Dear Participants,

I have offered this course in various incarnations over the past eight years, but this year’s iteration comes in one of my favorite forms: our experience this year will be entirely online, with part of our interaction coming through pre-recorded videos and part coming in the form of four interactive 90-minute online sessions. That is, this year, there will be no in-person requirement. Instead, the in-person sessions are being replaced with four online classroom experiences.

I have to admit that I am very excited about this approach. Thanks to the online videos, what would have been time-consuming lecture material on copyright law, patent law, and trade secret law can now be captured in audiovisual form and enjoyed from the comfort of home. And, for our interactive time, we will be able to talk as a group, but much more conveniently. In-person sessions were hard on students in the past. Who wants to travel on Saturday mornings and sit through a three-hour class after completing a hard week at work? Online meetings on Tuesday evenings should be much easier to integrate into life. Pour a cup of coffee, put on a headset, and jump right into substance. It works.

For now, I include below the key information you need to make the most of our time together. Please read this note carefully and make sure that the below opportunities and obligations work for you and your work/life situation.

**Interactive Sessions**

As noted above, there will be four required 90-minute interactive sessions online. They will take place on Tuesday nights, from 7:30pm to 9:00pm PT, on January 14, February 4, February 18, and March 3. **Students are expected to participate in all four sessions.** Absences can be excused, but only in extreme cases. Participation entails joining for the full 90 minutes, with working two-way audio and working two-way video. That is, I need to be able to see you and hear you, and you need to be able to see me and hear me. Note that these interactive
sessions are a critical part of the learning we will do together. So please plan ahead and make sure you can be with me for these meetings.

**Video Materials**

I have organized the videos around our four interactive sessions. Specifically, prior to each of the first three sessions, there will be a group of videos to watch plus a homework set to complete. The fourth session will have no outside videos but will have a homework set. Note that this organization differs from some other courses in the program in that our work is broken into four stages, whereas most other courses are organized into weekly assignments. The idea is to give you more flexibility, but at the same time to make sure that we are all ready for each interactive session. One implication here is that *you will have roughly seven hours of video to watch in the first few weeks of January*, prior to our January 14 meeting. I will email you when the videos are uploaded to the ENGR website, but I expect that they will all be available no later than December 20. I also will make versions available on YouTube, just in case you have trouble with the ENGR website.

**Readings, Materials, Questions**

In addition to the videos, I am also providing you with several other types of materials, all available online. First, to go along with each video, I post my own notes summarizing the video content, plus handouts and slides as applicable. You will surely want to take additional notes, but at least this gives you a jumpstart, and maybe it allows you to lean back and enjoy the videos a little more. Second, after each group of videos, there is a set of questions to answer. Please answer them as directed, and then please submit your responses by email in PDF form prior to each interactive session. Lastly, throughout the Term, I will be posting various supplemental readings and materials. When time is tight, emphasize the videos over everything else. But, ideally, you will have time to not only watch the videos but also read and listen to the supplemental materials.

**Grading**

Grades are a necessary evil at this level of graduate study, but hopefully grades will not in any way distract from the more important learning we are doing together. That said, because grades are necessary, my Teaching Assistant and I will assign letter grades at the end of this course. The grades will be based on a mix of three inputs: interactive participation (15%); responses to the various at-home problem sets (50%); and an open-book take-home final exam (35%).
Office Hours

Because this is an online course, and many of you are not on campus, the best way for us to connect is by email. My email is lichtman@law.ucla.edu. I am also happy to jump on the phone or Skype if a particularly complicated question comes up. Just email me and we can coordinate.

Introduce Yourself

Before you turn to the videos, please take a moment and email me a quick introduction of who you are and what you are hoping to learn in this course this Term. For instance, maybe tell me where you work, where you were in school prior to this most recently, and how the Masters Program might help you achieve your next professional aim. I will use this information to tailor some of what we learn during our in-person sessions; and, beyond that, I am simply excited to get to know you a bit.

*     *     *

With that, welcome aboard! And if you have any trouble, or any questions, just email me at lichtman@law.ucla.edu and I will do my best to help.

I very much look forward to getting started.

[Signature]
Syllabus

Unit 1: Copyright Law and Strategy

Copyright law protects original works of authorship, whether expressed in books and movies, or captured in photography, sculpture, or paint. The basic structure of the law is to first exclude non-expressive elements like facts and ideas, and then to articulate a layered and somewhat repetitive group of exclusive rights that only the relevant copyright holder can wield. After that come exceptions, like the fair use doctrine, and carefully defined remedies, like statutory damages.

In our first interactive meeting, we will move directly into a series of discussions where we will think about how content and technology companies like Disney, CBS, Warner Brothers, Google and Microsoft use copyright law to guide product features, pricing and availability. Prior to that first session, then, please work your way through the roughly seven hours of audiovisual materials that is available, all designed to first communicate the basic structure of the law and then to provide examples as to how the law influences decisions at both content and technology firms.

The primary topics featured in the first batch of online materials include:

- A overview of the Copyright Act, peppered with familiar examples that will hopefully make clear where copyright law applies, what it covers, and where that protection by necessity ends.

- An investigation into the rights that a copyright holder can wield. Obviously, a copyright holder can stop a rival from duplicating the relevant work verbatim. But can Paramount Pictures stop Redbox from renting Paramount’s movies out of Redbox’s DVD movie kiosks? What if Redbox employees buy the relevant DVDs at Target and then load each kiosk by hand?

- A study of third-party liability concepts. Many technology companies sell products and services that are later used to commit copyright infringement. Surely Dell is not responsible for every illegal act that its computers make possible; but is Google similarly immune from liability despite its role in creating, promoting, and maintaining not only its primary search website but also YouTube? And what about Verizon, given its ability to influence and potentially even monitor Web traffic?
• Public relations. Put a DVD into your home DVD player, and early in your viewing experience you will see an alienating, threatening message about the potential criminal penalties associated with copyright infringement. Watch an NFL football game on TV and again you will soon find yourself being warned in stern voices against making unauthorized use of the information in the telecast. Who writes these messages and, from a strategic perspective, what could they possibly be thinking? More generally, how should the content industry talk to the public about copyright? And what is a thoughtful "crisis management" approach to the modern reality where many consumers and technologists see copyright as a law that simply ought not be respected?

Here is a list of the videos in the unit, along with a list of other materials that are available to supplement each video. For instance, for the second video, there is not only the video itself, but also a handout (Copyright Act), and notes from me (Notes). For the seventh video (Third Parties), by contrast, there is not only the video, but also a handout version of my slides, notes from me, an additional handout summarizing the law, and two short videos that I refer to in my main video.

1.1 What is Copyright
   Video
   Notes

1.2 Meet the Statute
   Copyright Act
   Video
   Notes

1.3 Idea/Expression
   Video
   Slides Handout
   Notes

1.4 Section 106
   Video
   Slides Handout
   Notes

1.5 First Sale
   Video
   Slides Handout
Notes

1.6 Fair Use
   Video
   Slides Handout
   Notes

1.7 Third Parties
   Additional Law Handout
   Video
   Extra Video 1: YouTube on Copyright
   Extra Video 2: The Copyright Information Center
   Slides Handout
   Notes

1.8 Shoot the Messenger
   Video
   Slides Handout

1.9 Everyone Hates DRM
   Video
   Slides Handout
   Notes

Interactive Meeting on January 14
   Please email me a PDF of your answers to the problem set prior to the meeting. If for some reason you cannot attend the meeting, please contact me beforehand to coordinate.
Unit 2: Patent Law and Strategy

It is often said that patent law sweeps into its scope almost any idea, process, or invention made by man. And, while modern law has cut back on certain types of coverage, patent law for the most part lives up to this sweeping mandate. Patents as a result touch nearly every industry, playing a central role for pharmaceutical giants like Merck and Teva, technology companies like Apple and Samsung, and even consumer product companies like General Mills and Green Mountain Coffee Roasters.

Our second interactive meeting will feature a series of discussions about how real companies have both harnessed the patent system and been hampered by it. Prior to that session, then, students will again be expected to have worked through roughly seven hours of audiovisual materials, this time designed to communicate the basic structure of, and uses for, patent law.

The primary topics featured in this second batch of online materials include:

- An overview of the patent process, with particular emphasis on the rules that define exactly what an inventor’s legal monopoly covers.

- A discussion of patent law remedies. If a rival infringes your patent, will a court order them to immediately stop production? And how are cash damages calculated, especially in situations where the patented feature is but one of many features that contribute to the success of some consumer-facing product or service?

- The patent troll story. Patent reform efforts in recent years have actively targeted so-called “patent troll” entities that do not themselves produce patented goods or services, but instead simply assert patents against other firms. But what distinguishes patent trolls from a pure research entity like the University of California? And what can a potential target do to minimize its exposure?

- A discussion of patent law subject matter. In just the past two years, there have been substantial changes to the rules that govern what types of inventions can be patented. Out, it seems, are many fundamental scientific discoveries about how the human body works, even if those discoveries are critical toward developing appropriate medical interventions. Out too, it seems, are a good many achievements related to computer software and programming.
Here’s the detailed list of videos and handouts.

2.1 Patent Law Overview
   Video
   Slides
   Sample Patent - Xyrem
   Notes

2.2 Patents and Claims
   Video
   Sample Patent – Starbucks
   Sample Patent – Dog Bowl
   Claim Handout
   Notes

2.3 Subject Matter
   Video
   Statutory Handout
   Notes

2.4 Validity
   Video
   Slides
   Notes

2.5 Infringement
   Video
   Slides
   Notes

2.6 Remedies
   Video
   Slides
   Notes

2.7 Patent Trolls
   Video
   Slides
   Notes
   NPR: http://www.thisamericanlife.org/radio-archives/episode/441/when-patents-attack
2.8 Patent Life Cycle
   Video
   Slides
   Notes
   Reading: Trial Transcript

2.9 Special Situation: The RAND Commitment
   Video
   Slides
   Notes

2.10 Special Situation: Generic Drugs
   Video
   Slides
   Notes

2.11 Example: Xyrem
   Video
   Notes

Interactive Meeting on February 4
   Please email me a PDF of your answers to the problem set prior to the meeting. If for some reason you cannot attend the meeting, please contact me beforehand to coordinate.
Although copyright and patent law tend to attract most of the public attention, the reality is that most companies involved in innovation overwhelmingly identify secrecy as the primary mechanism by which they defend their work from unwelcome appropriation. A firm built on a particular chemical process might choose to patent that process, true. But often the firm will instead protect the process by having its engineers sign contracts that limit their right to disclose what they know, and also by segregating knowledge such that no one engineer in fact understands the entire process.

The primary topics featured in this final batch of online materials include:

- An overview of state trade secret laws, which are laws that in essence reverse the harm caused by certain types of corporate espionage. Interestingly, these laws require that a firm first engage in reasonable efforts to protect its own secrets. Only after a firm has done so, and those efforts have failed, will the law step in.

- A look at contracts that serve a similar purpose. Many firms require their employees and their business partners to sign non-disclosure agreements, but what other types of contractual provisions might help keep secrets home?

- An overview of trademark law, which is the legal regime that helps businesses identify themselves, and their products, to consumers.

The video list this time is shorter:

3.1 Trade Secrets
   Video
   Slides
   Uniform Trade Secrets Act
   Notes

3.2 Trademark
   Video
   Slides
   Notes

Interactive Meeting on February 18
   Please email me a PDF of your answers to the problem set prior to the meeting. If for some reason you cannot attend the meeting, please contact me beforehand to coordinate.
Unit 4: Review and Culmination

As we finish our work together, this is a great time to send me your questions about the material we covered previously and also about other topics that you want to cover in the course. There will also be a final problem set to work on, one that pulls together our discussions of copyright law, patent law, trademark law and trade secret law.

Interactive Meeting on March 3
Please email me a PDF of your answers to the problem set prior to the meeting. If for some reason you cannot attend the meeting, please contact me beforehand to coordinate.
Doug Lichtman is a tenured professor of law at UCLA. He joined the faculty in 2007, having previously spent ten years teaching and writing at the University of Chicago. His areas of specialty are patent and copyright law, though he also covers a variety of more general legal issues pertaining to technology firms and the Internet. Lichtman’s academic work has been featured in journals including the *Journal of Law & Economics*, the *Yale Law Journal*, and the *Harvard Business Review*. He also writes for mainstream publications like the *Wall Street Journal*, the *New York Times* and the *Los Angeles Times*. In addition to his academic pursuits, Mr. Lichtman maintains an active consulting practice, advising Fortune 100 clients on patent and copyright strategy. Recent clients include Microsoft, Viacom, the State of California, iHeart Radio and the Associated Press. Professor Lichtman is a Senior Consultant with the economic consultancy, Compass Lexecon. He has an undergraduate degree in electrical engineering and computer science from Duke University, and a JD from Yale Law School. He can be reached via email at lichtman@law.ucla.edu.