

Carnegie Mellon Heinz College

Master of Entertainment Industry Management

Carnegie Mellon University Master of Entertainment Industry Management (MEIM)

INTELLECTUAL PROPERTY – CLASS [93-855] (SPRING 2021)

Instructor: Adam Hime (adamhime@icloud.com)

COURSE OVERVIEW:

The objective of this course is to provide students with a practical understanding of the underlying legal principles of intellectual property laws regulating the creation and exhibition of entertainment content. The class covers the basic legal concepts of intellectual property law, including case study, but is aimed at non-lawyers and non-law students.

ABSENCES/ TARDY POLICY:

Attendance is mandatory. If you know you are going to be late or absent, please contact me prior to class via email (above) or office phone (818) 930-1183.

READINGS:

There will be no formal textbook. Assigned reading packets will be distributed prior to the first class session and may be supplemented occasionally with materials handed out during class sessions.

COURSE OBJECTIVES:

<u>Objective</u>	<u>Assessed Through</u>
To examine and understand the various intellectual property laws in the United States that impact entertainment production and exhibition.	Class discussion and final exam.
To learn the fundamental differences between the various intellectual property disciplines and be equipped to identify when one or more areas of intellectual property law may apply to given situation in the entertainment industry	Class discussion and final exam.
To provide an overview of Copyright, Patent and Trademark law in the United States and how it may impact non-lawyers in the entertainment industry	Class discussion and final exam.
To understand the basics of Trade Secret and unfair competition law	Class discussion and final exam.
To recognize advanced Intellectual Property Concepts, such as Ownership, Enforcement and International Considerations	Class discussion

GRADING:

Final Exam = 100% of Total Grade

GRADING GUIDELINES: The Heinz policy for grading is as follows:

A+	99.0 - 100%	Exceptional
A	94.0 - 98.9%	Excellent
A-	91.0 - 93.9%	Very Good
B+	88.0 - 90.9%	Good
B	84.0 - 87.9%	Acceptable
B-	81.0 - 83.9%	Fair
C+	78.0 - 80.9%	Poor
C	74.0 - 77.9%	Very Poor
C-	71.0 - 73.9%	Minimum Passing
R	Below 71 pts (< 71%)	Failing

HEINZ POLICY ON PLAGIARISM:

Plagiarism and other forms of academic misrepresentation are viewed as extremely serious matters. Misrepresentation of another's work as one's own is widely recognized as among the most serious violations. The violation is clearly flagrant when it occurs as plagiarism on a required paper or as cheating on an examination, including take-home as well as in-class examinations. The punishment for such offenses can involve expulsion from the MEIM Program and Heinz School.

Cheating includes, but is not limited to:

1. Plagiarism (explained below).
2. Submission of work that is not the student's own.
3. Submission or use of falsified data.
4. Unauthorized access to an exam or assignment.
5. Use of a stand-in for an exam.
6. Use of unauthorized material in the preparation of an assignment or during an examination.
7. Supplying/communicating unauthorized information to another student for use in an assignment or exam.
8. Unauthorized collaboration on an assignment. Collaboration must be explicitly permitted by an instructor for it to be considered authorized.
9. Submission of the same work for credit in more than one course.

Plagiarism is the failure to indicate the source of work either with quotation marks or footnotes. The source can be a phrase, a graphic element, a proof, specific language, or an idea derived from the work of another person. Note that material on the web is another person's work and is therefore equally subject to the rules on plagiarism and cheating as any other source material.

Cheating and/or plagiarism on an essay assignment will result in a failing grade (0 points) for that assignment.

The essay in which the cheating occurs will *not* be excluded from the offending student's assignments included in grade calculations; the points for that essay zero (0) will be factored into the grade. Furthermore, the cheating student's grade shall be reduced one full letter grade. A cheating student's final grade will be impacted significantly. In addition, cases of cheating and plagiarism will be submitted to and reviewed by the Dean's Office; more severe penalties may be imposed, up to and including expulsion from the Heinz School.

SYLLABUS, READING LIST, AND OUTLINE OF COURSE TOPICS:

Class Date/Time	Summary of Primary Topics	Reading Material
CLASS #1 Sat., 02/06/21 10:00 am	<ul style="list-style-type: none"> • Introductions • Introduction to Principles of Intellectual Property for non-lawyers • Understanding the Differences between Trademark, Copyright, and Patent 	<i>Course Materials</i> , Pages 1-31 <ul style="list-style-type: none"> • U.S. Constitution, Article 1, § 8 • Principal Differences Between Intellectual Property Disciplines • <i>Varsity Brands, Inc. v. Star Athletica, LLC</i> (6th Cir. 2015)
CLASS #2 Sat., 02/13/21 10:00 am	<ul style="list-style-type: none"> • Fundamentals of Trademark and Trade Dress Law • Blurring/Tarnishment • Protection of Trademark Rights 	<i>Course Materials</i> , Pages 32-46 <ul style="list-style-type: none"> • <i>Dreamwerks Production Group, Inc. v. SKG Studio, dba DreamWorks</i> (9th Cir. 1998) • United States Patent and Trademark Office (USPTO) <i>Trademark Basics</i>, https://www.uspto.gov/trademarks-getting-started/trademark-basics#
CLASS #3 Sat., 02/20/21 10:00 am	<ul style="list-style-type: none"> • Fundamentals of Copyright Law • Protection of Copyright • Idea Theft • Public Domain 	<i>Course Materials</i> , Pages 47-89 <ul style="list-style-type: none"> • 17 U.S. Code § 102 • <i>15 Years Ago, Congress Kept Mickey Mouse out of the Public Domain. Will They Do it Again?</i> Timothy B. Lee, The Washington Post, October 25, 2013 • <i>Copyright Meets “Innocence of Muslims”</i>, Eugene Volokh, The Washington Post, February 26, 2014 • <i>Finally! Victory for Free Speech in Garcia v. Google</i>, Corynne McSherry, Electronic Frontier Foundation, May 18, 2015 • <i>*Hollywood Screentest of America, Inc. v. NBC Universal, Inc.</i> (Cal. App. 2007)
CLASS #4 Sat., 02/27/21 10:00 am	<ul style="list-style-type: none"> • Fundamentals of Copyright Law (Continued) • Protection of Copyright • Fair Use 	<i>Course Materials</i> , Pages 47-89 (Continued) <ul style="list-style-type: none"> • <i>*Brownmark Films LLC v. Comedy Partners et al.</i> (ED Wisc., 2011) and (7th Cir., 2012)
CLASS #5 Sat., 03/06/21 10:00 am	<ul style="list-style-type: none"> • Fundamentals of Patent Law • Fundamentals of Trade Secret Law • Advanced Concepts in IP: Ownership and Enforcement Considerations 	<i>Course Materials</i> , Pages 90-98 <ul style="list-style-type: none"> • <i>Dish, EchoStar Settle TiVo Patent Litigation</i>, Steven Russolillo, Wall Street Journal, May 3, 2011 • <i>Throwback Thursday: 20 Years Ago, a Midnight Break In Launched Endeavor</i>, Bill Higgins, The Hollywood Reporter, April 23, 2015 • <i>CAA vs. UTA, Corporate Raiding and the Ghost of Ed Limato (Analysis)</i>, Matthew Belloni, The Hollywood Reporter, March 31, 2015
CLASS #6 Sat., 03/13/21 10:00 am	<ul style="list-style-type: none"> • Advanced Concepts in IP: International Considerations • Review Session • FINAL EXAM 	No outside reading is assigned for this class session.