



The Hebrew University of Jerusalem

Syllabus

INTELLECTUAL PROPERTY LAW - 62712

Last update 10-08-2016

HU Credits: 4

Degree/Cycle: 1st degree (Bachelor)

Responsible Department: law

Academic year: 0

Semester: 1st Semester

Teaching Languages: Hebrew

Campus: Mt. Scopus

Course/Module Coordinator: Katya Assaf; Guy Pessach

Coordinator Email: katya.assaf@mail.huji.ac.il; guy.pessach@mail.huji.ac.il

Coordinator Office Hours: Wed 12:15-13:00 (Katya Assaf)

Teaching Staff:

Dr. Katya Assaf
Dr. Guy Pessach

Course/Module description:

This is an introductory course to I.P law which covers patent law, trademark law, copyright law and other related subjects. In addition to in-depth discussion of doctrinal and positive law, the course also focuses on comparative, theoretical, critical and interdisciplinary aspects of I.P law.

Course/Module aims:

This is an introductory course to I.P law which covers patent law, trademark law, copyright law and other related subjects. In addition to in-depth discussion of doctrinal and positive law, the course also focuses on comparative, theoretical, critical and interdisciplinary aspects of I.P law.

Learning outcomes - On successful completion of this module, students should be able to:

On successful completion of this module, students should have good command of doctrinal patents, trademark and copyright law, as well as an acquaintance with basic principles of comparative I.P and the different theoretical justifications for I.P (and their critiques). Students should also have tools for approaching and analyzing challenges in the area of I.P, based on different policy considerations.

Attendance requirements(%):

100

Teaching arrangement and method of instruction: Lecture

Course/Module Content:

First Semester (Katya Assaf):

1st Lecture - Theoretical basis of IP, a brief history of IP rights

2nd Lecture - International Agreements: Paris Convention, PCT, TRIPs

3rd Lecture - The character of patent right; the difference between patent rights and rights in physical property; the difference between patent rights and other IP rights; controversial issues in patent protection

4th Lecture - The character of design patent right (industrial design); the difference between design patent rights and rights in physical property; the difference between design patent rights and other IP rights; controversial issues in design patent protection

5th Lecture - The character of copyright; the difference between copyright and rights in physical property; the difference between copyright and other IP rights; controversial issues in copyright

6th Lecture - The character of trademark right; the difference between trademark rights and rights in physical property; the difference between trademark rights and other IP rights; controversial issues in trademark protection

7th Lecture - The character of rights in geographical indications and appellations of origin; the difference between these rights and rights in physical property; the difference between these rights and other IP rights; controversial issues in protection of geographical indications and appellations of origin

8th Lecture - The character of publicity right; the difference between publicity rights and rights in physical property; the difference between publicity rights and other IP rights; controversial issues in publicity right

9th Lecture - The suggestion to protect Traditional Knowledge, its political rationales and its controversiality

10th Lecture (from this lecture to the end of the 1st semester the lectures will focus on patent law) - Patentable inventions

11th Lecture - The process of patent registration, patent structure, claims (product or apparatus)

12th Lecture - Novelty and non-obviousness

13th Lecture - Utility; patents infringement

14th Lecture - Patents on new medicines

Second semester (Guy Pessach):

1. Introduction.

Required Reading:

First Semester (Katya Assaf):

1. *Anupam Chander & Madhavi Sunder, Is Nozick Kicking Rawls's Ass? Intellectual Property and Social Justice, UC DAVIS LAW REVIEW, Vol. 40, 2007*
2. *Peter S. Menell, Intellectual Property and the Property Rights Movement, 30(7) REGULATION 36 (2007)*

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3. *SUSAN K. SELL, PRIVATE POWER, PUBLIC LAW 2003, 96-120*
 4. *Ronald J. Mann, Do Patents Facilitate Financing in the Software Industry?, 83 Texas Law Review 961 (2005)*
 5. *William M. Landes & Richard A. Posner, Trademark Law: An Economic Perspective, 30 JOURNAL OF LAW AND ECONOMICS, 265 (1987)*
 6. *Rosemary J. Coombe, Objects of Property and Subjects of Politics: Intellectual Property Laws and Democratic Dialogue, 69 TEX. L. REV. 1853 (1991)*
 7. *Shahar J. Dilbary, Famous Trademarks and the Rational Basis for Protecting "Irrational Beliefs," 14 GEO. MASON L. REV. 605 (2007)*
 8. *Neil W. Netanel, Copyright and a Democratic Civil Society, 106 YALE L.J. 283, only pages 325-387 (1996).*
 9. *Jack M. Balkin, Commentary: Digital Speech and Democratic Culture: A Theory of Freedom of Expression for the Information Society, 79 N.Y.U.L. Rev., 1 (2004).*
 10. *Marci A. Hamilton, The TRIPS Agreement: Imperialistic, Outdated, and Overprotective, 29 VAND. J. TRANSNAT'L L. 613 (1996)*
 11. ת"א 21/83 גרשון אקרשטיין נ' עלומים, פ"מ תשמ"ט (3) 197
 12. ע"א 513/89 interlego/S נ' exin-a.S .bros lines, פ"ד מח (4) 133 (אפשר להסתפק ברציו)
 13. *Michele Westhoff, Gene Patents: Ethical Dilemmas and Possible Solutions, 20 HEALTH LAW 1 (2008)*
 14. *Greenberg v. Miami Children's Hospital Research Institute, Inc., 264 F. Supp. 2d 1064 (S.D. Fla. 2003)*
 15. *In re Kubin, 561 F.3d 1351 (Fed. Cir. 2009)*
 16. ע"ש (ת"א) 598/93 שוניה רוזנטל נ' רשם הפטנטים
 17. החלטת רשם הפטנטים בעניין בקשת פטנט מס' 131733 (המבקש - אלי תמיר)
 18. החלטת רשם הפטנטים בעניין בקשה לביטול פטנט מס' 118898 (קומפרלס נ' מובידום)
 19. ת"א 613/93 "טבעול" - מוצרי מזון מן הצומח נ' שמיר תעשיות מזון בע"מ (לא פורסם)
 20. ע"ש Inc.Co & Merck 1016/06 נ' אוניפארם בע"מ (לא פורסם)

21. החלטת הפוסק בקניין רוחני בעניין התנגדות לבקשות פטנט מס' 117035 (SmithKline Becham plc. נ' אוניפארם)

22. ע"א 345/87 Company Aircraft Hughes נ' מדינת ישראל, פ"ד מד (4) 45

23. Samantha A. Jameson, *A Comparison of the Patentability and Patent Scope of Biotechnological Inventions in the United States and the European Union*, 35 AIPLA Q.J. 193 (2007)

Second semester (Guy Pessach):

Additional Reading Material:

First Semester (Katya Assaf):

Peter S. Menell, *Intellectual Property and the Property Rights Movement*, 30(7) REGULATION 36 (2007)

Paris Convention for the Protection of Industrial Property of March 20, 1883

Agreement on Trade-Related Aspects of Intellectual Property Rights of 15 April, 1994

Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions

State Street Bank & Trust Co. v. Signature Financial Group, Inc., 149 F.3d 1368 (Fed. Cir. 1998)

Bilski v. Kappos, 130 S. Ct. 3218 (2010)

ע"א 314/77 ליפסקי בע"מ נ' נתן מנור, פ"מ לב (1) 205

ע"א 433/82 אברהם בחרי נ' משה פדלון, פ"ד לט (3) 533

ע"א 47/87 חסם מערכות הגנה אמינות בע"מ נ' אברהם בחרי, פ"ד מה (5) 194

ת"א 1563/91 קליימן מטאור ביח"ר לרשתות ומוצרי מתכת בע"מ נ' גיל-גד (1982) בע"מ, (לא פורסם)

ת"א Inc., Co & Merck 2085/00. נ' אוניפארם בע"מ

KSR International Co. v. Teleflex Inc., 127 S. Ct. 1727 (2007)

In re Fisher, 421 F.3d 1365 (Fed. Cir. 2005)

ת"א 5577/97 שרש ערכות נוודים בע"מ נ' קפלה בע"מ (לא פורסם)

ע"א 314/77 ליפסקי בע"מ נ' נתן מנור, פ"מ לב (1) 205

ת"א 236/79 אברהם בחרי נ' משה פדלון, פ"מ תשמ"ג (1) 89

ת"א A.P.S Consani Meccaniche Industri נ' A.P.S Perini Fabio 790/83

ת"א 14/92 פלסאון מפעלי מעגן מיכאל בע"מ נ' פרדי פריינט, (לא פורסם)

Course/Module evaluation:

End of year written/oral examination 100 %

Presentation 0 %

Participation in Tutorials 0 %

Project work 0 %

Assignments 0 %

Reports 0 %

Research project 0 %

Quizzes 0 %

Other 0 %

Additional information:

N/A