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Spring 2012 Syllabus
University of North Carolina School of Law
Law 418 (20179)

INTERNATIONAL INTELLECTUAL PROPERTY

Description

This course provides an overview of the substantive content of, and legal authority for, international intellectual property rights, drawing on cases, treaties and materials in copyright, patent and trademark law. We will examine international and comparative law issues of major importance to modern IP practice, including obligations for IP protection arising under international public law, the emerging role of transnational private law in the acquisition and enforcement of IP rights, and the geopolitics of IP trade and harmonization.

Casebook, Supplement, and Additional Materials

The casebook is DINWOODIE ET AL., INTERNATIONAL INTELLECTUAL LAW AND POLICY (2nd ed. 2008), published by Lexis-Nexis. There is also a paper Documentary Supplement ("DS") accompanying this casebook, which will be useful for you to have. Further required and supplementary materials will be posted on the course Web site, as announced in class.

Class Participation and Grading

I expect each unit to take 0.8-1.2 class sessions to complete. If you are unprepared and wish to be spared being called on in class, you may email or speak to me before class and I will do my best to remember not to call on you.

Your participation grade will be A+, which will count for between 0% and 20% of your final grade, based on the overall quality of your assigned and unassigned participation, including your scribe essays. There will be a three-hour final examination, which will count for the remaining portion of your final grade, subject to the law school curve. The examination likely will consist of a short-response section and two or three questions of an issue-spotting variety.

Office Hours

Room 5079, by appointment. Phone is 962-4116, but email is preferred. Do not rely on voicemail for time-sensitive matters.

Secretary

Ashley Arthur, Faculty Support Center, Room 5125.

Order of Topics

- + Overview; main concepts of IP and international law
- + International treaties and institutions
- + Dispute settlement under TRIPS
- + International patent law
- + International copyright law
- + International trademark law
- + Multinational acquisition of IP rights

Detailed Outline

The principal cases are listed for your convenience; however, you are responsible for all of the material on the pages listed, whether or not it is covered in class. *Minor revisions to this syllabus are likely; they will be announced in class and emailed to the class.*

| <i>Group</i> | <i>Unit</i> | <i>Principal Cases</i> | <i>Pages</i> |
|--------------|-------------|--|---|
| | 0 | | 1-16, DS 46 (Art. 39) |
| | 1 | | 16-24, 517-19, DS 500 (Art. 52) |
| | 2 | Computer Associates | 24-41 |
| 1 | 3 | GATT | 41-56, DS 56 (Art. 63.2) |
| 2 | 4 | Robertson, GM v. Ignacio Lopez | 56-65, DS 114, 125 (Arts. 4(A)(1), 10 <i>bis</i>) |
| 3 | 5 | Eldred, Murray | 65-70, 88-92, DS 113 (Art. 2) |
| | 6 | Videos and discussion | |
| 1 | 7 | | 728-33, DS 57 (Art. 64.2), DS 63-88 (skim) |
| 2 | 8 | “Macrohard,” India Chemical Patents | 733-54 |
| 3 | 9 | Koka Kola, EU Banana Arbitration | 775-79, 786-93 |
| 1 | 10 | | 794-99, 707-23, 727-28 |
| 2 | 11 | | 418-27, 436-452, DS 117 (Art. 5) |
| 3 | 12 | Canada Pharmaceutical Patents | 452-65 |
| 1 | 13 | Microsoft, Lenzing AG | Handouts, 809-28, 877-86 |
| 2 | 14 | Huston, Carter | Handouts, 527-30, 688, DS 641-54 (Arts. 2, 5, 6, 6 <i>bis</i> , 7(1), 8, 9, 14 <i>ter</i> , 19), 17 U.S.C. §§ 101 (definition of “visual art” only), 106A, 110(5), 113(d) |
| 3 | 15 | United States Copyright Act | 570-601 |
| 1 | 16 | Warner Brothers, Collins | Handout, 611-22 |
| 2 | 17 | | 636-52 |
| 3 | 18 | Mother’s Restaurants, Vaudable, McDonald’s | 93-99 |
| 1 | 19 | Empresa, Jian Tools for Sales | 99-107, Handout |

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|---|----|---|---|
| 2 | 20 | Otokoyama, German Cases | 109-114, 123-12933 |
| 3 | 21 | Vanity Fair Mills, GM v. Ignacio Lopez | 133-49, DS 113-124 (<i>Arts. 2, 6, 6bis, 6quater, 6quinquies, 6sexies, 7, 7bis</i>) |
| 1 | 22 | | 205-27, DS 35-37 (<i>Arts. 15-21</i>) |
| 2 | 23 | Wagamama, GM v. Yplon (time permitting) | 298-305, 307-10 |
| 3 | 24 | (time permitting) | 895-905 |
| 1 | 25 | (time permitting) | 845-59, DS 141-74 (<i>skim</i>) |