

Course Outline

COURSE:	LAWS 3202 A - Intellectual Property
TERM:	Fall 2014
PREREQUISITES:	1.0 credit from LAWS 2201, LAWS 2202, LAWS 2501, LAWS 2502.
CLASS:	Day & Time: Monday 08:35 - 11:25 Room: Please check with Carleton Central for current room location
INSTRUCTOR:	Dr. Saleh Al-Sharieh
CONTACT:	Office: B442 Loeb Building Office Hrs: By appointment Telephone: N/A Email: Saleh.AISharieh@carleton.ca

Academic Accommodations

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

Academic Accommodations for Students with Disabilities: The **Paul Menton Centre** for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of

calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at:

<http://www.carleton.ca/studentaffairs/academic-integrity/>

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://www.carleton.ca/law/student-resources/department-policies/>

COURSE DESCRIPTION

Intellectual property is a major asset in today's economy; it generally refers to the fruits of humans' intelligence, such as literary, artistic and musical works; scientific inventions; trade-secrets; marks used to distinguish businesses; new varieties of plants; and ornamental designs of useful articles. This course will provide an overview of the fundamentals of intellectual property protection in Canada. It will discuss the underlying philosophy of intellectual property, the history of its protection, and the guiding policy for regulating its multiple categories in Canada. The Course will examine the Canadian law of copyrights, trade-marks, patents, confidential Information, industrial designs, plant varieties, and integrated circuit topographies. The course will further examine the impact of the protection of the different categories of intellectual property on Canadians' culture, economy, and essential rights and freedoms. Finally, this course will outline the basics of the international intellectual property system and its relation with Canadian intellectual property law.

REQUIRED TEXTS

Elizabeth F. Judge & Daniel J. Gervais, *Intellectual Property: The Law in Canada*, 2nd ed (Toronto: Carswell, 2011).

The lectures and class discussions are an integral part of the required readings for this course; they are examinable material.

SUPPLEMENTARY TEXTS

N/A

EVALUATION

(All components must be completed in order to get a passing grade)

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

Mid-term examination 40% (October 20)

Final examination 60% (it will take place during the final examination period: December 10-21).

SCHEDULE

(The following schedule is subject to revision)

Class	Date	Topic	Required Readings
1	September 8	Welcome & outline discussion	N/A
2	September 15	a. Intellectual property: An overview of the philosophy, policy and history b. Copyright <ul style="list-style-type: none"> • Common law & civil law traditions of copyright • Philosophy of copyright • Copyright and human rights • Copyright and the theory of balance 	Ch. 1 (pp.1-27) Ch.2 (pp. 33-44)
3	September 22	Copyright <ul style="list-style-type: none"> • Foundational concepts (expression, fixation, originality, work) • Authorship and ownership 	Ch.2 (pp. 44-143)
4	September 29	Copyright <ul style="list-style-type: none"> • Assignment and licensing • Terms of protection • Infringement, defences and remedies • Copyright registration 	Ch.2 (pp.143-250)
5	October 6	a. Related rights b. Collective management c. Points of attachment and foreign works d. Industrial designs	Ch. 2 (pp.250-267) Ch. 3 (pp. 285-315)
6	October 13	Statutory holiday (Thanksgiving)	N/A
7	October 20	Mid-term exam Trade-marks <ul style="list-style-type: none"> • Introduction • Object of the protection • Registrable marks 	Ch.1, ch.2, ch.3, lectures, and class discussions Ch.4 (pp. 317-451)
8	October 27	Fall break	N/A
9	November 3	Trade-marks <ul style="list-style-type: none"> • Distinctiveness • Use • Registration • Licensing and assignment 	Ch.4 (pp. 452-498)
10	November 10	a. Trade-marks	Ch.4

		<ul style="list-style-type: none"> • Infringement • Foreign works • Domain names & internet-based infringement b. Patents <ul style="list-style-type: none"> • Introduction 	(pp. 498-634) Ch.5 (pp. 643-651)
11	November 17	a. Patents <ul style="list-style-type: none"> • Object of Protection • Term of Protection b. Confidential Information <ul style="list-style-type: none"> • Introduction • Object of the protection • Causes of action • Employees • Statutory protection 	Ch.5 (pp. 651-748) (pp. 767-769) Ch.6 (pp. 871-957) (pp. 990-1001)
12	November 24	a. Plant varieties b. Integrated circuit topographies c. International intellectual property	Ch. 7 (pp.1003-1012) Ch. 8 (pp.1015-1022) Ch. 10 (pp.1065-1122)
13	December 1	Intellectual property overlap	Ch. 11 (pp.1125-1185)
14	December 8	Review	