

UNIVERSITY OF HOUSTON LAW CENTER

International Intellectual Property (6333 / 25756)

Fall Semester 2026 | 3 Credits

- **Instructor:** Professor Garry Brown, Jr.
- **Time:** Fridays, 9:00 AM – 12:00 PM
- **Location:** Room 207
- **Office:** TBD
- **Contact Information:** garrybrownesq@gmail.com | 504-975-2874
- **Instruction Mode:** Face-to-Face
- **Office Hours:** TBD. I will establish my office hours based on the class's needs after the beginning of the semester. I am also often available immediately after class on most days and by appointment via Zoom/Teams video.
- **Faculty Assistant:** TBD

I. COURSE OVERVIEW & OUTLINE

This course explores the intersection of intellectual property and international law from three crucial perspectives: private international IP law (jurisdiction and cross-border enforcement), public international IP law (multilateral treaty frameworks), and comparative IP law (analyzing differences between the US, EU, China, and developing nations).

While all foundational pillars of intellectual property are examined, this course maintains a heavy structural focus on patent law, deep-diving into international innovation mechanics, global filing tracks, and high-stakes cross-border patent litigation.

II. REQUIRED TEXTS & MATERIALS

- **Coursebook:** Daniel C.K. Chow & Edward Lee, *International Intellectual Property: Problems, Cases, and Materials* (5th Edition, American Casebook Series, West Academic Publishing).
- **Supplement:** There is no requirement to purchase a statutory supplement.
- **Notice Regarding Electronic Textbooks:** eBooks are permitted for class preparation. However, because the final exam will utilize the Electronic BlueBook (EBB) Client software in a total lock-down configuration to restrict internet and unauthorized application access, students using eBooks must print out any casebook portions or notes they wish to reference, as separate electronic devices will not be permitted in the examination room.

III. COURSE OBJECTIVES & LEARNING OUTCOMES

In compliance with ABA Standard 302(b), this course establishes specific, measurable minimum learning outcomes. By the end of this course, you will be able to demonstrate the following knowledge, skills, and competencies:

- **Identify and Apply Treaty Frameworks:** Navigate, analyze, and apply core international principles—including the Principle of Territoriality, National Treatment, and Most Favored Nation (MFN)—across multiple jurisdictions.
- **Perform Substantive Patent & IP Analysis:** Resolve complex legal problems involving cross-border innovation management, patent prosecution timelines (Paris Priority and PCT), and eligibility conflicts surrounding emerging technologies.
- **Synthesize Private Enforcement Structures:** Determine proper choice of law, forum selection, and the enforcement limits of foreign judgments or border measures in transnational disputes.
- **Evaluate Policy Dynamics:** Formulate well-reasoned legal and policy arguments regarding international trade friction, as well as ownership and formalities for obtaining domestic and foreign patents.

IV. THE FIVE COURSE MODULES

The class moves dynamically through five comprehensive modules, relying heavily on the Problem Method to bridge theory and complex global practice.

MODULE 1: The Architecture of International IP & Global Governance

- **Thematic Focus:** Navigating territorial boundaries, foundational treaty mechanics, and the geopolitical evolution of international trading infrastructure.
- **Core Topics & Principles:** Globalization and the "North-South" development divide (Problem 1-1); the Principle of Territoriality (*Subafilms v. MGM-Pathe*); National Treatment (*Phil Collins v. Imtrat*) and the Most Favored Nation principle (*US—Section 211 Omnibus Appropriations*); Choice of Law (*Itar-Tass v. Russian Kurier*); the GATT-to-WTO evolution, TRIPS compliance monitoring, WIPO, and Investor-State Dispute Settlements (ISDS) (*Eli Lilly v. Canada*).
- **Readings:** Chow & Lee, Chapter 1.

MODULE 2: International Patent Law, Trade Secrets, & Industrial Designs

- **Thematic Focus:** Extensive analysis of global innovation systems, patent prosecution

pathways, and cross-border tech allocation.

- **Core Topics & Principles:** AI and Inventorship (*German Patent Office v. Thaler*); Paris Convention Priority, the PCT framework, and the EU Unitary Patent; Substantive Patentability (Higher life forms: *Harvard College v. Canada*, DNA sequences: *AMP v. Myriad*, *Monsanto v. Cefetra*; Software: *Bilski v. Kappos*, *Alice v. CLS Bank*); Novelty matrices and biopiracy; Extraterritorial Patent Liability (*Pellegrini v. Analog Devices*, *NTP v. RIM*, *WesternGeco v. ION*); Infringement by equivalents (*Actavis v. Eli Lilly*) and regulatory review carve-outs (*Canada—Patent Protection of Pharmaceutical Products*); Compulsory Licensing, the Doha Declaration, India's model (*Bayer v. Union of India*), and the WTO COVID-19 Waiver; Trade Secrets (*TianRui v. ITC*, *Motorola v. Hytera*) and the Hague Agreement design framework (*Arminak v. Saint-Gobain*, *Magmatic v. PMS*).
- **Readings:** Chow & Lee, Chapters 3 & 5.

MODULE 3: International Trademarks & Geographical Indications

- **Thematic Focus:** Protecting brands, commercial reputation, and cultural markers across diverse jurisdictions.
- **Core Topics & Principles:** Registration vs. Use systems (*Direct Niche v. Via Varejo*); Paris Priority (*SCM v. Langis Foods*), the "Telle Quelle" rule (*In re Rath*), and the Madrid System; Plain Packaging (*Australia—Tobacco Plain Packaging*); Nontraditional Marks (*OHIM v. BORCO*, *Louis Vuitton v. EUIPO*, *Philips v. Remington*, *Traffix v. MDI*); Global likelihood of confusion metrics (*Sabel v Puma*) and famous brand protections (*McDonald's v. Joburgers*, *Grupo Gigante v. Dallo*); Extraterritorial Trademark Enforcement (*Abitron Austria v. Hetronic Int'l*); Geographical Indications (*Parma Ham*, *Feta*, *Prosecco*, *Gruyère v. U.S. Dairy Export Council*); Domain Space registration conflicts and UDRP applications (*Madonna v. Parisi*, *Springsteen v. Burger*).
- **Readings:** Chow & Lee, Chapter 4.

MODULE 4: Copyright and Neighboring Rights in a Digital World

- **Thematic Focus:** Reconciling natural rights and utilitarian copyright systems across global digital infrastructure.
- **Core Topics & Principles:** Berne Convention attachment points, national treatment, and the prohibition on formalities; Retroactivity (*Dam Things from Denmark v. Russ Berrie*); Originality Thresholds (*Feist v. Rural*, *CCH Canadian*), database directives (*British Horseracing Board v. William Hill*), and folklore protection (*Milpurrurru v. Indofurn*); Substantive Rights & AI Training (*Li v. Liu*, *Germany's LAION Case*); Secondary liability (*Roadshow Films v. iiNet*), WIPO Internet Treaties, and the EU DSM Directive (*Poland v. European Parliament*); Moral Rights under civil vs. common law systems (*Huston v. Turner Entertainment*, *Gilliam v. ABC*, *Castillo v. G&M Realty*).
- **Readings:** Chow & Lee, Chapter 2.

MODULE 5: Transnational Litigation, Enforcement, & Gray Markets

- **Thematic Focus:** The mechanics of parallel litigation, systemic anti-counterfeiting strategies, and the boundaries of intellectual property exhaustion.
- **Core Topics & Principles:** Global Counterfeit Crises, platform liabilities (Amazon/Alibaba), and enforcement in China; TRIPS Part III Enforcement Minimums (*China—Measures Affecting the Protection and Enforcement of IP Rights*); Border Controls (*Ross Cosmetics v. United States*, *Administration des Douanes v. Rioglass*); Transnational Jurisdictions and conflict of laws (*London Film Productions v. Intercontinental Communications*, *Voda v. Cordis*); Recognition of Foreign Judgments (*Sarl Louis Feraud v. Viewfinder*); IP Exhaustion & Gray Market Imports (Trademarks: *IHT Heiztechnik*, *K Mart v. Cartier*, *Lever Brothers v. US*; Copyrights: *Kirtsaeng v. John Wiley*; Patents: *Merck v. Primecrown*, *Impression Products v. Lexmark Int'l*).
- **Readings:** Chow & Lee, Chapter 6.

V. MODE OF ASSESSMENT & GRADING POLICIES

1. Grading Breakdown

Student learning will be evaluated via the following summative and formative instruments:

- **15% - Attendance & Class Preparation/Participation** (Non-Anonymous Summative Assessment).
- **85% - Final Examination** (Anonymous Summative Assessment).

2. Class Preparation and Participation Bump

Students are expected to complete the day's entire reading assignment prior to class. While the goal is to cover one assignment per session, our actual pace may vary. You are responsible for tracking our current position in the syllabus. I will give advance notice whenever possible if our schedule shifts. If you are absent, you must consult a classmate to find out exactly where we left off.

3. Summative Assessment (Final Exam)

The final examination will be administered during the law school's official exam period.

- **Format:** The exam will be an in-class, proctored, hybrid open-book exam consisting of multiple-choice questions and multi-issue-spotting essay questions patterned after the textbook modules.
- **Materials Allowed:** You may bring any printed, paper-based materials (the coursebook,

supplement, printed notes, or student-authored outlines). No electronic databases, software applications, or internet access may be utilized.

- **Mandatory Presence:** Because this course is designated face-to-face, students must be physically present in the assigned room at the Law Center for the exam. Take-home options are expressly disallowed to preserve academic integrity.

VI. CORE CLASSROOM & LAW CENTER POLICIES

1. Law Center Attendance Policy

In accordance with Law Center and ABA regulations, students must maintain a minimum 80% attendance rate. Attendance will be tracked via a physical sign-in sheet distributed at the start of each class. Initialing next to your name is your personal responsibility. Missing more than three (3) scheduled classes constitutes nonadherence to the baseline threshold and will result in the student being automatically dropped from the course or referred directly to the Office of Student Affairs (OSA).

2. Use of Computers and Electronics

Laptops and tablets are permitted in the classroom solely for note-taking purposes and accessing course documents. All devices must have their internet, Wi-Fi, and cellular connection turned off during lecture blocks. Internet surfing, messaging, checking email, or using unauthorized apps during class is strictly prohibited. Violations will be treated as a constructive absence or lack of preparation. All other electronic devices (phones, watches) must remain silent.

3. AI Generated Work Product Policy (Prohibition)

General.

Generative artificial intelligence is a form of machine learning that creates new and original output based on the data it has been trained on or has access to, employing algorithms to generate content in response to prompts. Examples of the technology include what are known as generative “large language models” (LLMs). Two well-known LLM implementations are ChatGPT and Claude. LLM output can include text, images, music, code, and more. This syllabus policy covers the textual output of generative LLMs (AI-Generated Work Product)—which can include computer code or programs and human-language content. Because AI-Generated Work Product can often mimic human intelligence, it could potentially be used as a substitute for a student’s own work product. Such use is potentially problematic to the extent that it becomes a substitute for internalized student understanding of the material or creates a dependency on AI-Generated Work Product, which may be strictly prohibited in settings that include the bar examination.

Prohibition.

Subject to the exceptions immediately below, your continuing enrollment in this course constitutes your pledge not to generate or to use any AI-Generated Work Product—whether from yourself or others—in relation to any assessment in this course. The term “assessment” means any graded or ungraded work product for this course that is submitted to the instructor, presented in a class session, or used in an oral or written graded assessment for this course.

Exceptions.

The following AI-Generated Work Product uses are exceptions to the preceding prohibition. The exceptions’ intent is to allow the generation and use of AI-Generated Work Product for specific, narrowly defined activities related to this course.

- You may generate and use AI-Generated Work Product for class preparation, although you must disclose the full extent of that use if your instructor asks. You may generate and use AI-Generated Work Product for study supplements to aid with general understanding of course content. This could take different forms that include creating examples or explanations of a concept, generation of diagrams and flow charts, “gamification” of course content, flash cards for study, or sample questions and answers.
- You may generate and use AI-Generated Work Product for an outline that summarizes the course content.
- You may use AI-Generated Work Product to check your originally drafted text for misspellings, grammar and punctuation errors, strength and clarity of prose, verbosity, effective transitional language and thesis sentences, word choice, excessive passive voice, and like things.
- You may use AI-Generated Work Product for the purpose of language translation.

4. Honor Code

The UHLC Honor Code applies to all aspects of this course. You are responsible for knowing and complying with all Honor Code provisions. Your continuing enrollment in this course is deemed to be a pledge under the Honor Code to comply with these rules and the structural parameters of this syllabus.

5. Course Instructional Minutes (ABA Standard 310)

This 3-credit course complies with ABA Standard 310 requirements. The framework delivers a minimum of 150 minutes of classroom instructional time per week over a 14-week term, paired with an expectation of a minimum of two hours of out-of-class student preparation for each credit hour weekly.

VII. UNIVERSITY OF HOUSTON POLICY STATEMENTS

A. Mental Health and Wellness Resources

The University of Houston has a number of resources to support students' mental health and overall wellness, including CoogsCARE and the UH Go App. UH Counseling and Psychological Services (CAPS) offers 24/7 mental health support for all students, addressing various concerns like stress, college adjustment and sadness. CAPS provides individual and couples counseling, group therapy, workshops and connections to other support services on and off-campus. For assistance visit uh.edu/caps, call 713-743-5454, or visit a Let's Talk location in-person or virtually. Let's Talk are daily, informal confidential consultations with CAPS therapists where no appointment or paperwork is needed.

- *Need Support Now?* If you or someone you know is struggling or in crisis, help is available. Call CAPS crisis support 24/7 at 713-743-5454, or the National Suicide and Crisis Lifeline: call or text 988, or chat 988lifeline.org.

B. Title IX/Sexual Misconduct

Per the UHS Sexual Misconduct Policy, your instructor is a "responsible employee" for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/>.

C. Reasonable Academic Adjustments/Auxiliary Aids

The University of Houston is committed to providing an academic environment and educational programs that are accessible for its students. Any student with a disability who is experiencing barriers to learning, assessment or participation is encouraged to contact the Justin Dart, Jr. Student Accessibility Center (Dart Center) to learn more about academic accommodations and support that may be available to them. Students seeking academic accommodations will need to register with the Dart Center as soon as possible to ensure timely implementation of approved accommodations. Please contact the Dart Center by visiting the website: <https://uh.edu/accessibility/>, calling (713) 743-5400, or emailing jdcenter@Central.UH.EDU.

D. Recording of Class

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you

may have a disability such that you need to record class-related activities, please contact the Justin Dart, Jr. Student Accessibility Center. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and note-taking. Instructor's recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

E. Security Escorts and Cougar Ride

UHPD continually works with the University community to make the campus a safe place to learn, work, and live. The security escort service is designed for the community members who have safety concerns and would like to have a Security Officer walk with them, for their safety, as they make their way across campus. Based on availability either a UHPD Security Officer or Police Officer will escort students, faculty, and staff to locations beginning and ending on campus. If you feel that you need a Security Officer to walk with you for your safety, please call 713-743-3333. Arrangements may be made for special needs.

- Late-night transportation can also be coordinated through the "Cougar Ride" shuttle service via the UH Go app. Days and hours of operation can be found at <https://uh.edu/af-university-services/parking/cougar-ride/>.

F. Syllabus Changes

Please note that the instructor may need to make modifications to the course syllabus chronological pacing. Substantive alterations to the core structural assessment frameworks will not occur after the opening week of the semester. Notice of any operational updates will be announced directly to students in class and broadcasted immediately through Canvas/Email notifications.