



# About this Course

Intellectual Property Survey  
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Konomark  
Most rights sharable

## Intellectual Property

- How you can use it in your career ...
- What's rewarding about it ...

## Slides

- I don't always use slides, but when I do ...
- My practice is to read every word on every slide.
- And I will post all slides with text content\* to the class website after the class in which they are used.
  - \*Unless it's incidental text captured in a photo, or the like
- Therefore, I strongly urge you not to try to read the slides in class. Just listen. Then, look at the slides later to review things.

## Class Website

- The home for information about the course is the course website:  
[http://www.ericejohnson.com/courses/ip\\_23/](http://www.ericejohnson.com/courses/ip_23/)
- It's where to find the syllabus and chart of assignments. It's also where I'll post slideshows, handouts, info about the exam, links to supplemental reading, etc.
- I have no plans to use Canvas. But if I do, I'll let you know by e-mail or by instruction on the chart of assignments.

## Old slides and other stuff on the web

- The following information is not secret ...
- I've taught this class many, many times, going back maybe 15 years.
- I adjust things every year, but most of the slides, handouts, exercises, etc. that I'll be using is stuff I've used in years past.
- Those prior-year materials are findable, because I keep all my old course pages up on the web as an archive.
- So if you really want, for instance, to see slides before I post them – or if you want to see what could be ahead, you can probably find that sort of thing by looking through my old course webpages.
- That's why I leave that stuff up – so that everyone has access to it if they want it.
- But I try really hard to be transparent and clear and straightforward and organized with information you need for this semester, putting that on this semester's webpage. So I don't recommend digging around through the archives. But you can if you want; it's not doing anything sneaky.

## Book

- The book for this class is open source. (Open source means, among other things, that it's free and customizable.)
- You can read the book on a device. You can print it out. You can mark it up on your device and print it out later.
- Assuming we have a normal exam, at least a portion of the exam will be open book, with any printed materials allowed, but no accessing digital materials. Thus, you may at least want a printed copy at the end of the semester.

## Basic outline

We'll cover things in this order:

- Preliminaries (overview, some theory)
- Copyright
- Patent
- Trade secrets
- Trademark
- Other doctrines

## Syllabus

- Read the syllabus!
- You will be assumed to be on notice for everything in it.
- It is long, but reading it is worth it.
- It is your guide to how to do well in class.
- It is my guide to what I've committed to, how I grade, handle any problems, etc.
- You'll find it on the class website.

## Selected in-class rules:

- No audio or video recording.
  - But I'll be recording.
  - And it's possible some students have gotten authorization to record.
- No eating. Keep down smells and noise.
- No electronic communications with others in class (except through Zoom if we have to do that again).
- Read the syllabus for more in-class rules.

## Grading

- Read the syllabus, it will provide information about grading in detail! What follows are highlights.
- Regular letter grades will be given for this course (A+, A, A-, B+, etc.).
- Based mostly on a final exam
- Also can affect your course grade:
  - things set out in the syllabus, including:
    - attendance
    - classroom conduct (e.g., violating class rules)
    - academic misconduct

## Grading

- There is no pre-determined grade-point average or grade distribution for the class. So you are not in competition with your fellow students for a limited pool of grades! Favor cooperation.
- The initial assignment of grades will be done by seeing the raw point totals from the exam and inserting cut-offs based on clumps and my sense of how performance corresponds to letter grades.
- Alternative minimum grading: According to the schedule in the syllabus. E.g., if you got 87% of max possible points, then you can't get lower than an B+ for the exam grade.
- You get the higher grade of the two methods.

## Attendance Policy

I have a very lengthy, detailed attendance policy. It's in the syllabus.

Here's why it's lengthy and detailed:

- I'm required to require attendance, and I'm required to have an attendance policy.
- If I'm going to have an attendance policy, then I believe in enforcing it. Otherwise, the policy is an unjust tax on people who obey it.
- If I'm going to meaningfully enforce the attendance policy, then that means grading penalties and, in a sufficiently serious case, an F.
- And that means it's very important to have a clear, detailed, unambiguous policy that anticipates contingencies.
- Plus, grade penalties means situations where students have a strong incentive to dispute the penalty, which makes specificity and prior notice very useful.

At any rate, it's the result of a lot of work (and experience) in trying to make it both enforceable and fair.

## Attendance Policy

- It's § 9 in the syllabus. Read it.
- What follows are only highlights ...

## Attendance Policy

- Arriving late is half an absence.
- 9 absences is a step-down in grade.
- 10 absences is another step-down.
- 11 absences is another step-down.
- 12 absences is an F for the course or administrative withdrawal.
- If you hit 12 absences, you must immediately give me written notice according to § 9-5.
- **Note:** All of this is extra generous because of covid (cf. IP '19: steps down at 6, 7, and 8, with F at 9).

## Attendance Policy

- If you claim special extenuating circumstances and/or excuse for religious observance, you must file an End-of-Semester Attendance Mitigation Statement according to § 9-6.
- It must be filed not earlier than the last day of class, nor later than the day after the last scheduled day of final exams for OU Law.
- Take a moment now to calendar this.

## Attendance Policy

- Never ask me how many absences you've accumulated. You need to keep track yourself.
- If you take at least some notes in class, and you date your notes, you'll always know.
- Look. I don't add up attendance on a day-by-day basis. The only time I do it is after the semester when I'm doing grades. Then I make sure no one has gone over the incredibly generous number of absences I allow before doing grading deductions.
- Bottom line, it's just not reasonable to ask me to calculate how many absences you have during the semester. So I won't do it. Sorry if that sounds harsh.
- I really want to spend time outside of class on my students! Discussing students' questions, talking about legal careers, looking over your résumé, chit chatting about your hometown ...
- But calculating your interim attendance record? That's just not quality time.



# How to approach the reading

## How to approach the reading

I advise that you always be prepared to answer at least these questions about the reading:

- What is something interesting/compelling/instructive about this case?
- Put differently, what is one thing you would point to as to why the case was worth reading, was worth assigning, or is worth remembering?
- What is your best argument against or critique of the court's opinion?
- ( . . . or, if not a judicial opinion, then of the author's writing, argument, or presentation)
- When you picture yourself as a litigator arguing the law to a court, or as an attorney writing a demand letter or responding to one, how could this case be useful to the future you?

# Law school pep talk

## Law school pep talk

- Look around. These people are not your competition. They are your future support and referral network.
- You will never have another opportunity to make so many friendships with so many people who might be in a position to help you in the future.
- So be kind, be generous, don't be a %\$#€!£.