

PIEDMONT PROJECT WORKSHOP II: Course Revision

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Course Title: Intellectual Property Law
New for Fall 2002

This course introduces students to the four primary areas of intellectual property (IP) law: patents, trade secrets, trademarks and unfair competition, and copyright. I have decided to incorporate the issues discussed in the Piedmont II workshop into the course by illustrating an impact of each of these IP regimes on environmental sustainability. I have identified at least one potential reading/sustainability topic/problem germane to each of the areas. For example:

Patent module – Use an environmentally relevant patent as my example for teaching about the patent document itself. Discuss incentives inside and outside of patent law for creating environmentally relevant patentable inventions (e.g. availability of expedited prosecution, increase in such patent filings after the passage of environmental legislation such as the Superfund Act (CERCLA)). Briefly explore with the students the environmental issues associated with the patenting of plants under utility patent statutes vs. other protection regimes and the potential environmental fallout (e.g. impact of genetic modification on other species in the environment), as well as certain provisions in multilateral IP agreements (e.g. NAFTA and TRIPS) and also compulsory licensing issues.

Trade secret module – Discuss issues surrounding companies giving up trade secrets to further environmental progress (e.g. ICOLP experience in getting rid of dependence on CFCs) vs. the chemical companies who maintained IP protection for new technologies.

Trademarks and unfair competition module – Illustrate the concept of certification and collective marks as they are used by environmental organizations (e.g. “Smart Wood Program” certification program of the Rainforest Alliance). Discuss failure to comply with environmental regulations as the possible basis for an unfair competition action by a competitor.

Copyright module – Explore the impact of copyright law on environmental sustainability via the topic of protection for collective works/compilations of traditional knowledge generated by indigenous peoples or others.

I plan to explain to students at the beginning of the semester that while the focus of the course is IP and understanding the interrelations between the different IP areas, an ongoing theme that they will see throughout the course (to greater and lesser degrees) is the impact of IP on environmental sustainability. Hopefully this recurring theme will increase their awareness and interest in the impact of IP and other areas of law on this topic.