

LAWS 2178 Intellectual Property Law I

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Drop in on: Monday, Tuesday or Wednesday, or by appointment

Course description

This class provides students with an introduction to the legal regimes governing the protection of intellectual property. The class studies the rules laid down in the Canadian statutes and case law, in the specific areas of copyright, patents, trademark law, and passing off, in the light of the relevant international conventions. The course explores the distinction between intellectual (e.g. copyright law) and industrial protection (e.g. patent, trademark and passing off), the rationales behind each regime (e.g. utilitarian principles, law & economics, labour theory, natural rights theory), the criteria for protection of each regime (e.g. requirements for validity, like originality, novelty, inventiveness, & utility, or distinctiveness) and the formal requirements for obtaining protection (e.g. automatic protection or registration), as well as the most common modes of exercise (e.g. individual or collective licensing) and enforcement of the rights (e.g. injunctive relief, damages, seizures). At the end of the course, the class is invited to reflect on the issue of the protection of Indigenous Traditional Knowledge and the difficulty of the existing intellectual property framework to guarantee it effective protection.

Learning Outcomes

After successful completion of this course the student(s) will:

1. Have a good working knowledge of and insight in the overall system of intellectual property law and of its individual subareas (copyright law, patent law, trade mark law, and passing off);
2. Have basic knowledge of the applicable international conventions in the field of intellectual property law;
3. Have a good working knowledge of and insight in the body of Canadian legislation and case law in the area of intellectual property law;
4. be able to explain the interrelationships between the various areas of intellectual property law;
5. be able to apply the knowledge acquired in the field of intellectual property to specific sets of facts;
6. be able to classify, analyze and solve problems independently in the field of intellectual property law.

Course material

Reading materials posted on Brightspace.

Class schedule 2019

Sept 4	Class 1: General Introduction
Patent Law	
Sept 9	Class 2: Introduction
Sept 11	Class 3: Patentable Subject Matter / Exceptions to Patentability
Sept 16	Class 4: Requirements of Patentability (Part I)
Sept 18	Class 5: Requirements of Patentability (Part II) – class exercise
Sept 23	Class 6: Scope of Protection & Plant Breeders’ Act
Sept 25	Class 7: Infringement, Defences, and Users’ Rights
Sept 30	Class 8: Patents Review Class
Copyright Law	
Oct 2	Class 9: Introduction, Contours of Protection, and Historical Aspects
Oct 7	Class 10: Copyrightable Subject Matter - Originality
Oct 9	Class 11: Authorship and Ownership (I)
Oct 14	Thanksgiving – no class
Oct 16	Class 12: Rights of Owners (II) – class exercise
Oct 21	Class 13: Exceptions and Users ‘Rights (I)
Oct 23	Class 14: Infringement, Remedies
Oct 28	Class 15: Copyright Review Class
Trademark Law	
Oct 30	Class 16: Introduction, Application Process
Nov 4	Class 17: Registrable Marks / Absolute grounds for refusal
Nov 6	Class 18: Official Marks, Collective Marks, Certification Marks
Nov 11	Class 19: Concept of Use, Consequences of Non-Use
Nov 13	Class 20: Infringement, Concept of Confusion
Nov 16-20	Reading week
Nov 25	Class 21: Tort of Passing Off
Nov 27	Class 22: Trade-Mark Review Class

Dec 2	Class 24: Protection of Traditional Knowledge
Dec 12	Exam

Assessment method

70% final examination; 30% assignments

Student Requests for Accommodation

Requests for special accommodation for reasons such as illness, injury or family emergency will require an application to the Law School Studies Committee. Such requests (for example, for assignment extensions) must be made to Associate Dean Michael Deturbide or the Director of Student Services as soon as possible, before a scheduled exam or a deadline for an assignment, and will generally require medical documentation. Retroactive accommodation will not be provided. Please note that individual professors cannot entertain accommodation requests.

Students may request accommodation for either classroom participation or the writing of tests and exams due to barriers related to disability, religious obligation, or any characteristic under the Nova Scotia *Human Rights Act*. Students who require such accommodation must make their request to the Advising and Access Services Center (AASC) at the outset of the regular academic year. Please visit www.dal.ca/access for more information and to obtain the Request for Accommodation – Form A. Students may also contact the Advising and Access Services Centre directly at 494-2836.

Plagiarism

All students in this course must read the University policies on plagiarism and academic honesty referenced in the Policies and Student Resources sections of the <http://academicintegrity.dal.ca/> website, and the Law School policy on plagiarism, available online at <http://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>. Any paper or assignment submitted by a student at the Schulich School of Law may be checked for originality to confirm that the student has not plagiarized from other sources. Plagiarism is considered a serious academic offence which may lead to loss of credit, suspension or expulsion from the law school, or even revocation of a degree. It is essential that there be correct attribution of authorities from which facts and opinions have been derived. Prior to submitting any paper or other assignment, students should read and familiarize themselves with the policies referred to above and should consult with the instructor if they have any questions. Ignorance of the policies on plagiarism will not excuse any violation of those policies.