

## **Program of Concentrated Study in Intellectual Property Law**

The University of Nebraska College of Law offers a Program of Concentrated Study in Intellectual Property Law for students who wish to focus on this dynamic and expanding area of the law. Intellectual Property Law is increasingly important to business and commerce in our global economy. Included within the scope of Intellectual Property (IP) are industrial products like machines, processes, plants, and technical know-how; high tech products such as computer software and biotechnology; entertainment products such as movies, music, and literature; information products such as databases; and the names, marks, and symbols used to identify businesses and their products and services. The Program of Concentrated Study in Intellectual Property Law is open to students who wish to focus on patent law as well as to students who may choose to focus on entertainment, art, communications or related areas of law.

### ***Intellectual Property Law***

Intellectual Property Law consists primarily of three interrelated substantive areas: Patent Law, Copyright Law, and Trademark Law. A single innovation can raise issues that cut across all three of these legal regimes. In addition, IP attorneys are frequently called upon to give advice on related areas of law such as Trade Secret Law, which governs the protection of confidential commercial information, and the Right of Publicity, which governs the commercial exploitation of a person's identity.

*Patent Law.* The Constitution of the United States authorizes Congress to grant inventors a limited exclusive right to their discoveries. Congress first exercised this authority in 1790. Patents may be granted to anyone who invents or discovers any new, useful, and "non-obvious" process, machine, manufacture, or composition of matter. The inventor must file a patent application with the United States Patent and Trademark Office (USPTO), which then determines whether the invention meets the strict statutory criteria that Congress has established for the grant of a patent. If a patent is issued, the owner has the authority to exclude others from making, using, offering for sale, selling, or importing the patented invention. At one time patented inventions consisted primarily of machines, manufacturing processes, and chemical compounds such as pharmaceuticals. Today, innovations in biotechnology, computer and internet-related inventions, and even methods of doing business are regularly submitted to the USPTO.

*Copyright Law.* The U.S. Constitution also authorizes Congress to grant authors the exclusive right to their writings. "Writings" eligible for protection under the Copyright Act include literary, musical, pictorial, and sculptural works, along with motion pictures, sound recordings, and architectural works. These broad categories include works like computer software, databases, and even some aspects of utilitarian works like consumer goods. The owner of a copyright has the exclusive right to reproduce and distribute copies of the work, as well as the exclusive right to perform and display it. All of these rights, however, are

subject to the public's right to make "fair use" of the work without the permission of the copyright owner. Unlike a patent, copyright protection does not require an application to a government agency, although the Copyright Office maintains a registration system that offers significant benefits to copyright owners. In the past two decades, the rapid development of computer technology, especially the internet, has created new opportunities for the use and dissemination of copyrighted works—and also raised questions about the scope of fair use and whether the "old" ways of thinking about copyright are adequate in a digital world.

*Trademark Law.* Trademarks are words or symbols used by a business on its goods or services to distinguish them from the goods or services sold by others. The protection of trademarks enables businesses to benefit from the good will they have established with their customers and also protects the customers from confusion about the source of the goods or services that they buy. Trademark protection does not require a government application, but significant advantages are available to a trademark owner who is successful in obtaining a trademark registration from the USPTO. The use of trademarks as part of internet domain names, and on web pages, and in internet advertising has generated a multitude of new issues in trademark law.

### ***Intellectual Property Law Attorneys***

Intellectual property is a vital component of the United States economy. Local, national, and international companies in nearly every industry rely on intellectual property for the success of their business, and thus also rely on attorneys well-versed in intellectual property protection, management, and enforcement. Intellectual property has become increasingly global as U.S. companies seek to expand into international markets. United States "intellectual property" industries in the manufacturing and nonmanufacturing sectors generate roughly one-third of total U.S. GDP and approximately two-thirds of total U.S. exports. The core copyright industries (music, motion picture, television, print, and software), for example, now outpace the chemical, aircraft, auto, and agricultural industries in foreign sales. The economic significance of intellectual property is reflected in the marketplace for IP attorneys. Intellectual Property Law regularly appears on the various lists of "hot" practice areas.

Intellectual property attorneys work in a variety of settings. Some work in law firms that specialize in Intellectual Property Law, offering client services in patent, copyright, trademark, and IP litigation. Increasingly, large and medium-sized general practice firms are developing their own Intellectual Property Law departments in order to offer their clients a full range of legal services. Even small firms now frequently seek to include an attorney with the expertise to offer basic IP services to clients as the need arises. In addition, large corporations that produce or consume intellectual property often have in-house IP attorneys who specialize in the particular IP needs of that organization. IP attorneys also work at research universities and government agencies.

Intellectual property attorneys perform a variety of roles for their clients or employers. They may be called on, for example, to give an opinion as to whether a particular innovation is protectable under one or another of the various forms of intellectual property law, or whether a particular business model that relies on the creation or use of intellectual property is viable. IP attorneys draft the complex patent applications and trademark registration applications that are submitted to the USPTO and then act as advocates before the agency on behalf of their clients' claims. IP attorneys also negotiate and draft licensing agreements that allow clients to market their intellectual property to interested users or that provide access to another's intellectual property that a client wishes to exploit. IP attorneys are also frequently litigators, initiating infringement lawsuits to protect their clients' intellectual property rights, or defending their clients against charges of infringement brought by other intellectual property owners.

### ***Program of Concentrated Study in Intellectual Property Law***

A good IP attorney must first and foremost be a good attorney. The requirements for the Program of Concentrated Study in Intellectual Property Law are designed to insure that participants have the opportunity to take full advantage of the strong foundational education in law available at the University of Nebraska College of Law. Students with a particular interest in law and technology can also take advantage of the course offerings available through the College of Law's renowned program in Space, Cyber, and Telecommunications Law.

Students in the Program of Concentrated Study in Intellectual Property Law must successfully complete at least two of the following three courses or seminars:

- Copyright Law
- Patent Law
- Unfair Competition Law

In addition, students who complete two of the above classes must also successfully complete at least three of the following elective courses or seminars; students who complete all three of the above classes must also successfully complete at least two of the following elective courses or seminars:

- Antitrust Law
- Cyberlaw
- Entertainment Law
- Entrepreneurship Clinic
- First Amendment: Freedom of Speech & Press
- International Intellectual Property Law
- Patent Practice and Innovation Management
- Sports Law

An alternate course may be substituted for one of the elective courses with the prior approval of the Coordinator of the Program. Participating students may receive a preference in registering for limited-enrollment classes within the scope of the Program.

Students who may be interested in participating in the Program of Concentrated Study in Intellectual Property Law are encouraged to meet with Professor Robert Denicola, Coordinator of the Program, during the spring semester of their first year at the College of Law. Students will normally declare their intention to participate in the Program prior to the start of their second year at the College of Law. Students are admitted to the Program upon submission of a Program Application Form approved by the Coordinator. Students may not join the Program after the drop/add date at the beginning of their third year at the College of Law.

The University of Nebraska College of Law will recognize students who complete the Program of Concentrated Study in Intellectual Property Law by making a notation of successful completion on the student's transcript and by awarding a certificate of recognition at the time of the student's graduation from the College of Law.

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