

## **Innovation and the Law - Fall 2020**

INTA 4803-JB, CRN 92315 - INTA 8803-JB CRN 85309 (3Hrs)

Meets Habersham G-17 Tuesday – Thursday 0800 – 0915 EDT

### **Welcome to all Participants – students, faculty, guests and observers:**

Georgia Tech students planning to create or manage *global* innovations need to understand not only US law but also the political, cultural and economic forces that shape the role of “law” globally. This course on “Law and Innovation” will focus on the “roles” that cultural as well as the “rules” of law impact the creation, control, use, and limits on innovation. This awareness will help prepare Georgia Tech students to create and manage innovation globally.

### **COVID - 19 Modifications - Expectations**

In light of the varying GT and USG mandates - let me explain how this course will operate. The class has been restricted to “Synchronous Remote” - which means entirely on line. I had hoped to operate in a “hybrid” fashion - part in person with separation and masks - and part remote. But for a variety of reasons - we are a virtual Breakfast Club - (8:00-9:15 am). So you are welcome to bring coffee and biscuits and dress however you choose (except on days when you are presenting). We will use BlueJeans to transmit and record every class and will post on CANVAS a number of other written and video resources to explore .

**The plan is to operate in small teams** (mock law firms or consulting firms). As you have now become experts in Zoom / etc. we may have to make the team collaborations mostly virtual. Case and Issue arguments will be staged with the opposing student teams / firms properly separated. Guest judges and visiting experts will be both “live” and by remote video.

There will be NO final exam - but there will be 3 “Issue Memos” and a Final Paper at end of semester. We will use live class “Polls / Quizzes” (using your cell phone) to take attendance, to see if you are keeping up with the assigned reading, and to see what you think about an issue. These are not graded but will impact your points for “participation” (see below).

### **CLASS OVERVIEW**

This problem/case - based course will challenge motivated undergraduate and graduate students from various schools and backgrounds to focus on the role that the “law” plays in innovation globally. Students seriously interested in innovation and entrepreneurship will become familiar with the major global legal structures (treaties, legislation, cases) and how culture and national attitudes shape the “law” governing the protection, uses and limitations on innovation. Drawing on current and historical cases / issues students will work in rotating small “Firm” teams to explore and understand all sides of the issues and how differences in law and culture impact whether innovation is accepted, protected, and shared.

This course complements current LST/pre-law offerings and is designed for Georgia Tech students majoring in engineering, technology, management, science, design, or international affairs across the campus - not just those thinking about attending law school. The course will be conducted in a blended class format using selected legal cases / issues and guest talks by distinguished experts on various aspects of the innovation eco-system.

The course is designed for and seeks a diverse mix of both undergraduate and graduate students (limit 30 total) who are seriously “innovation interested” from any School or major. No permit or prerequisites required – just be prepared to work in teams and learn to think like a lawyer (i.e., more than one answer to any problem). Graduate students may register for the parallel section (8803-JB) with common classroom and team assignments but will be required to submit a significant paper in which they trace the history and challenges to innovation and the role of law in one country (other than the US).

The course is being created by **Joe Bankoff**, previous Chair of the Nunn School. Mr. Bankoff is a nationally recognized trial lawyer in Intellectual Property and Communications law. He was a senior partner in the King & Spalding law firm representing global firms and media in technology, patent and communications law disputes. He served as Television Counsel for the Olympic Games in Atlanta (1996) and Sydney (2000) and led the changes in Olympic television in the age of the Internet. He previously Co-Chaired the Advisory Board of the College of Computing and currently serves on the Advisory Board of GTRI and as a member of the Georgia Tech Institutional Review Board (IRB). For six years before joining the Nunn School as Chair Mr. Bankoff was President and CEO of the Woodruff Arts Center in Atlanta. He is currently Chair of Board of the Georgia Foreign Trade Zone.

This will not be your standard 3 credit hour course. It will challenge you to learn and grow by working with other very talented students who do not think about things in the same way.

**WARNING: As this is a new course (under continuing development) there will be changes in both the methodology and structure as we proceed through the semester.**

#### **PLANNED METHODOLOGY FOR THE CLASS:**

**Each week the Student “Firms” will be assigned an issue or case decision to study and prepare to explain, defend or critique as though you were advising a “client firm” on the implications.** Different case/problems may be assigned to different student Firms. During class **any** student (in class or on-line) may be called on to comment on the case/problem.

**We will use “polls” or “quizzes” in class to monitor attendance and preparation.**

The idea is to review the problem and assigned reading to prepare outside of class so we may use class time to discuss / debate the underlying policies and the impact on innovation. While you are not expected to become experts in the entire subject matter, you are expected to be able to explain what is the issue in the case or problem and be prepared to say if you agree/disagree with the positions taken or offer an alternative. We expect to have several visiting experts speak to the class on different aspect of law and innovation.

**3 times during the semester pairs of student “Firms” will be asked to argue different sides of an assigned case or problem. Arguments will be limited to 10 minutes a side. The faculty, any visiting experts and all members of the class will sit as “judges” or “clients” to ask questions we will have a general discussion to follow.** The faculty and any visiting experts will evaluate the presentations / arguments on the basis of preparation, clarity and effectiveness. In addition, a class poll/vote on “best presentation” will award additional points. Points awarded will apply to all members of the Firm. These “Firm” presentations will be video recorded for review and individual coaching upon request.

**During the semester each student will also prepare 3 short “Issue Memos” (1-2 pages) discussing an issue under study.** This exercise seeks to help each student “find their own voice” in persuasive writings (a needed skill in professional careers of all kinds). This is not a research project to produce a long memo – but more of a “blog” to advocate a position or viewpoint. Faculty will evaluate these Issue Briefs for effort, grasp of the issue discussed, and clarity. Your classmates can also vote for the best Issue Memos (regardless whether they agree with your point of view). Points will be awarded based on these evaluations

**Instead of a “final exam” each student will submit a Final Paper exploring how and why some countries / cultures are better than others for creating and protecting innovation.**

### **CLASS LEARNING GOALS:**

Students will become familiar with the major legal structures and systems and how cultural bias and politics impact the process, protection and implementation of innovation to include:

1. World Intellectual Property Organization (WIPO)
  2. World Trade Organization (WTO)
  3. US Patent & Trademark Office (USPTO);
  4. European Patent Office
  5. Role of the Courts / Arbitrations
  6. Antitrust and Anticompetition laws in US and EU
- Using case studies students will become familiar with how differences in culture and changes in technology can impact if and how innovations are encouraged, supported, protected and shared in different stages of economic, social and political development.
  - Students will learn to research, analyze and to present and defend clear oral and written commentaries on legal or policy issues impacting innovation. This will include being prepared to respond when called upon in class and also to prepare short Issue Memos on issues of their choice relating to innovation.
  - Students will learn to work effectively in small groups to prepare, present and defend clear observations and insightful analysis of issues relating to innovation. They will learn to evaluate, comment and respond to positions taken by other students in order to build their skills in critical analysis and advocacy.

### **Grades:**

Review of assigned materials in advance the class and active participation in the in-class discussion on the assigned materials is assumed. Students are expected to engage in both dialog and advocacy and to engage with and learn from the other members of their “Firm.” The class will include both graduate and undergraduate students. The focus will be on creating a learning community and to learn from each other – not just to master a subject. However, we will expect somewhat more from our graduate students.

Because the mechanics of the class may change as we proceed – the point system for activities is likely to evolve during the class with notice to the participants. The baseline guide will remain roughly: 33% on each student’s preparation and engagement in class discussion; 33% based on your firm’s efforts; and 33% based on individual written memo and paper.

**Grades** will be awarded based on total points accumulated (360 total available faculty points and up to 20 additional points from student peer “best” votes; 380 total available)

- > 325 points = A [possible with >90% of faculty points and no student points]
- 290 – 324 points = B
- 255 – 289 points = C
- 220 – 254 points = D
- < 220 points = F

- **INDIVIDUAL Class attendance, preparation with advanced reading and engaged class participation [120 possible faculty points]**
  - 4 points each class sessions. This will be attendance taken by “in class” polls or quizzes. I will assume preparation unless responses to quizzes or lack of preparation becomes apparent in class discussion.
- **GROUP Presentations / Arguments (3) [120 possible faculty points]**
  - 40 possible faculty points for each of 3 presentations
- **WRITTEN MEMOS (3) / FINAL PAPER [120 possible faculty points]**
  - 20 possible faculty points for each of 3 Short Memos
  - 60 possible faculty points for the final paper.
- **Student (peer) grading** – Each student will have the opportunity to vote for what they believe to be the best of the Short Memos and the Firm arguments. 2-3 additional “peer” points will be awarded to each team or author based on those votes.
  - Students who read the short memos may vote for up to 5 of the best
  - Students may vote for the best of the Firm arguments in class

This class is new and will evolve as needed. Overall, if you “lean into participating” you will earn an “A”; if you just “coast” and don’t engage you will likely earn a “B”.

### **Discussion and Deadlines:**

- The class model is based on a seminar of 30 students. We plan to operate in 6 Firms groups of 5 students. If we have a smaller class - we will adjust. The group assignments may rotate once during the semester so you will not always be with the same people.
- Firm “Arguments” will be scheduled in pairs as to time and topic with generally 2 weeks notice. These arguments will relate to innovation cases / issues under discussion. We will limit the arguments to 10 minutes for each side with questions and discussion to follow
- Student “members” in each assigned Firm will have the responsibility to schedule and organize their own meetings and prepare for the argument / presentation.
- The **THREE INDIVIDUAL SHORT ISSUE MEMOS** (1-2 pages) will be due (posted) on:
  - **Friday September 11**
  - **Friday October 9**
  - **Friday November 6**
- The **FINAL INDIVIDUAL PAPER** (8-10 pages) will be due on **FRIDAY December 4**