UNIVERSITY OF WESTERN ONTARIO - FACULTY OF ENGINEERING

ES 9010 - INTELLECTUAL PROPERTY FOR ENGINEERS

COURSE OUTLINE (Summer 2015)

OBJECTIVES

Intellectual property is becoming increasingly important as intangible assets replace traditional capital expenditures in modern information-based economies. Whether dealing with issues such as the patentability of software or how digital locks control copyrighted materials, engineers today must be aware of how their careers will be impacted by this changing landscape. This course is designed to provide engineers with a comprehensive overview of intellectual property law, including a deep understanding of the core areas of copyright, trademark, and patent law. Other intellectual property issues will also be discussed with a particular focus on how the ongoing interaction between law and technology will change daily life for engineers.

COURSE SCHEDULE

Thursdays from 1:00pm to 4:00 pm beginning May 7, 2015 through to July 23, 2015

PREREQUISITES: None

INSTRUCTORS

James (Jim) Hinton, B.Eng. (Mech. Eng.), J.D. jhinton@bereskinparr.com

Elizabeth (Liz) Afolabi, B.A. (Hons.), LL.B., J.D. eafolabi@bereskinparr.com

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Consultation Hours: Note that Liz and Jim live and work in Waterloo Region, and will be available to meet briefly before and after class, and by telephone and email at other times.

TOPICS

1) INTRODUCTION TO INTELLECTUAL PROPERTY LAW
    a. Introduction to Canadian Law
    b. IP Basic Concepts
    c. Different Types of Intellectual Property

2) TRADEMARKS
    a. Common law
    b. Registrability
    c. Confusion

   d. Ownership, Duration, and Assignment
   e. Enforcement
   f. Well-known Marks
   g. Passing Off
   h. Distinguishing Guise

3) COPYRIGHT AND RELATED RIGHTS
   a. Conditions for Copyright
   b. Moral Rights
   c. Fair Dealing
   d. Ownership, Assignment and Licensing
   e. Duration
   f. Infringement

4) PATENTS
   a. Patentable Subject Matter
   b. Utility
   c. Novelty
   d. Non-obviousness
   e. Ownership, Duration, and Assignment
   f. Enforcing a Patent

5) INDUSTRIAL DESIGN and DESIGN PATENTS

6) CONFIDENTIAL INFORMATION

7) INTERNATIONAL ISSUES IN INTELLECTUAL PROPERTY

8) OTHER INTELLECTUAL PROPERTY ISSUES

REFERENCE MATERIALS

These materials are NOT required, but may be of interest for further information.

Intellectual Property Law: Copyright, Patents, Trade-Marks, 2nd edition, by David Vaver

Intellectual Property: the Law in Canada, by Daniel J. Gervais & Elizabeth F. Judge, 2nd ed.;

References may also be made to various statutes and treaties, such as the *Copyright Act*, the *Patent Act*, and the *Trade-marks Act*, as well various other statutes, legal decisions, and articles, most of which should be available free online. Specific materials and/or links to specific materials will be provided where applicable.

EVALUATION

To pass the course, a student must obtain a passing grade in each component. A student who fails any component shall receive a final grade not greater than 48%. The approximate weight for each component is shown below:

- 30% Midterm Examination
- 70% Final examination

GRADING POLICY

In accordance with the policy of the University, the grade assigned to all written and oral work presented in English shall take into account syntax, diction, grammar and spelling. In addition, in the professional life of an engineer, the manner in which oral and written communications are presented is extremely important. To encourage the student to do so, the grades assigned to all written and oral work will take into account all aspects of presentation including conciseness, organization, neatness, use of headings, and the preparation and use of tables and figures. All work will be marked first for content after which a penalty not to exceed a maximum of 5% in each component may be applied for lack of proficiency in English and/or presentation.

POLICY ON REPEATING ALL COMPONENTS OF THE COURSE

Students who are required to repeat an Engineering course must repeat all components of the course. No special permissions will be granted enabling a student to retain laboratory, assignment, or test marks from previous years. Previously completed assignments and laboratories cannot be resubmitted for grading by the student in subsequent years.

ATTENDANCE

Any student, who in the opinion of the instructor is absent too frequently from class periods may be reported to the Dean (after due warning has been given). On the recommendation of the Department concerned, and with the permission of the Dean, the student will be barred from taking the regular examination in the course.

PLAGIARISM

University Policy states that cheating, *including plagiarism* is a scholastic offence. The commission of a scholastic offence triggers academic penalties that might include expulsion from your program. If you are caught cheating, there will be no second warning! (for more details please review the Scholastic Offence Policy in the Western Academic Calendar).

PLAGIARISM CHECKING

All required papers may be subject to submission for textual similarity review to Commercial plagiarism detection software under license or otherwise used by the University to detect plagiarism. All papers submitted may then be included as source documents in the reference database for the purpose of detecting plagiarism of papers subsequently submitted to the system. Use of the service is subject to the licensing agreement, currently between The University of Western Ontario and Turnitin.com.