

PL-2410: INTELLECTUAL PROPERTY

Cuyahoga Community College

Viewing: PL-2410 : Intellectual Property

Board of Trustees:

January 2024

Academic Term:

Fall 2024

Subject Code

PL - Paralegal Studies

Course Number:

2410

Title:

Intellectual Property

Catalog Description:

Introduction to intellectual property law and experience in completing tasks commonly carried out by intellectual property paralegals. General overview of relevant federal and state law related to copyrights, trademarks, service marks, patents, and trade secrets. Information about the nature of material protected and duration of protection are covered for each type of intellectual property. Experience in utilizing the United States Patent and Trademark Office's and U.S. Copyright Office's online databases to conduct searches of existing patent, trademark, and copyright records. Develop familiarity with defenses that can be advanced in intellectual property matters.

Credit Hour(s):

3

Lecture Hour(s):

3

Requisites

Prerequisite and Corequisite

ENG-1010 College Composition I, or ENG-101H Honors College Composition I; and PL-1001 Introduction to Paralegal Profession, or concurrent enrollment.

Outcomes

Course Outcome(s):

Analyze and differentiate between the various types of intellectual property protection that can be obtained for different property types and understand the role of the paralegal in assisting supervising attorney with intellectual property matters.

Essential Learning Outcome Mapping:

Information Literacy: Acquire, evaluate, and use information from credible sources in order to meet information needs for a specific research purpose.

Objective(s):

1. Describe the substantive law of intellectual properties including patents, trademarks, copyrights, and trade secrets.
2. Identify and explain the differences and similarities between the various types of intellectual property rights including trademarks, service marks, copyrights, patents, and trade secrets.
3. Explain procedures and steps that are utilized by federal agencies in order to process intellectual property applications and maintain intellectual property protection, and under what conditions protection is lost.
4. Analyze the rights of intellectual property owners.
5. Analyze and describe the intellectual property litigation process.
6. Explain how one gains legitimate access to the intellectual property of others, what types of disputes arise over intellectual property rights, and how such disputes are resolved.
7. Identify specific ways in which the paralegal routinely assists their supervising attorney with practical tasks related to intellectual property-related matters and the ethical constraints that could affect them.

Course Outcome(s):

Conduct online database research on governmental websites and utilize computer-assisted legal research tools to access relevant information about trademarks, copyrights, patents, and case law in order to answer a supervising attorney's client-related questions.

Essential Learning Outcome Mapping:

Critical/Creative Thinking: Analyze, evaluate, and synthesize information in order to consider problems/ideas and transform them in innovative or imaginative ways.

Information Literacy: Acquire, evaluate, and use information from credible sources in order to meet information needs for a specific research purpose.

Objective(s):

1. Copyright Office's online database in order to obtain important intellectual property-related information.
2. Engage in focused research using computer-assisted legal research tools to obtain the text of a relevant intellectual property case for briefing purposes in order to inform supervising attorney about the law created by a court in the case.
3. Apply research findings to client facts in order to make a legally informed prediction about the potential success (or lack thereof) of a client matter and to present options for next steps.
4. Utilize online databases in order to obtain information regarding proposed trademark registration, and use this information to provide client with a legally informed prediction about the feasibility of trademark registration, and propose solutions and alternatives for client's future plans.

Course Outcome(s):

Utilize information provided by a supervising attorney to complete forms relevant to client matters involving trademark, copyright, patent, and / or case law in order to assist the supervising attorney.

Essential Learning Outcome Mapping:

Written Communication: Demonstrate effective written communication for an intended audience that follows genre/disciplinary conventions that reflect clarity, organization, and editing skills.

Objective(s):

1. Utilize information provided by a supervising attorney to complete forms obtained from the United States Patent and Trademark Office's website and the United States Copyright Office's website.
2. Customize templates provided by a supervising attorney with client-specific information to draft licensing agreements and other documents for a supervising attorney's review.
3. Utilizing client facts to customize template language of licensing agreements for use in conjunction with trademark and copyright matters.
4. Draft cease-and-desist letters for use in conjunction with copyright infringement matters.
5. Correctly fill out all relevant sections on copyright registration forms for a supervising attorney's review
6. Correctly draft documents related to a provisional patent application for a supervising attorney's review

Methods of Evaluation:

1. Quizzes
2. Midterm Examination
3. Final Examination
4. United States Patent and Trademark Office\U.S. Copyright Office Online Database Research Assignment
5. Case Law Assignment
6. Ohio State-Level Trademark Resources Assignment
7. Trademark Application Assignment
8. Trademark Registration Assignment
9. Trademark Drafting Assignment
10. Copyright Application Website Assignment
11. Copyright Application Assignment
12. Non-Disclosure\Non-Competition\Confidentiality Agreement Assignment
13. Patent Drafting and Website Assignment
14. Mark Research Assignment

Course Content Outline:

1. Overview of Intellectual Property Law in America
 - a. General introduction to intellectual property litigation
 - b. Overview of federal agencies associated with intellectual property matter
 - c. Distinction between trademarks, service marks, copyrights, patents and trade secrets and explanation of nature of property protected by each type of intellectual property
2. Trademarks and Service Marks
 - a. Trademarks and service marks
 - i. Difference between trademarks and service marks
 - ii. Categories of trademarks
 - b. Relevant Law
 - i. Lanham Act \ U.S. Trademark Act
 - ii. Selections from Code of Federal Regulations
 - iii. International agreements
 - c. Duration of mark protection
 - d. Formalities required for obtaining protection from United States Patent and Trademark Office
 - i. Conducting mark research
 - ii. Communicating research results to clients
 - iii. Registration process with United States Patent and Trademark Office and associated procedures
 - iv. Steps of mark application process; completing mark application forms and responding to office actions
 - v. Appeals process
 - vi. Maintaining and renewing mark registration
 - e. Nature of protection under federal law
 - i. Content protected as trademarks
 - ii. Content protected as service mark
 - iii. Content that cannot be protected as trademark or service mark
 - f. Transfer of Mark Rights
 - i. Assignments
 - ii. Licensing agreements
 - g. Protecting trademark rights
 - i. Inter partes proceedings
 - ii. Mark infringement lawsuits
 - iii. Dilution
 - h. Defenses to trademark infringement
 - i. Abandonment
 - ii. Genericide
 - iii. Estoppel
 - iv. Acquiescence
 - v. Laches
 - vi. Fair use
 - i. Role of the Paralegal in Trademark-Related Matters
3. Copyright Law
 - a. Nature of copyright law
 - i. Content protected under copyright law
 1. Literary works
 2. Musical works
 3. Dramatic works
 4. Other types of work
 - ii. Content that cannot be protected under copyright law
 - iii. Public domain
 - b. Relevant Law
 - i. Copyright Act of 1976
 - ii. Digital Millennium Copyright Act
 - iii. International agreements
 - c. Duration of copyright protection
 - i. Current System: Copyright Act of 1976
 - ii. Former System: Copyright Act of 1909
 - d. Formalities required for obtaining copyright protection

- i. Conducting research of U.S. Copyright Office's records
 - ii. Communicating research results to clients
 - iii. Online application process with United States Copyright Office
 - iv. Steps of copyright application process; completing copyright application forms
 - v. Appeals process
 - vi. Preparing deposit for U.S. Copyright Office
 - e. Nature of Copyright Protection under Federal Law
 - i. "Bundle of Rights" possessed by copyright owners
 - ii. Moral rights
 - iii. Works made for hire
 - f. Transfer of Rights Associated with Copyright Ownership
 - i. Assignments
 - ii. Licensing agreements
 - g. Protecting Rights Associated with Copyright Ownership
 - i. Notice of copyright
 - ii. Copyright infringement lawsuits
 - 1. Direct infringement
 - 2. Contributory infringement
 - 3. Vicarious infringement
 - iii. Demand letters
 - iv. Remedies
 - h. Defenses to Copyright Infringement
 - i. Fair use
 - ii. Estoppel
 - iii. Invalidity of copyright
 - iv. Statute of Limitations
 - v. Public domain
 - vi. Other defenses
 - i. Role of the Paralegal in Copyright Matters
- 4. Patents
 - a. Nature of patent law
 - i. Content protected under patent law
 - 1. Utility patents
 - 2. Design patents
 - 3. Plant patents
 - ii. Content that cannot be protected under patent law
 - iii. Requirements for patent protection
 - 1. Usefulness
 - 2. Novelty
 - 3. Nonobviousness
 - b. Relevant Law
 - i. America Inventors Protection Act
 - ii. Leahy-Smith America Invents Act
 - iii. International agreements
 - c. Duration of patent protection
 - i. Utility patents
 - 1. Provisional patent application protection
 - 2. Standard utility patent application protection
 - ii. Design patents
 - iii. Plant patents
 - d. Formalities required for obtaining patent protection
 - i. Conducting research of U.S. Patent and Trademark Office's records
 - ii. Communicating research results to clients
 - iii. Online application process with U.S. Patent and Trademark Office
 - iv. Application process; completing patent application forms and responding to office actions
 - v. Appeals process
 - e. Nature of Patent Protection under Federal Law

- i. Rights possessed by single inventors
 - ii. Rights possessed by joint inventors
 - iii. Ownership of inventions made by independent contractors and employees
 - f. Transfer of Rights Associated with Patent Ownership
 - i. Assignments
 - ii. Licensing agreements
 - g. Protecting Rights Associated with Patent Ownership
 - i. Maintenance fees
 - ii. Patent infringement lawsuits
 - 1. Direct infringement
 - 2. Contributory infringement
 - 3. Demand Letters
 - 4. Alternatives to traditional litigation
 - 5. Remedies
 - h. Defenses to Patent Infringement
 - i. Patent Misuse
 - ii. Estoppel
 - iii. Non-infringement
 - iv. Prior user defense
 - v. Other defenses
 - i. Role of the Paralegal in Patent-Related Matters
5. Trade Secrets
- a. Nature of trade secret law
 - i. Content eligible for protection under trade secret law
 - ii. Requirements for protection under trade secret law
 - 1. Valuable
 - 2. Not widely known
 - 3. Secrecy
 - b. Relevant Law
 - i. Defend Trade Secrets Act of 2016
 - ii. Common law
 - iii. International agreements
 - c. Duration of trade secret protection
 - d. Protecting Trade Secrets
 - i. Misappropriation Lawsuits
 - ii. Non-Disclosure\Non-Competition\Confidentiality Agreements
 - iii. Maintaining secrecy during disclosure to third parties
 - iv. Practical steps for maintaining secrecy
 - v. Legal Remedies
 - e. Defenses to Trade Secret Misappropriation Lawsuits
 - i. Nonqualifying information
 - ii. Lack of secrecy
 - iii. Independent creation
 - iv. Privilege
 - v. Laches
 - vi. Other defenses
 - f. Role of the Paralegal in Trade Secret-Related Matters
6. Unfair Competition
- a. Various Types of Unfair Competition
 - i. Passing Off \ Reverse Passing Off
 - ii. Misappropriation
 - iii. Right of Publicity
 - iv. Other types
 - b. Protection against unfair competition
 - i. Unfair competition litigation
 - ii. Defenses available to defendants
 - iii. Role of Federal Trade Commission
7. Intellectual Property Audits

- a. Purpose of Intellectual Property Audits
- b. Role of the Paralegal in Intellectual Property Audits

Resources

Bouchoux, Deborah E. *Intellectual Property: The Law of Trademarks, Copyrights, Patents, and Trade Secrets*. 6th ed. Delmar Cengage Learning, 2023.

Jones, Michael E.; Toomey, Walter; Lengsfeld, Bettina M. *Intellectual Property Law Fundamentals*. 2nd Ed. Carolina Academic Press, 2020.

Chadirjian, Carol. *The Business of Trademarks: A Practical Guide to Trademark Management for Attorneys and Paralegals*. Universal Publishers, 2018.

Mueller, Janice. *Patent Law*. 6th Ed. Wolters Kluwer, 2020.

Saunders, Kurt. *Intellectual Property Law: Legal Aspects of Innovation and Competition*. 1st ed. West Academic Publishing, 2016.

Resources Other

1. United States Patent and Trademark Office's Website: www.uspto.gov
2. United States Copyright Office's Website: www.copyright.gov (<http://www.copyright.gov/>)
3. World Intellectual Property Organization's Website: www.wipo.int
4. Ohio Secretary of State, "Register Your Trademark or Service Mark in Ohio": <https://www.ohiosos.gov/globalassets/publications/busserv/trademark.pdf>

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