THE FLETCHER SCHOOL OF LAW & DIPLOMACY

INTERNATIONAL INTELLECTUAL PROPERTY LAW

ILO L234 – Spring 2004
Prof. William O. Hennessey
Wednesdays, 4:55-6:55p.m. 21 Jan – 28 Apr 2004

This course will provide an overview of Intellectual Property (IP) from an international and comparative perspective. There will be emphasis on issues of doctrine and policy but also coverage of operational features problems.

The course will feature the following topics:

- Introduction to IP law: origins, principles, philosophy;
- Protectable subject matter, requirements for, and sope of protection regarding patents, trade secrets, trademarks, copyrights, and other IP categories;
- Comparative IP law; divergence and convergence, cultural differences;
- Role of IP in economic and cultural development;
- International protection of IP: the treaty framework, regional and global harmonization initiatives, and the trade framework;
- International licensing transactions and tech transfer;
- New technological developments and IP rights

Materials: Dinwoodie, Hennessey, & Perlmutter, Int'l IP Law & Policy (2001)
Thomas, G. Field, Jr., "IP: The Practical and Legal Fundamentals"
http://www.piercelaw.edu/tfield/pLfip.htm (recommended)

Grade: The grade for this course will be based upon:
[1] a one-hour mid-term examination (30%),
[2] a self-scheduled final examination (60%) and
[3] class participation (10%).

SCHEDULE OF CLASSES AND READINGS

Unit I: Introduction and Overview (1 Class)

Wednesday, 21 Jan 2004
Class 1: Pages 1-34 Introduction to course themes and Territoriality

Unit II: International IP Law and Institutions (Chapter 2) (1 class)

Wednesday, 28 Jan 2004
Class 2: Pages 35-87 Actors, Treaties and Institutions

Unit III: Basic Principles of Int'l Trademark Law (Chapter 3) (2 classes)

Wednesday, 4 Feb 2004
Class 3: Pages 89-133 Territoriality in Trademark Law and Language and Trademark Law

Tuesday, 10 Feb 2004
Class 4: Pages 138-149 Trademark Treaties
Pages 149-160 National Implementation
Pages 187-212 Well-Known Marks

Wednesday, 18 Feb 2004 No Class

Unit IV: Basic Principles of International Patent Law (Chapter 3) (3 classes)

Wednesday, 25 Feb 2004 Guest lecturer: Professor Karl Jorda
Class 5: Pages 371-387, 400-25 Paris Convention, Patent Law Treaty
Handout Integration of Intellectual Property

Wednesday, 3 Mar 2004
Class 6: Pages 425-470 TRIPS, including Canada-Pharmaceuticals and AIDS drugs
Doha Declaration on Access to Medicines
TRIPS Council Cancun Decision

Wednesday, 10 March 2004
Class 7 Pages 479-488, Trade in Agriculture (seeds and plants), Traditional
1392-1417 Knowledge and Biodiversity

Unit V: Multinational Acquisition of Rights (Chapter 6) (2 Classes)

Wednesday, 17 March 2004
Class 12: Pages 913-922 Global Patent Registration System
936-946 Trilateral (EU-JP-US) Cooperation Agenda
988-1008 European Patent System: Prospects?
MID-TERM IN-CLASS EXAM

SPRING BREAK March 22-26

Wednesday, 31 March 2004
Class 13: Pages 947-964 Madrid Protocol
1034-1059 Community Trade Mark

Unit VI: Basic Principles of International Copyright Law (Chapter 4) (3 classes)

Wednesday, 7 April 2004
Class 8: Pages 513-549, 535-541 Rights and Obligations under the Berne Convention

Wednesday, 14 April 2004
Class 9: Pages 575-622 Berne Convention, U.S. Section 110(5), and TRIPS

Tuesday, 20 April 2004
Class 10: Pages 717-57 Looking Forward: WIPO Internet Treaties, etc.
Guest Lecturer, Dr. Silke von Lewinski, Head
Copyright Division, Max Planck Institute for Foreign
Intellectual Property and Competition Law, Munich

Unit VI: State to State Dispute Settlement (Chapter 5) (1 class)

Wednesday, 28 April 2004
Class 11: Pages 781-825 Omnibus Trade Act of 1988 "Special 301"