

saving drugs, artists can write moving poetry, and (perhaps) professors can write papers that advance human knowledge.

REQUIRED TEXT

You will need to purchase the following book:

Greg Hagen et al, *Canadian Intellectual Property Law: Cases and Materials*, 2nd ed (Toronto: Emond, 2017).

I find it important for you to know that I spent quite a bit of time thinking about various options when building this course. I feel like, unlike other areas of law, intellectual property law is very doctrinal. Understanding the various “types” of intellectual property (such as patents, trademarks, and copyright) inevitably involves reading statutes and cases. I am mindful that, for many of you, reading statutes and cases can be intimidating. I also know that doing so requires a lot of time. I chose this book to manage your overall reading load. The book will provide you with an understanding of the law as set out in cases and statutes, but in a summary way that does not require you to engage with more than a couple dozen pages of material each week.

I therefore think that assigning a textbook is worth the cost. I know that textbooks are expensive, and I try to avoid them when possible.

You can purchase the book from the Carleton University Bookstore in person or online at <https://www.bkstr.com/carletonstore/home>. You can also purchase it from Emond Publishing, and I understand that it will be delivered to you by expedited mail within a couple of business day. You can also “rent” the electronic version of the book for one year for \$81, and I invite you to avail yourself of that option. As much as you will fall in love with intellectual property law, I doubt the book will remain of much use to you after the course.

EVALUATION

The university requests that we inform you of the following:

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

I will assess your knowledge of the principles we will learn in this course, as well as your ability to critically think about important issues in IP law. You will see that the assessments for this course are varied, so that we can accommodate a diverse student population with different learning styles. I have tried to minimise the weight, and associated stress, of formal examinations.

Your final grade in this course will be determined as follows:

1. Participation (15%)
2. Midterm examination (30%)
3. Outline of your final paper (10%)
4. Final paper (45%)

Participation (15%): The purpose of this portion of your grade is not to compel you to participate in class if and when you do not feel comfortable do so. It is to ensure that you get the most out of this

class, which requires (1) regular attendance and (2) completion of the reading assignments *in full* and *prior to* coming to class. Therefore, my expectation is that you will come to class and come prepared. I also expect you to participate in class discussions when you feel like you have something to contribute. The quality (not number) of your interventions, and the extent to which they demonstrate your preparation for class, will determine your grade. While you are free to use your computer to record the class and take notes, it is my expectation that you will not use electronic devices to do things that are more appropriately done elsewhere. Regular class attendance, proper preparation, and a number of quality interventions proportional with the size of the group will be sufficient to achieving a high grade for participation.

Midterm examination (30%): Through assigned readings in the *Canadian Intellectual Property Law: Cases and Materials* casebook, we will dedicate approximately two thirds of the course to learning the principles which govern the law of intellectual property. The midterm examination will be conducted at end of this portion of the course. You will be examined on your knowledge of the principles taught thus far. The examination will be made up of multiple-choice questions and/or short-answer questions. I strongly urge you to approach the midterm examination in the way you would a final examination or assignment with a higher weight. The time you will dedicate to studying for the midterm examination will help you develop a deeper understanding of the law, which will ground our reflections and the work you will be expected to undertake in your final paper.

The examination will take place during regular class hours on March 10th. Please note that the midterm test in this course will use a remote proctoring service provided by Scheduling and Examination Services. You can find more information at <https://carleton.ca/ses/e-proctoring/>.

Final paper (45%): The most significant component of your grade for this course will be the final paper. In the paper, you will be expected to demonstrate your understanding of an area of intellectual property law and of the policy issues which underpin it. You will also be expected to critically assess these rules, by setting out and defending a thesis. For instance, you may argue that the rules should evolve in a certain way to accommodate social or technological change or that the rules do or do not meet their stated purpose. You may also explore how these rules apply or should apply to an area that is of particular interest to you, such as fashion or social media. A good paper will demonstrate a firm grasp of the law and an ability to defend a thesis and conduct limited independent research. You should cite 1-5 external sources. The paper should be about 2,500 words, excluding references. You should use a 12-point font and double line spacing, and format references according to APA (7th edition) style or the *Canadian Guide to Uniform Legal Citation* (8th or 9th edition). Please submit as a Word document.

Your paper is due on April 14th at 5 P.M. EST.

Outline of your final paper (10%): I will need to approve your topic for the final paper. Please submit for approval an outline of your paper, which should include the proposed topic, a plan of your argument, and some of the sources you plan to engage with. The proposal should be 300-600 words, excluding references. You should use a 12-point font and double line spacing, and format references according to APA (7th edition) style or the *Canadian Guide to Uniform Legal Citation* (8th or 9th edition). Please submit as a Word document.

Your outline is due on March 10th at 5 P.M. EST.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

Submitting an assignment after the relevant deadline will result in a penalty of five percent per day (not business day).

A failure to adhere to style guidelines or word limits for an assignment may result in a penalty of up to twenty percent.

If you anticipate that you will be unable to submit an assignment on time, it is crucial that you inform me as soon as possible. I subscribe to the following statement, provided by the Department of Law and Legal Studies:

The granting of extensions is determined by the instructor who will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>

Extensions for longer than 7 days will normally not be granted. In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

SCHEDULE

In the schedule, *Canadian Intellectual Property Law* refers to the assigned text for the course.

The schedule is subject to minor changes.

All of the material for the course should be in an accessible format. Please contact me if you cannot access one of the assigned readings. You are free to record course sessions for personal use, and you may use devices or software that helps you access course lectures.

January 13: Copyright I

1. *Canadian Intellectual Property Law*, pages 1-27

January 20: Copyright II

1. *Canadian Intellectual Property Law*, pages 55-56, 59-69, 84-92, 98-107, 132-137

January 27: Copyright III

1. *Canadian Intellectual Property Law*, pages 162-196, 220-223, 255

February 3: Industrial Designs; Unregistered Trademarks

1. *Canadian Intellectual Property Law*, pages 285-293, 317-327

February 10: Registered Trademarks

1. *Canadian Intellectual Property Law*, pages 439-449, 456-468, 473-475, 479-480, 497-498, 507-510, 548-549

February 17: Winter break

February 24: Patents I

1. *Canadian Intellectual Property Law*, pages 633-667

March 3: Patents II

1. *Canadian Intellectual Property Law*, pages 669-671, 674-676, 683, 703-711, 717-727, 733-735, 755-762, 764-765

March 10: Patents III

1. *Canadian Intellectual Property Law*, pages 770-772, 782-798, 804, 823-829

March 17: Owning Religion

1. Phil Lord, "Scientology's Legal System" (2019) 21:1 Marburg Journal of Religion 1 (<https://ssrn.com/abstract=3232113>)
2. Walter A Effross, "Owning Enlightenment: Proprietary Spirituality in the 'New Age' Marketplace" (2003) 51:3 Buffalo Law Review 483, pages 486-489, 591-627, 646-678 (<https://digitalcommons.law.buffalo.edu/buffalolawreview/vol51/iss3/2>)

Note: You do not need to read the footnotes of either article.

March 24: Innovation vs. Competition?: Contrasting Antitrust and Intellectual Property Law

1. Lina M Khan, "Amazon's Antitrust Paradox" (2017) 126:3 Yale Law Journal 710 (<https://www.yalelawjournal.org/article/amazons-antitrust-paradox>)
2. C Scott Hemphill, "Intellectual Property and Competition Law" in Rochelle C Dreyfuss & Justine Pila, eds, *The Oxford Handbook of Intellectual Property Law* (Oxford: Oxford University Press, 2017) 872 (<https://ssrn.com/abstract=2965617>)

Note: You do not need to read the footnotes of either article. The reading load for this session is higher than usual. The reading load of the next two sessions is correspondingly lower.

March 31: Colonialism, Indigenous Peoples, and (Intellectual) Property

1. Jessica C Lai, "Intellectual Property and Indigenous Culture" in Yasushi Watanabe, ed, *Handbook of Cultural Security* (Cheltenham: Elgar, 2018) 72 (available through the library)
2. Ravina Bains & Kayla Ishkanian, "Property Rights, Not More Funding, to Help Improve Housing Conditions on First Nations Reserves", *The Fraser Institute* (6 April 2016), online: <<https://www.fraserinstitute.org/blogs/property-rights-not-more-funding-to-help-improve-housing-conditions-on-first-nations-reserves>>
3. Andrea Bear Nicholas, "Canada's Laws Have Ignored the Cultural and Intellectual Property Rights of Indigenous Peoples, and Even Legalized the Theft of Their Property", *Policy Options* (27 June 2017), online: <<https://policyoptions.irpp.org/magazines/june-2017/who-owns-indigenous-cultural-and-intellectual-property/>>

April 7: Review; Discussion; Questions regarding your Papers

1. Jorge L Contreras, "No Matter How Small...: Property, Autonomy, and State in *Horton Hears a Who?*" (2013/4) 58:3 New York Law School Law Review 603 (https://digitalcommons.nyls.edu/cgi/viewcontent.cgi?article=1066&context=nyls_law_review)

The following statements are provided by the university for inclusion in all course outlines:

Academic Accommodations

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows: <https://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf>

Pregnancy Obligation

Please contact me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, visit the Department of Equity and Inclusive Communities (EIC): <https://carleton.ca/equity/>

Religious Obligation

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, visit the Department of Equity and Inclusive Communities (EIC): <https://carleton.ca/equity/>

Academic Accommodations for Students with Disabilities

If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (PMC) at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable) <https://carleton.ca/pmc>

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence. More information on the University's Academic Integrity Policy can be found at: <https://carleton.ca/registrar/academic-integrity/>

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/studentsupport/svpolicy/>

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: <https://students.carleton.ca/services/accommodation/>

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations: <https://carleton.ca/law/current-students/>

Proctoring of Examinations

Please note that tests and examinations in this course will use a remote proctoring service provided by Scheduling and Examination Services. You can find more information at <https://carleton.ca/ses/e-proctoring/>.