INTERNATIONAL INTELLECTUAL PROPERTY LAW

Syllabus

Instructor: Chung-Lun Shen
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College of Law
National Chengchi University

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Class Hours: Monday 14:10 ~ 16:00
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Office: Room 271405, General Building (Professor Shen)
Room 271606, General Building (Professor Lee)
Office Hours: Monday 16:00 ~ 18:00 (by appointment only) (Professor Shen)
Monday 16:00 ~ 18:00 (by appointment only) (Professor Lee)
Course Assistant TBA

A. Introduction

The course examines intellectual property (IP) law and policy in the international arena by addressing the core international agreements governing intellectual property, such as the Paris Convention, and the Berne Convention; and the TRIPS Agreement (Trade-Related Aspects of Intellectual Property Rights). We will focus on the legal and economic implications of the international intellectual property standards in the light of prior Conventions, with particular regard to such topics as copyrights, patents, trademark, and trade secrets.

There is no pre-requisite for this course. Background in intellectual property laws is not necessary, although it may occasionally help you understand the subject. The

B. Course Objective

This course aims to help students understand the essential IP issues in the international arena. Through reading, discussion, instructor’s questions, and class presentations, this course should help students recognize the economic, political, and technological dimensions associated with international IP. A minor goal is to equipped students with the basic language capabilities to deal with international IP issues.

C. Game Rules

This is an English-taught course. By and large, the first hour of each session will be proceeded via Socratic approach to help students understand the essence of reading assignment. Students will be divided into two panels (Panel A and Panel B). Each panel will be called upon by the instructor to answer questions every other week. Of course, those who are not on panel are always welcome to participate as well.

The second hour of each session is a seminar on IP. Students will be separated into 8 groups. Each group has to present once in the semester based on a paper or few book chapters assigned by the instructor. Presenters are responsible for answering questions raised by commentators and other colleagues. Group members are granted immunity from being called upon in the first hour in the week of their presentation. Presenters are required to email the abstract of their presentation by 10:00pm Sunday before the class. Moreover, each group has to serve as commentators once for their colleague’s presentation.

A final paper has to be submitted in the end of the semester on a group base. It is preferred that this final paper derives from the students’ presentation, and incorporates their own responses, and their colleagues’ comments. Papers should be printed on A4 size papers. Ideally, a final paper written in English should be around 5,000 words, and that written in Chinese should be around 8,000 characters. The due day of final papers is June 16, 2014.

D. Grading Policy

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<tr>
<td>Class Participation</td>
<td>35%</td>
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<tr>
<td>Presentation of the Assignment</td>
<td>20%</td>
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<tr>
<td>Comment on Your Colleague’s Presentation</td>
<td>10%</td>
</tr>
<tr>
<td>Final Paper</td>
<td>35%</td>
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It should be noted that the grading is not based on the fluency of English speaking, but rather on the willingness to express your idea in English. Those who don’t speak English well can still perform well in this class if they do work hard and are willing to participate. Moreover, final papers can be written in Chinese, and this will certainly not affect your grades.

E. Class Schedule

02/17  Introduction to the Course

02/24  Introduction to International IP
       Reading Assignment (Panel A):
       Case 1: Hollywood in India: Protecting Intellectual Property (A)

03/03  Guest Speaker: Judge Sung-Mei Hsiung, IP Court
       Topic: TBD
       Time: regular meeting time

03/10  Guest Speaker: Roger Chang, Esq., Lee-and-Li Attorney-at-Law
       Topic: TBD
       Time: regular meeting time

03/17  Reading Assignment (Panel B):
       Case 2: AT&T v. Microsoft (A): IP Litigation Strategy
       Presentation:
       Michael A. Carrier, SOPA, PIPA, ACTA, TPP: An Alphabet Soup of Innovation-
       Stifling Copyright Legislation and Agreements, 11 NW. J. TECH. & INTELL.
       PROP. 21 (2013)
       Daniel Gervais, Current Issues in International Intellectual Property Norm-
       Making, in EU BILATERAL TRADE AGREEMENTS AND INTELLECTUAL PROPERTY:
       FOR BETTER OR WORSE? 3 (2014)

03/24  Reading Assignment (Panel A):
       Case 3: IP Intermediaries
       Presentation:
       Susan K. Sell, Revenge of the “Nerds”: Collective Action against Intellectual
       Property Maximalism in the Global Information Age, 15 INT’L STUDIES REV. 67
       (2013)

03/31  Guest Speaker: Dr. Beda Bischof, Head Patent Experts I, Swiss Federal Institute
       of Intellectual Property
Topic: TBD
Time: regular meeting time

04/07  Reading Assignment (Panel B):
Case 4: Life, Death, and Property Rights: The Pharmaceutical Industry Faces AIDS in Africa

Presentation:

04/12  Intellectual Property Rights and Innovation Management Forum
Subject: Patents in Business Models and Patent Trolls
Morning Session: 9:00-12:00 (mandatory)
Afternoon Session: 13:30-16:00 (optional)

04/14  Guest Speaker: Assistant Professor Claire Wan-Chiung Cheng, Graduate Institute of Biotechnology Law, Taipei Medical University
Topic: Intellectual Property and Conflict of Laws
Time: 13:10-16:00

04/21  Reading Assignment (Panel A):
Territorial Reach of Patent [pp.383~403, TRIPs Arts. 27~34]


04/28  Guest Speaker: Associate Professor Hsiao-Fan Hsu, College of Law, Tunghai University
Topic: TBD
Time: 13:10-16:00

05/05  Reading Assignment (Panel B):
(1) Subject Matter of Patent [pp.403~416](before “b. Standards”)]
(2) First Inventor to File [35 U.S.C. §§ 102-103 (2011)]

Presentation:

05/12  Reading Assignment (Panel A):
Nonobviousness, Utility [pp. 437~458]

Presentation: Toshiko Takenaka, Extent of patent protection in the United States.

05/19 No class (Athletic Contests for NCCU Anniversary.)

05/26 Reading Assignment (Panel B):
Parallel Importation and the Exhaustion Doctrine [pp.652~669](two cases: Lever Brothers and Silhouette)


06/02 No Class (make-up on 4/12 Conference)

06/09 No class (make-up on 4/12 Conference)

06/16 No class (make-up on 4/14, 4/28 for extra hours)

Reference:

馮震宇, 國際智慧財產公約及國際發展趨勢，經濟部智慧財產局，九十五年。

ABBOTT, FREDERICK, ET AL., INTERNATIONAL INTELLECTUAL PROPERTY SYSTEM IN AN INTEGRATED WORLD ECONOMY (2d. ed. 2011).


JOHN CROSS ET AL., GLOBAL ISSUES IN INTELLECTUAL PROPERTY LAW (2010)


GRAHAM DUTFIELD & UMA SUTHERSANEN, GLOBAL INTELLECTUAL PROPERTY LAW (2008)
