

**OSGOODE**

OSGOODE HALL LAW SCHOOL  
YORK UNIVERSITY

Professional Development  
**LLM**



## Part-time LLM Specializing in Intellectual Property Law

Directors

**Carys Craig**, Osgoode Hall Law School, York University

**Martin P.J. Kratz**, Bennett Jones LLP (Calgary)

### Outside Toronto?

Distance Learning options are available for some courses. Visit [www.osgoodepd.ca](http://www.osgoodepd.ca) for details.

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The LLM in Intellectual Property Law gives students the opportunity to strengthen their analytical and problem-solving skills, to deepen their understanding of the policies and principles that underlie intellectual property laws, and to broaden their knowledge of the social, economic, and technological considerations presented by emerging legal issues.

## DIRECTORS



**Carys J. Craig**  
Osgoode Hall Law School  
York University



**Martin P. J. Kratz**  
Bennett Jones LLP  
(Calgary)

## THE CURRICULUM

Courses will be offered in a combination of intensive (typically three consecutive days) and weekly formats. Videoconferencing is available for weekly format courses; attendance in person is required for intensive format courses.

### Degree Requirements

There are two options for completing this degree.

#### Option I

- The required courses in Intellectual Property Law [18 credits]
- 12 additional credits of course work, at least 6 of which must be courses in the Intellectual Property Law specialization
- A Major Research Paper (70 pages) in the Intellectual Property Law field [6 credits]

#### Option II

- The required courses in Intellectual Property Law [18 credits]
- 18 additional credits of course work, at least 12 of which must be courses in the Intellectual Property Law specialization
- A significant research paper (30 pages) as the means of evaluation for one of the above Intellectual Property courses

### Required Courses

Introduction to Intellectual Property:  
Theoretical Frameworks  
Copyright Law  
Patent Law  
Trade-mark Law

### Elective Courses

Intellectual Property Challenges in the Digital Era  
Intellectual Property Litigation  
Intellectual Property Transactions  
International Aspects of Intellectual Property  
Remedies for Infringement of Intellectual Property  
Protection of Intangible Business Interests

## COURSE DESCRIPTIONS

### **Introduction to Intellectual Property: Theoretical Frameworks [3 credits]\***

This course offers students an advanced-level introduction to Intellectual Property law. In addition to familiarizing students with the fundamentals of IP law, and the various rights and subject matters that comprise this broad legal category, the course will explore the theoretical premises, principles, and policies that underpin IP systems. The objectives of the course are: to develop students' understanding of the theoretical framework for IP protection; to further students' awareness of the practical and political significance of various theories in the development of IP law; and to encourage students to critically evaluate the normative bases of IP rights.

### **Copyright Law [6 credits]**

When it comes to protecting intellectual creations, copyright law has played a varied, yet important, role throughout the last century. Copyright law was intended to protect traditional artistic, literary, musical and dramatic works and their use; now, however, copyright law has expanded to protect computer programs, telecommunication rights, rental rights, etc. This course examines the protection that is afforded to these various works by copyright law and explores current topics such as the Internet and its ramifications for copyright. It looks not only at the basic building blocks of copyright theory but also at the law from a comparative perspective. It examines specifically ownership, moral rights, originality and infringement. It also examines industrial design rights and compares these to copyright rights.

### **Patent Law [6 credits]**

Technology is the key to modern business. Patent law protects such technology but patents are no longer sought only for inventive mechanical, electrical and chemical products and processes. Patents are now being sought for biological and genetically engineered products and processes and for computer programs. As a result, interesting policy questions have arisen about the proper scope of patent protection. This course examines these policy questions and takes an in-depth look at the various concepts of patent law. It examines ownership of inventions, scope and construction of patents, patentability, validity, enforcement and infringement. Comparisons with other patent systems are made and alternatives to the patent system are also considered.

### **Trade-mark Law [3 credits]\***

Trade-marks are all around us. To many trade-mark owners, they represent millions, if not billions, of dollars in goodwill. How is that goodwill created in the first place, and what role does the law play in its creation and maintenance? Do Canadian courts do an adequate job of

protecting goodwill against counterfeiters, infringers and "free-riders" who attempt to ride their coattails, especially in the area of "famous marks"? Is our *Trade-marks Act* equipped to stop trade-mark "pirates" at the border? Is it equipped to protect the interests of exclusive licensees and distributors who create a local market for branded products against parallel importers of "grey market" goods?

Students will have the opportunity to consider these and other thorny questions as they explore policy, doctrine, and jurisprudence in the field of trade-marks and unfair competition law.

### **Protection of Intangible Business Interests [3 credits]**

Not all intangible business interests can be protected using traditional, statutory trade-mark law, copyright law and patent law. Due to the inherent limitations of these laws, both courts and legislatures have developed alternative approaches to protecting certain kinds of intangible business interests that otherwise would not be protected. For example, information is valuable on its own. How can it be protected? The law of trade secrets and breach of confidence has been developed largely by the courts, as have such actions as unlawful interference with economic relations, inducing breach of contract, conspiracy to injure, trade libel and other torts that seek to redress unfair competition and the misappropriation of intangible assets. These mechanisms and their theoretical underpinnings will be examined.

### **Intellectual Property Challenges in the Digital Era [3 credits]\***

In this course, students will analyze issues that are currently challenging courts, policy-makers and socio-economic and cultural practices in Canada and internationally. Issues to be examined may include peer-to-peer file sharing, fair dealing and fair use, digital rights management (DRMs), data protection, freelance authorship and publishing, branding, geographical indications, commercialization of IP and university spin-outs, IP and traditional knowledge, IP and biotechnology, and IP and development. The goal is to consider various policy alternatives to respond to these challenges and develop a refined understanding of the implications of each alternative.

### **International Aspects of Intellectual Property [3 credits]**

Much of domestic Intellectual Property law flows from obligations undertaken under international treaties. These treaties have come increasingly to influence the structure and enforcement of domestic law. This course examines the impact of domestic law on the main intellectual property treaties, including: the Berne, Universal and Rome conventions on copyright and

neighbouring rights; the Paris convention on patents, trade-marks and designs; the intellectual property and enforcement chapters of NAFTA and the World Trade Organization Agreement of 1994. The movement to amend and expand some of these treaties, and generally to harmonize intellectual property internationally is also examined.

### **Intellectual Property Litigation [3 credits]\***

Advocacy practice in the intellectual property field requires specialized skills; this course aims to assist students in developing those skills. The course focuses on the evidentiary, procedure and practice competencies needed to advocate a case. Particular attention will be given to the unique process, scope, burden of proof, and evidentiary issues of Patented Medicine Notice of Compliance Regulation proceedings. Other topics in this course may include: the procedural differences between applications and actions in the various IP contexts; Federal Court vs. Superior Court jurisdiction; judicial review available under the *Federal Courts Act*; jurisdiction of and practice before the Prothonotary; expert witness guidelines, rules, reforms and cross-examining an expert; best practices in written and oral advocacy; discovery issues and document production in the electronic world.

### **Remedies for Infringement of Intellectual Property Rights [3 credits]**

Intellectual property rights have no real commercial value unless they can be asserted against others. To what extent should the owner of these rights be entitled to interfere with normal commercial practices in a modern global economy? The remedies available directly influence the value of the intellectual property right. Courts have granted intellectual property rights holders broad search and seizure powers and restraining rights

**Note: Curriculum and course descriptions are subject to change.**

*\* New courses and course changes are subject to Senate approval.*

## **TUITION AND FEES**

Tuition and fees for the Part-time LLM are currently \$18,660, payable in six installments throughout the program. In addition, a \$15 administrative charge is levied by the Faculty of Graduate Studies each term. Fees include required course materials. Light meals are provided for students attending classes in person in Toronto.

Tuition fees are set by the York University Board of Governors and are subject to change at any time. Students who take longer than six terms to complete their program may be subject to additional tuition charges.

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## **FOR MORE INFORMATION CONTACT**

**Sophie Seventikidis**, Admissions and Client Services Assistant  
☎ 416.673.4670 or toll free within Canada at 1.888.923.3394  
✉ admissions-opd@osgoode.yorku.ca

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through Anton Piller Orders and John Doe Injunctions. This course examines the full extent of the remedies available to intellectual property holders, including injunctions, damages, accounting of profits, punitive damages, and delivery up, and how these remedies can be enforced internationally, particularly with respect to “piracy” and “grey marketing”.

### **Intellectual Property Transactions [3 credits]**

The value of intellectual property is not only in its use by the owner itself but also in the ability to market that property to others. Today, intellectual property is at the core of many commercial transactions. International licensing and technology transfers have become a highly important means of commercialization for intellectual property owners. This course considers licensing and other contractual arrangements for conveying and sharing intellectual property. It examines business acquisition transactions, including asset and share purchases and joint ventures. The legal considerations and key contractual issues are viewed in an international context and domestic remedies are compared with international regimes.

### **Major Research Paper [6 credits]**

A Major Research Paper (MRP) of approximately 70 pages may be completed on any topic related to Intellectual Property law, provided appropriate supervision is available.

The MRP should go beyond merely describing legal developments to include independent critical analysis of its subject matter. It should be work of publishable quality. You will be required, at a minimum, to submit to your supervisor an outline and bibliography for approval before writing your paper. The final paper is marked on a pass/fail basis.