Course Description

Intellectual property (IP) is a form of knowledge that states, businesses, and collectivities seek to profit from and control. The most important kinds of IP are patents, trademarks, and copyrights. Governments grant intellectual property rights (IPRs) in order to encourage innovation and reward creativity. At the same time, governments seek to ensure that their IP laws spur economic development and facilitate the public’s access to inventions and creative works. For many years there have been scholarly debates and political struggles over the appropriate balance between private reward and public gains in an intellectual property rights system.

These struggles have become increasingly important in the global economy because intellectual property has a much larger effect on competitiveness, profitability, and national power than ever before. Countries that produce most of the world’s IP—the United States, Japan, and the European Union—have in the last twenty-five years crafted an international regime of IPRs that strengthens private rights and restricts public access to many forms of knowledge. As a result, developing countries that consume goods and services to which IPRs are attached complain that the regime slows down technology transfer, limits their economic development, and impedes access to life-saving medicine (among other things).

This course examines a wide range of contemporary issues involving global intellectual property in developed and developing countries. It draws upon four disciplines that have a well-developed literature on IP: law, economics, political science, and cultural studies. While each of these academic disciplines examines similar issues and processes in the realm of intellectual property, they use different approaches to answer some of the big questions posed in this course: How have national and global rules for IPRs been established? Who do those rules benefit (politically, economically, and militarily)? What effects do they have on developing countries and consumers in wealthy countries? What would be an ideal international system for IP governance? How are states and non-state actors using political power, persuasion, and law-breaking to try to achieve their vision of an ideal intellectual property system?

In addition to analyzing broad perspectives and approaches within IP studies, the course will examine some important case studies involving struggles over plant variety protection, generic medicines, music piracy, traditional knowledge, and trademark parodies.
Readings

- All other course readings and related materials are on Moodle. These readings are an integral part of the course.

Expectations

- **CONNECTIONS:** This course satisfies the Connections core requirement. We will engage in an interdisciplinary study, which means you should expect to learn about some of the approaches, perspectives, and vocabulary that political scientists, economists, legal scholars, and cultural analysts utilize when assessing global intellectual property. As you will discover, different disciplines do not always share the same assumptions, values, and assessments. You should be prepared to integrate insights from these disciplines as you read and conduct your own research for the course.

- **ATTENDANCE:** Regular attendance and punctuality are required. More than 3 absences will affect your participation grade. More than 5 unexcused absences will result in a failing grade for the course.

- **EXAMS AND WRITING ASSIGNMENTS:** I will hand out a study guide before each exam. Exams will likely consist of a combination of essays, short answers, and identifications. The final exam is not comprehensive; it primarily covers the material from after the midterm. Laptops are not to be used in class or for exams unless approved by the Office of Accessibility and Accommodations. Exams must be taken on the scheduled date unless there is a legitimate, documented reason for absence. Similarly, written assignments must be turned in on the due date; they will be penalized a half grade for each day late unless you provide documentation in advance of legitimate, extraordinary circumstances.

- **PLAGAIRISM:** It is your responsibility to be familiar with the Student Integrity Code and UPS’ policies on academic honesty—particularly with regard to the serious consequences for plagiarism—as explained in *The Logger* and at http://www.pugetsound.edu/student-life/student-handbook/academic-handbook/academic-integrity.

- **READINGS:** It is important to read assigned materials before each class. I will often ask you in class discussions to answer specific questions about the assigned readings.

- **PARTICIPATION:** Your meaningful participation is what leads to a productive class. I expect thoughtful comments, consistent note-taking, and demonstrated engagement with class readings. Valuable participation also requires equanimity, respect for the opinions of fellow students, and the ability to assess issues with an open mind. Do not interrupt others who are talking, hog the conversation, or make flippant remarks. Your participation grade assesses a variety of factors including your intellectual curiosity, self-motivation, critical thinking, and every-day involvement in the class. I prefer that discussion proceed via raising
of hands, so that that each person has an equal opportunity to join in. You can also expect me to call on you to answer questions.

- **OFFICE VISITS:** I expect you to stop by my office during the semester. Take the initiative to ask questions and engage in discussions with me. I am always interested in your opinions, observations, and materials that you come across that relate to intellectual property.

**Office of Accessibility and Accomodations**
If you have a physical, psychological, medical or learning disability that may impact your course work, please contact Peggy Perno, Director of the Office of Accessibility and Accomodations, 105 Howarth, 253-879-3395. She will determine with you what accommodations are necessary and appropriate. All information and documentation is confidential.

**Bereavement Policy**
Upon approval from the Dean of Students’ Office, students who experience a death in the family, including parent, grandparent, sibling, or persons living in the same household, are allowed three consecutive weekdays of excused absences, as negotiated with the Dean of Students. For more information, please see the Academic Handbook.

**Classroom Emergency Response**
Please review university emergency preparedness and response procedures posted at www.pugetsound.edu/emergency/. There is a link on the university home page. Familiarize yourself with hall exit doors and the designated gathering area for your class and laboratory buildings. If building evacuation becomes necessary (e.g. earthquake), meet your instructor at the designated gathering area so she/he can account for your presence. Then wait for further instructions. Do not return to the building or classroom until advised by a university emergency response representative.

If confronted by an act of violence, be prepared to make quick decisions to protect your safety. Flee the area by running away from the source of danger if you can safely do so. If this is not possible, shelter in place by securing classroom or lab doors and windows, closing blinds, and turning off room lights. Lie on the floor out of sight and away from windows and doors. Place cell phones or pagers on vibrate so that you can receive messages quietly. Wait for further instructions.

**Grading**
Your work is assessed on the basis of a number of criteria, including: depth of analysis; clarity; organization; strength of assertions; appropriate balance between description and analysis; reflection on assigned readings; and attention to style, grammar and punctuation. Take advantage of my written feedback and discussions with me to constantly strive to do your best work.

93-100 (A), 90-92 (A-) – Excellent  
87-89 (B+), 83-86 (B) – Good  
80-82 (B-) 77-79 (C+) – Satisfactory  
73-76 (C), 70-72 (C-) – Below average  
67-69 (D+), 63-66 (D), 60-62 (D-) – Poor  
Below 60 (F) – Failing
Performance Measures
- Midterm exam (25% each)
- Final exam (25%)
- Research Paper (25%)
- Homework assignments (15%)
- Participation and Attendance (10%)

Homework assignments
I will assign homework at various times during the semester. You will answer short questions about the readings or audiovisual material. These assignments (no more than 4) will be listed in Moodle at least 2 days before their due date. Written homework will be no more than 2 double-spaced pages in length. Assignments will assess your familiarity with the readings, allow you to express your own opinions, and prepare you for class discussion.

Guidelines for the Research Paper
Your paper will examine a topic of your choosing about intellectual property. It will in some way draw upon at least 2 academic disciplines that address intellectual property: economics, political science, law, and cultural studies.

It is always a good idea to decide on a topic that has a fairly narrow focus and about which you can make some well-defined assertions and observations. At the beginning of the paper, state clearly what you are trying to explain, why it is important, and what the reader should expect to learn by the end of the paper. This can often be done in several introductory paragraphs. Organize the paper in a logical progression. Your conclusion should be a reformulation—not repeat—of what you wrote earlier. Keep in mind that you should try to support your main thesis, not “prove” it. Make reasonable assertions, include supporting data, and acknowledge competing arguments.

A strong paper will use a mix of books, journal articles, and Internet sources. The paper will be about 12-13 pages in length, using 1-inch margins and a 12-point font. Number your pages – starting with page 1 after the title page. Use the Chicago style of author-date parenthetical citation and referencing. Include a bibliography and a title page. When you cite the source of a quote, idea, or material you are paraphrasing, your citation must include the page number(s) you draw on from the source, unless the source has no fixed paged numbers. Opinions that are not originally yours must be cited. Direct quotations must be entirely enclosed in quotation marks. Avoid excessively close paraphrasing or use of just one source for several consecutive pages. Proofread for grammatical, syntactical, and spelling mistakes. Keep copies of your rough drafts. Don’t hesitate to seek assistance from me, the Writing Center, and the reference librarians. Due on Tuesday, November 24th.

Feel free to research IPR topics and questions that most interest you. Below are some ideas that may be of interest or that give you a sense of different ways to approach your paper.

1. Compare several important legal cases and the disputes behind them.
2. Examine a specific kind of infringement of IP.
3. What are the politics behind U.S. global IP policies?
4. Trace the politics behind the formation of laws/treaties like TRIPS, ACTA, SOPA/PIPA,
TPP, the DMCA.
5. Examine the use of metaphors and discourse by an IP interest group like the MPAA.
6. Analyze anti-piracy campaigns in public media.
7. Argue the pros or cons of one side of an IPR debate.
8. Study different examples of overzealous copyright bozos or trademark bullies or patent trolls or publicity rights extremists.
9. Show how a new technology has affected some aspect of IPRs (internet, mp3, Xerox, VCR, etc.)
10. Explain in detail reasons why a form of IPR protection is very important.
11. Look at why it is so hard to stop counterfeiting or piracy.
12. Debate the relative merits of protecting traditional knowledge.
13. Make a case for an alternative to strong IPRs, like compulsory licenses or government prizes for innovation.
14. Explore the moral or ethical questions surrounding an IPR issue.
15. Examine an historical case when a government overrode IPRs or forced patent pools in the interest of national security or medical health security.

You can approach your paper in many ways, such as:

- It can be historical
- It studies a case or several cases in depth
- It argues in favor of some assertion
- It ties IPRs to some concept like human rights, freedom, monopoly, creativity
- It is humorous or critical
# Class Schedule

<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
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<tbody>
<tr>
<td>Sep 1</td>
<td><strong>Course Introduction</strong></td>
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<tr>
<td>Sep 3</td>
<td><strong>What is Intellectual Property? Defining Patents, Copyrights, Trademarks, and Geographical Indications</strong></td>
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<td>• “Accept No Substitutes for Real Neapolitan Pizza”</td>
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<td>• “Insurer Monitoring Your Heart Rate? Allstate’s Patent Makes It Possible”</td>
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<td>• “The Star Wars George Lucas Doesn’t Want You to See”</td>
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<td>• “Toronto Pulls Anti-Littering Campaign over Trademark Infringement Concerns”</td>
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<td>Sep 8</td>
<td><strong>The Benefits and Drawbacks of IPRs</strong></td>
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<td>• Ronald Cass and Keith Hylton, “Intellectual Property,” in <em>Laws of Creation</em></td>
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<td>• Michael Heller, “The Tragedy of the Anticommons,” in <em>The Gridlock Economy</em></td>
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<td>Sep 10</td>
<td><strong>Imitation and the Absence of IPRs</strong></td>
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<td>• Raustiala and Sprigman, “Introduction” and “Knockoffs and Fashion Victims,” pp. 3-8, 19-55</td>
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<td>Sep 15</td>
<td><strong>Football, Fonts, and Databases</strong></td>
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<td>• Raustiala and Sprigman, “Football, Fonts, Finance and <em>Feist</em>,” pp. 123-166</td>
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<td>Sep 17</td>
<td><strong>Lessons about Imitation and Innovation</strong></td>
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<td>• Raustiala and Sprigman, “Conclusion: Copies and Creativity,” pp. 167-211</td>
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<td>Sep 22</td>
<td><strong>Power and Politics in the Global IPR Regime</strong></td>
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<td>Sep 24</td>
<td><strong>TRIPS-Plus and Political Resistance to the Global IPR Regime</strong></td>
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<td></td>
<td>• Keith Maskus, pp. 120-129 (from <em>Private Rights and Public Problems</em>)</td>
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<td>• Watch Susan Sell video (21 minutes)</td>
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Cultural Studies Perspectives on Music

**Sep 29:**  **Sampling**

**Oct 1:**  **Music Copyright Infringement and Effects of Licensing on Creativity**
- Macleod and DiCola, *Creative License*, pp. 187-201, 212-216, 128-133, 139-147
- Watch *Copyright Criminals*
- Homework due

Law Perspectives on Copyrights

**Oct 6:**  **Copyright Wars**
- William Patry, *Moral Panics and the Copyright Wars*, pp. 1-41
- William Patry, “Creativity is Based on Copying,” in *How to Fix Copyright* (New York: Oxford University Press, 2011), pp. 90-103

**Oct 13:**  **Historical and Legal Views of Copyright**
- Patry, pp. 61-96, 119-132

**Oct 15:**  **Midterm Exam**

**Oct 20:**  **Fall Break – No Class**

**Oct 22:**  **Moral Panics over Copyright**
- Patry, pp. 139-170

Economic Perspectives on Patents, Medicines, and Germplasm

**Oct 27:**  **Competition and IP Monopoly**

**Oct 29:**  **Patents and IP Monopoly**
- Boldrin and Levine, 37 pages.

**Nov 3:**  **Patents, Generic Drug Access, and Public Health**
Nov 5:  **Traditional Knowledge**
- Sunder, “Can Intellectual Property Help the Poor,” pp. 126-140

Nov 10:  **Germplasm and IPRs in Agriculture**

IPRs and Culture

Nov 12:  **Participatory Culture**
- Sunder, “Bespoke Culture,” pp. 45-49, 64-81 and “Fair Culture,” pp. 82-104

Nov 17:  **Cultural Appropriation**

Trademark, Publicity Rights, and Geographical Indications

Nov 19:  **Introduction to Trademarks**

Nov 24:  **Research Papers Due**
- Discussion of research paper findings

Nov 26:  **Thanksgiving – No Class**

Dec 1:  **Morality, Parodies, and Trademark Infringement**

Dec 3:  **Geographical Indications**
Dec 8:  *Publicity Rights*


Dec 15:  *Final Exam (12:00-2:00 pm)*

Note: This syllabus is subject to change