to time
 - Sports Law
 - Communications Law
 - Franchising & Distribution
 - eDiscovery
 - eHealth
 - Privacy & Data Protection
 - Virtual Worlds
 - Art Law
 - Special and Directed Research
- Skills classes
 - For example, Transactional Clinic, Moot Court Team, Trial Advocacy, and Mediation
- Other areas relating to IP
 - **Administrative Law**
 - Advanced Contract Drafting
 - **Antitrust**
 - **Business Organizations**
 - **Evidence**
 - First Amendment
 - Federal Jurisdiction/Courts
 - International Business Transactions
 - Mergers & Acquisitions
 - Securities Regulation
 - Secured Finance
 - **Tax**

Note:
The **bold, highlighted** classes above are particularly important for a career practicing IP & IL.