ADVANCED LICENSING INSTITUTE
Professor Karl F. Jorda
Summer 02

Final Examination

This is a two-hour open book exam (three hours for ESL students). You may consult the course material as well as any other materials. Yet, your examination must be your own work. Do not discuss it with other students.

Write your answers in the blue books supplied, but please use only one side of the page and observe the margins. Please write or print as legibly as possible.

Grading will be anonymous. Please use your exam number; do not put your name on anything you turn in.

Please answer at least seven out of twelve questions. Grading will be on a pass/fail basis.

— EXAM —

1. What are the characteristics of, and differences between, merchandising, franchising and trademark licensing?

2. What are some salient differences between licensing U.S. Government technology and technology licensing between private sector parties?

3. How does the U.S. Government protect software developed in federal laboratories?

4. What is a home/home provision in an arbitration clause of a license agreement, what is it supposed to accomplish and are there pros and cons?

5. When do exclusive and non-exclusive licensees have standing to sue infringers of licensor's patent(s)?

6. With reference to intellectual property licensing in the European Union, what is the "Exhaustion Doctrine" and what are the notable exceptions to or limitations on its applicability?

7. What are the major policy changes brought about by the 1995 IP Guidelines of the Department of Justice and Federal Trade Commission?

8. In an antitrust/IP misuse analysis, what are the major factors that determine the propriety or impropriety of grantbacks?

9. What advise would you give American licensing executives on what to do and what not to do in negotiating licenses in China, Japan and Korea?

10. Why is the IP licensing transaction controlled by the economics of the licensee's business?

11. Why are the cost and market approaches in royalty setting inapplicable or unreliable?

12. Why is there such a conspicuous reluctance to license patents, evidenced by the fact that 97% of all patents are not licensed?

— END of EXAM —

KFJ/Ruh/7.19.02