

Course Outline

---

<b>COURSE:</b>	<b>LAWS 3202 A– Intellectual Property</b>
<b>TERM:</b>	<b>FALL 2022</b>
<b>PREREQUISITES:</b>	<b>1.0 Credit from LAWS 2201, 2202, 2501, 2502</b>
<b>CLASS:</b>	<b>Day &amp; Time: Tuesdays 11:35 am – 2:25 pm</b> <b>Room: Please check Carleton Central for current room location.</b>
<b>INSTRUCTOR:</b>	<b>Dr. Mohammad Hasan</b>
<b>TEACHING ASSISTANTS:</b>	XXX, our TA for this course, will assist me with marking related activities and will be <b>your first point of contact</b> . There may be group tutorials. TAs have office hours and contact them through Carleton email.
<b>CONTACT:</b>	<b>Office</b> D 488 Loeb Building <b>Office Hrs:</b> Every Tuesday 2:30 pm to 3:30 pm. Allow 36 hours for a reply if you send an email. No replies on weekends or evenings.  <b>Email:</b> <a href="mailto:MohammadHasan@cunet.carleton.ca">MohammadHasan@cunet.carleton.ca</a>

---

**CALENDAR COURSE DESCRIPTION**

Critical assessment of copyright, patents, trademarks, trade secrets and other forms of intellectual property; regulation and governance of information technology including self-regulation, standard setting, licensing, competition policy and international dimensions.

**COURSE DESCRIPTION**

This course will primarily examine various aspects of intellectual property rights such as trademark, patent, copyright, and industrial design law and their protections. The course will also involve discussions about policy analysis. We will see how intellectual property laws and policies are framed by different actors like public, private, and commercial, which, we may know, intervene our access to daily uses of creative works, new products, other goods, and services. Moreover, we will analyse political, social, economic and cultural underpinnings of intellectual property in Canada and throughout the world. We will also examine the role played by international law and specifically by international economic law in protecting intellectual properties. In addition, students should also be able to assess why protection of intellectual property is important for both consumers and holders of intellectual property rights.

## **COURSE MODALITY & TECHNICAL REQUIREMENTS**

This course is an in-person course where the instructor and students share information, ideas, and learning experiences through direct interaction in a classroom. Although it is an in-person class, most of the course contents and assessments will be completed on Brightspace. Students are expected to remain up to date with the deadlines and due dates provided by the instructor.

## **LEARNING OBJECTIVES**

Upon successful completion of the course, students will be able to:

- Demonstrate an understanding of the history of intellectual property rights.
- Analyse rationales of protecting intellectual property rights.
- Read, summarize and examine various aspects of intellectual property rights and policies;
- Critically evaluate issues affecting the protection of intellectual property rights in Canada and around the world.
- Investigate legal frameworks of some of the social, political, economic and cultural issues that are at the heart of contemporary struggles over intellectual property in Canada and around the world.

## **REQUIRED TEXTS**

There is no required coursepack or textbook for this seminar.

Most of the required readings will be available through the Brightspace page and ARES system.

## **SUPPLEMENTARY TEXTS**

As we proceed, additional related readings may be posted throughout the semester. We will also the World Intellectual Property Organization (WIPO) open access resources.

## **EVALUATION**

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.

**Attendance and Participation: 10%**

**Group Presentation and Written Submission: 15%**

**Weekly Reading Quiz: 25%**

**In class Film Analysis: 20%**

**Take-home Exam: 30%**

**Total: 100%**

**All components must be successfully completed in order to get a passing grade**

**Attendance and Participation: 10%**

Your attendance will be counted for this course. Also, your participation will be assessed during discussions and presentations.

**Group Presentation and Written Submission: 15%**

Every week a group will present on required readings of the given week. The presenters of the group will facilitate a small discussion with some discussion questions. Participants may ask questions for any clarification. Each group will have at least 30 minutes to present and facilitate the discussion. The purpose of your presentation is to review and analyze the main arguments and themes in the week's readings and then encourage class discussion. This is a great opportunity for both students and instructors to communicate with each other and analyze the topics more effectively. The presentations will begin in the second class. Scheduling presentations will be done in the first seminar class. You need to address the following questions while presenting:

- Who is/are the author/s of the reading/s, what type of material is it, where was it published or circulated?
- What is the topic? Make a summary.
  - What is the main argument the author/s make?
  - How are you as the reader/viewer being addressed by the author?
  - What assumptions is the author making about the nature of property or intellectual property?
  - what are the assumptions made in the piece about who holds power and who does not?
  - what is the nature of the problem that the author is trying to address?
- How do these assumptions and framing compare and contrast with those in the other readings for that week?
- What concepts, arguments or ideas in the other readings that can assist in explaining/analyzing the argument or content of the news item? Do the various authors agree or disagree, why or why not?

The oral presentation worth 10%

In addition to the presentation, you are as a group required to submit a critical reflection of your works and the presentation slide (in a single document) based on the questions posed above for your presentation. Please send your critical reflection (one reflection per group) via email or submit in class. Your written work should not exceed 500 words or two pages. The critical reflection worth 5%.

**Reading Quizzes: 25%**

For assessing a better understanding of the reading materials, you will be required to complete online quizzes. The quizzes may be comprised of true/false, multiple-choice, or other forms of quiz questions. There may be 5 or 10 quiz questions you should answer. A total of 6 quizzes will be available and you

must attend at least 5 quizzes. Each of the quizzes is worth 5%, for a total of 25% of the total grade. To get the full 5%, you must have all correct answers. So, 0.5 point for each correct answer and no deduction for the wrong answer. You can attempt a quiz once only. Missed quizzes cannot be made up.

The quizzes are timed but you will have a four-day period to complete each quiz. The quizzes will be posted on Brightspace on Fridays before 11:59 pm and students can complete each quiz any time before the due time (Tuesdays before 9:30 pm). For example, the FIRST quiz will be posted on Brightspace on Friday (September 16) before 11:59 pm, and you can complete the quiz any time before 9:30 pm on September 20. This example applies to all assigned quizzes. **More information is outlined in the weekly class schedule.** Please ensure that you have a secure and reliable internet connection when completing the quizzes as they will be timed. Start your quiz after reading the weekly reading materials. Once the quiz starts online, students will have 25 minutes to complete all quiz questions. They will be marked automatically, and students will receive their results through Brightspace. Students with PMC accommodations will get more time to take each quiz within the four-day period.

### **In-class Film Analysis: [20%]**

On **October 11** we will view the documentary *TPB: AFK (The Pirate Bay: Away From Keyboard)* in class. You will receive a question sheet to be completed during class time and submitted at the end either in hard copy or electronically on Brightspace. The questions will require a working knowledge of the content, concepts and ideas from the readings and lecture(s) pertinent to copyright and to the intellectual property justifications and critiques. There will not be enough time both to do the readings and the worksheet during class so I recommend reading, highlighting and taking notes on key elements of the course material in advance. This film is available for free online and if you would like to watch it in advance.

You will have 75 minutes to write the film analysis. The length of the assignment should be between 500 and 1000 words. If you miss in class submission and want to submit it later online, there will be 50% deduction on the first day (the analysis will be assessed out of 10 points instead of 20 points) and for each extra day, there will be 10% deduction.

**Final Exam (30%):** The final exam will be in essay format. You will be asked to answer two to three long questions during the examination period. More information regarding the final exam will be posted on Brightspace later.

## **LATE PENALTIES AND REQUESTS FOR EXTENSIONS**

### **Late Penalty**

Late submission will be penalized. Assignments submitted later than the due date will be penalized 5% per day of the total value of the assignment. For example, if an assignment worth 25% of the total course grade is a day late, 1 point out of 20 (or 5% per day) will be deducted.

### **Extension**

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**

There are three types of learning strategies that will be followed for this course. First, students are responsible for all assigned readings. I suggest students read the required reading material before each scheduled lecture. Secondly, students should review lecture slides posted on Brightspace. Thirdly, students will participate in all assessments and evaluations.

### **Important Dates:**

September 7, 2022	Fall Term Begins. Fall Classes Begin
October 24-28, 2022	Fall Term Reading Break, No Classes
December 9, 2022	Fall Term Ends
December 10-22, 2022	Formally Scheduled Final Exams may be held

### **Weekly Schedule**

Please read the assigned material before each lecture and review it again after each lecture. Students are responsible for all assigned readings. Most of the readings are posted on Brightspace.

#### **Week 1 [September 13] Introduction**

Meet and greet, an overview of the course, key concepts, readings, and assignments  
Group presentation schedule will be created in the class.

#### **Week 2 [September 20]: What is Intellectual Property?**

##### **Readings:**

Voss, Trina, Arvin S. Paranjpe, Travis G. Cook, and Nicole DW Garrison, "A short introduction to intellectual property rights." (2017) 20.2 Techniques in Vascular and Interventional Radiology: 116-120.

Menell, Peter S., "Intellectual property: General theories." (1999) 2 Encyclopedia of law and economics: 129-188.

**Group 1 presentation****Week 3 [September 27]: Contesting Ideas of Intellectual Property****Readings:**

Chander, Aupam and Madhar Sunder, “The Romance of the Public Domain” (2004) 92 California Law Review: 1331-1369.

Weinhold, Diana, and Usha Nair-Reichert, “Innovation, inequality and intellectual property rights.” (2009) 37.5 World Development: 889-901.

**Group 2 presentation****Quiz 1 due today****Week 4 [October 4]: Questions of Originality and Authorship: Copyright I****Readings:**

Mopas, Michael and Amelia Curran, “Translating the Sound of Music: Forensic Musicology and Visual Evidence in Music Copyright Infringement Cases” (2016) 31.1 Canadian Journal of Law and Society: 25-46.

Jaszi, Peter, “On the Author Effect: Contemporary Copyright and Collective Creativity” (1992) 10.2 Cardozo Arts and Entertainment Law Journal: 293-320.

Kaye, Ben, “Childish Gambino’s ‘This is America’ Draws Accusations of Plagiarism” (2018) on *Consequences of Sound*  
<https://consequence.net/2018/06/childish-gambino-this-is-america-plagiarism/>

**Group 3 presentation****Week 5 [October 11]: Thinking About Pirates (Film Screening): Copyright II****Readings:**

Reynolds, G, “Pirate Bay on English Bay-Bittorrent File Sharing and Copyright Infringement in the Supreme Court of British Columbia.” (2010) 43 UBCL Rev.: 193.

Nick, “Internet Pirates Will Always Win” in *The Sunday Review of The New York Times*, August 4, 2012.  
<https://www.nytimes.com/2012/08/05/sunday-review/internet-pirates-will-always-win.html>

**Film Screening and In-Class Film Analysis**

Klose, Simon (dir.), *TPB AFK: The Pirate Bay Away from the Keyboard* (2013)

Please ensure you have read the assigned readings of this week.

**Quiz 2 due today**

**Week 6 [October 18]: Trademark**

**Readings:**

Shand, Peter, “Scenes from the Colonial Catwalk: Cultural Appropriation, Intellectual Property Rights and Fashion” (2002) 3 *Cultural Analysis*: 47-88.

Elliott, Charlene, “Colour™ Law and the Sensory Scan” (2006) 8.4 *MCJ: A Journal of Media and Culture*.

Bhasin, Kim, “Can you identify these 12 brands by their trademarked colors alone?” in *Business Insider* (February 1, 2012).

<https://www.businessinsider.com/can-you-identify-these-12-brands-by-their-trademarked-colors-alone-2012-2#caterpillars-shade-of-yellow-is-featured-in-the-triangle-on-its-logo-the-shade-of-its-construction-equipment-is-often-seriously-faded-due-to-the-nature-of-their-work-12>

**Group 4 presentation**

**Quiz 3 due today**

**Reading week [October 24-28- No class]**

**Week 7 [November 1]: Patents I**

**Readings:**

Bodrin, Michele and David K. Levine, “The Case Against Patents” (2013) 27.1 *The Journal of Economic Perspectives*: 3-22.

Lexchin, J. “Canada and access to medicines in developing countries: intellectual property rights first.” (2013) 9. 1 *Globalization and health*: 1-8.

Oliver, John, “On Patents,” *Last Week Tonight* (April 19, 2015)

[https://www.youtube.com/watch?v=3bxcc3SM\\_KA](https://www.youtube.com/watch?v=3bxcc3SM_KA)

Tribble, Sarah Jane (2018), “Drugmakers Play the Patent Game to Ward Off Competitors”, October 2, at nbcnews.com

<https://www.nbcnews.com/health/health-news/drugmakers-play-patent-game-ward-competitors-n915911>

**Group 5 presentation****Week 8 [November 8]: Patents II****Readings:**

Hanson, Mark J., “Patenting Genes and Life: Improper Commodification?” in *Who Owns Life?* (David Magnus, Arthur Caplan, and Glenn McGee, eds.), (Amherst, NY: Prometheus Books, 2002): 161- 174.

Halbert, Debora J., “Patenting the Body: Resisting the Commodification of the Human” in *Resisting Intellectual Property*, (London: Routledge, 2005): 112-134.

Sataline, Suzanne and Ian Sample, “Scientist in China Defends Human Embryo Gene Editing” in *The Guardian*, November 2018.

<https://www.theguardian.com/science/2018/nov/28/scientist-in-china-defends-human-embryo-gene-editing>

**Group 6 presentation****Quiz 4 due today****Week 9 [November 15]: Trade Secrets****Readings:**

Courage, N., & Calzavara, J. “Protecting Trade Secrets in Canada.” (2015) 5.9 Cold Spring Harbor Perspectives in Medicine.

Rowe, E. A., & Mahfood, D. M, “Trade secrets, trade, and extraterritoriality.” (2014) 66 Ala. L. Rev., 63.

Leswing, K., “Former Apple engineer accused of stealing automotive trade secrets pleads guilty” in CNBC, August 22, 2022.

<https://www.cnbc.com/2022/08/22/former-apple-employee-xiaolang-zhang-pleads-guilty-.html>

**Group 7 presentation****Week 10 [November 22]: Artificial Intelligence****Readings:**

Davies, C. R., “An evolutionary step in intellectual property rights—Artificial intelligence and intellectual property.” (2011) 27.6 Computer Law & Security Review: 601-619.

Hilty, R., Hoffmann, J., & Scheuerer, S., “Intellectual property justification for artificial intelligence.” In



A. Lee, K.-C. Liu, R. M. Hilty (eds.), *Artificial Intelligence & Intellectual Property*, (Oxford: Oxford University Press, 2020, Forthcoming)

Hagen, G. R., “AI and patents and trade secrets.” in *Artificial Intelligence and the Law in Canada* (Toronto: LexisNexis Canada, 2021).

**Group 8 presentation**

**Quiz 5 due today**

**Week 11 [November 29]: Industrial Design**

**Readings:**

Mitchell, R. E., “Protection of Industrial Designs in Canada.” (1989) 19 U. Balt. L. Rev.: 403.

Hemphill, C. Scott and Jeannie Suk, “Law, Culture and Economics of Fashion” (2009) 61 Stanford Law Review: 1147.

Norman, Donald, “Three Levels of Design: Visceral, Behavioral and Reflective” in *Emotional Design: Why We Love (or Hate) Everyday Things*, Basic Books. *Objectified* (2009), Dir. Gary Hustwit

**Group 9 presentation**

**Week 12 [December 6]: Intellectual Property Rights and Indigenous Peoples [Wrap up the course]**

O'Connor, Bernard, "Protecting Traditional Knowledge: An Overview of a Developing Area of Intellectual Property Law" (2003) 6:5 J World Intell Prop 677.

Kasih, D. P. D. et al, “The Exploitation of Indigenous Communities by Commercial Actors: Traditional Knowledge and Traditional Cultural Expression.” (2021) 8.4 Journal of Ethnic and Cultural Studies: 91-108.

Bear Nicholas, Andrea, “Who Owns Indigenous Cultural and Intellectual Property?” (2017) in *Policy Options* (June 27)

<https://policyoptions.irpp.org/magazines/june-2017/who-owns-indigenous-cultural-and-intellectual-property/>

**Quiz 6 due today**

**No presentation**

<b>Fall 2022 Sessional Dates and University Closures</b>	
<i>Please find a full list of important academic dates on the calendar website: <a href="https://calendar.carleton.ca/academicyear/">https://calendar.carleton.ca/academicyear/</a></i>	
<b>September 7, 2022</b>	Fall term begins.
<b>September 20, 2022</b>	Last day for registration and course changes (including auditing) in fall and fall/winter courses.
<b>October 10, 2022</b>	Statutory holiday. University closed.
<b>October 24-28, 2022</b>	Fall break, no classes.
<b>November 25, 2022</b>	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, in fall term or fall/winter undergraduate courses, before the official December final examination period (see examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar).
<b>December 9, 2022</b>	Fall term ends.
	Last day of fall classes.
	Classes follow a Monday schedule (fall and fall/winter courses only).
	Last day for final take-home examinations to be assigned, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar.
	Last day for handing in term work and the last day that can be specified by a course instructor as a due date for term work for full and late fall courses.
<b>December 10-22, 2022</b>	Final examinations in fall courses and mid-term examinations in fall/winter courses will be held.

## **University and Departmental Policies**

### **DEPARTMENT POLICIES AND REGULATIONS**

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements:  
<https://carleton.ca/law/student-experience-resources/>.

### **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/>.

### **ACADEMIC ACCOMMODATIONS**

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

#### **Pregnancy 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 accommodation regarding a formally-scheduled final exam, you must complete the [Pregnancy Accommodation Form](#).

#### **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 [click here](#).

#### **Academic Accommodations for Students with Disabilities**

[The Paul Menton Centre for Students with Disabilities](#) (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or [pmc@carleton.ca](mailto: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 to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

### **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 where 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/equity/sexual-assault-support-services>

### **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. Read more here: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit:  
<https://students.carleton.ca/services/accommodation/>

### **COVID Update**

It is important to remember that COVID is still present in Ottawa. The situation can change at any time and the risks of new variants and outbreaks are very real. There are [a number of actions you can take](#) to lower your risk and the risk you pose to those around you including being vaccinated, wearing a mask, staying home when you're sick, washing your hands and maintaining proper respiratory and cough etiquette.

**Feeling sick?** Remaining vigilant and not attending work or school when sick or with symptoms is critically important. If you feel ill or exhibit COVID-19 symptoms do not come to class or campus. If you feel ill or exhibit symptoms while on campus or in class, please leave campus immediately. In all situations, you must follow Carleton's [symptom reporting protocols](#).

**Masks:** Carleton has paused the [COVID-19 Mask Policy](#), but continues to strongly recommend masking when indoors, particularly if physical distancing cannot be maintained. It may become necessary to quickly reinstate the mask requirement if pandemic circumstances were to change.

**Vaccines:** Further, while proof of vaccination is no longer required as of May 1 to attend campus or in-person activity, it may become necessary for the University to bring back proof of vaccination requirements on short notice if the situation and public health advice changes. Students are strongly encouraged to get a full course of vaccination, including booster doses as soon as they are eligible, and submit their booster dose information in [cuScreen](#) as soon as possible. Please note that Carleton cannot

guarantee that it will be able to offer virtual or hybrid learning options for those who are unable to attend the campus.

All members of the Carleton community are required to follow requirements and guidelines regarding health and safety which may change from time to time. For the most recent information about Carleton's COVID-19 response and health and safety requirements please see the [University's COVID-19 website](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact [covidinfo@carleton.ca](mailto:covidinfo@carleton.ca).