

SEMINAR: ADVANCED TOPICS IN INTELLECTUAL PROPERTY SPRING 2024

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Office Hours: Via Zoom, by appointment
Class Meeting Time and Location: Arranged individually

INTRODUCTION

Course Description:

This seminar is for research and writing. An acceptable topic is one that would typically warrant statutory and case law research in a judge's chambers or law firm. No classroom sessions are anticipated, but some individual meetings and group Zoom sessions will likely be needed for topic selection and progress discussions along the way.

The seminar's writing topics can 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.

Prerequisites: Yes. Intellectual Property Survey, or Patent Law, or Patent Remedies & Defenses, or Trademark Law, or Copyright Law, or permission of the instructor

Required Texts: None.

Learning Objectives

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 initial outline and the paper will be due in five separate, graded submissions spaced over the semester. The outline will count for 8% of the final grade. Writing Submissions 1, 2, and 3 are the major component parts of the final work. These will be promptly and extensively commented upon by the instructor, using the track-change feature in Word, and will be graded at 20% for each submission. The final composite submission, also commented upon and graded, will count for the remaining 32% of the final grade. It will be due shortly before the last day of classes. In order to keep to the schedule, and in fairness to other students, no time extensions can be allowed.

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Course Grading: The seminar will involve five graded submissions, with scoring apportioned as follows:

January 18	Submission of an outline from preliminary research done on the chosen topic, flagging the statutory provisions to be discussed (8%)
February 16	First writing submissions due (20%)
March 18	Second writing submissions due (20%)
April 4	Third writing submissions due (20%)

April 25 Final composite submissions due (32%)

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.

The Student Health Center offers a Psychiatry Clinic for enrolled UH students. Call 713-743-5149 during clinic hours, Monday through Friday 8 a.m. - 4:30 p.m. to schedule an appointment. The A.D. Bruce Religion Center offers spiritual support and a variety of programs centered on well-being.

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.

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/>.

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.

Resources for Online Learning

The University of Houston is committed to student success and provides information to optimize the online learning experience through our Power-On website (<https://uh.edu/power-on/learning/>). Please visit this website for a comprehensive set of resources, tools, and tips, including: obtaining access to the internet, AccessUH, Blackboard, and Canvas; using your smartphone as a webcam; and downloading Microsoft Office 365 at no cost. For questions or assistance contact UHOnline@uh.edu.

Honor Code

The UHLC Honor Code applies to all aspects of this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations related to this course. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus.