

Syllabus

Fall 2024



AEM 161 Copyright & Trademark Law

Delivery method: HyFlex – in person and/or synchronous as arranged

Instructor: Prof. Kukowski

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Department: Economics, Law & Politics

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Office Hours: M/W 8:00-12 p.m. in-person on campus and T/H 9-10:00 a.m. online as arranged. Other times as arranged.

Course Description: This course will examine the principal areas of federal copyright and trademark law as they specifically relate to the entertainment industry. Main areas of study will include: music, film, theater, television, and other multi-media industries. Related legal areas such as defamation, rights of privacy and publicity, and methodology which will center around statutory and basic entertainment case law analysis will also be discussed.

Credit hours: 3

Class time: M/W 12-1:15 p.m. MacLean Hall 167 (and/or online synchronous as arranged)

Prerequisites: None

Course Learning Objectives

1. Students will be able to understand the essential elements of artistic protection of intellectual property relevant to the entertainment industry.
2. Students will have a clear understanding of the market protection of trade names and services as related to the entertainment industry.

Career Readiness Skills Developed

The National Association of Colleges and Employers (NACE) regularly surveys employers nationwide on the skills they look for in new hires. Through your work in this course you will gain these skills that employers seek:



Communication: You will build your written communication skills by explaining how the law applies to the hypothetical situation proposed.



Critical Thinking: You will build your critical thinking skills through reading and applying the law to assignments or projects. You will use problem solving skills and analytical reasoning while addressing real-world events.



Professionalism: You will learn effective work habits including completing assignments by deadlines and attending class.

Course Requirements:

Students will be assigned readings from the textbook on a weekly basis and may be asked to prepare summaries for the purpose of discussion. Students must be prepared to answer questions based on the readings in class.

Students are strongly encouraged to contribute to discussion during class.

Required Textbook

Intellectual Property: The Law of Trademarks, Copyrights, Patents, and Trade Secrets. 6th Edition, Deborah E. Bouchoux. Cengage ISBN 978-0-357-76747-4. Any format is acceptable.

Additional articles and materials will be provided within the course site in D2LBrightspace. Please note that **all instructional materials** (readings, videos, etc) assigned in this course are **required** unless specifically indicated as optional.

Amendments to the Syllabus: Changes to the syllabus may occur for several reasons. First, inclement weather may dictate cancellation of classes and rescheduling. If classes are canceled, any assigned material, assignment, or test will be due at the next class period. Second, a mistake on the syllabus may require changes. Third, the students and professor may reach a consensus about a need for a change in the syllabus.

Class Schedule: *Subject to change*

| | | |
|------|----|---|
| Aug | 26 | Introduction |
| | 28 | Chapter 1 |
| Sept | 2 | No class Labor Day |
| | 4 | Chapter 9 |
| | 9 | Chapter 9 |
| | 11 | Chapter 10 |
| | 16 | Chapter 10 |
| | 18 | Chapter 11 |
| | 23 | Chapter 11 |
| | 25 | TEST #1 |
| Oct | 30 | Chapter 12 |
| | 2 | Chapter 12 |
| | 7 | Chapter 13 |
| | 9 | Chapter 13 |
| | 14 | No class Professional development day for faculty |
| | 16 | Chapter 14 |
| | 21 | Chapter 14 |

| | | |
|-----|----|-----------------------------|
| | 23 | Chapter 15 |
| | 28 | Chapter 15 |
| | 30 | TEST #2 |
| Nov | 4 | Chapter 2 |
| | 6 | Chapter 2 |
| | 11 | No class Veteran's Day |
| | 13 | Chapter 3 |
| | 18 | Chapter 3 |
| | 20 | Chapter 4 |
| | 25 | Chapter 4 |
| | 27 | No class Thanksgiving break |
| Dec | 2 | Chapter 5 |
| | 4 | Chapter 7 |
| | 9 | TEST #3 |

December 18, 2:00 p.m. final class meeting

Grades, tests and late submissions

Grades will be based on tests, quizzes, and any other assignments that may be given. *Failure to take a test or to turn in an assignment at the scheduled time will result in zero points unless prior arrangements have been made with the professor for make-up or late submission. Assignments are due when called for by the professor during class time on the date that they are due (early turn in is allowed). Anything turned in after that will receive zero points unless prior arrangements have been made. Items left at the professor's office or under her door during the regularly scheduled class time during which they are due will be considered to be late submissions and will earn zero points. Assignments must be submitted in the format/manner specified by professor. Registration for this class indicates the student's commitment to follow the schedule, and therefore **rescheduling of tests and late submissions will be allowed only for emergency or exigent circumstances.**

Grading Scale

Grading: Grades will be based on a percentage of total points earned on tests, quizzes and assignments. Percentages are as follows:

| | |
|---------|-----|
| 94-100% | =A |
| 90-93 | =A- |
| 88-89 | =B+ |
| 84-87 | =B |
| 80-83 | =B- |
| 78-79 | =C+ |
| 74-77 | =C |
| 70-73 | =C- |
| 68-69 | =D+ |

64-67 =D
60-63 =D-
Below 60% =F

FAILURE TO TURN IN AN ASSIGNMENT OR TAKE A TEST WHEN SCHEDULED WILL RESULT IN ZERO CREDIT UNLESS PRIOR APPROVAL IS OBTAINED FROM THE PROFESSOR.

Assignments and tests

3 tests each worth 100 points for a total of 400 points. Assignments will be announced in class. It is the student's responsibility to be aware of any assignments should they be absent from class on the day an assignment is announced. Tests will cover both the assigned readings/postings and the lectures.

Course Policies

Attendance policy*

-Students are expected to be present at the lectures unless there is a legitimate reason for not attending. Work schedule is NOT an acceptable excuse for being absent.

This course will be delivered in a combination of in-person (safe-sized student groups and online at the same time) synchronous (live online only lectures) and asynchronous (independent assignments, research or exams). Online lectures will be by ZOOM.

-Lectures will be delivered live during the scheduled class time.

-I will not be recording lectures and uploading them to be viewed around an alternative schedule.

-If you are attending virtually, turn your camera on.

Late Work

Assignments are due when called for by the professor on the date they are due. *Assignments turned in late result in zero points unless prior arrangements have been approved by the professor. Early submission of assignments is allowed. Acceptance of late work is at the sole discretion of the instructor.

I realize that life is fluid and situations can arise that are outside of your control. Should you run into a true emergency and anticipate falling behind in the course, contact me immediately and we will discuss options.

Course Communications

The best method to contact the professor, outside of class, is by email at deborah.kukowski@mnstate.edu. I will monitor my e-mail account regularly during the hours of 8:00 a.m. to 4:30 p.m. Monday through Friday. The maximum response time should be 24 hours Monday-Friday, though I expect that the response time in most cases will be much faster. Responses outside of those days/hours may occur but should not be expected. If necessary, arrangements to visit by phone or in person can be made via email.

Students should access [MSUM email](#) and the course site in [D2L Brightspace](#) on a regular basis for class related updates and announcements. Course related questions may be asked in class, in person, by email or on the Q&A

discussion board in the course site. Questions of a more personal nature (i.e. questions regarding your grade) can be asked via email.

Course Preparation You are required to have the assigned reading done prior to class and be prepared to discuss the material, which should include questions you have regarding the material. Quizzes on assigned reading or prior material are to be expected. Students who miss quizzes/writing assignments/tests or other things done in class cannot make them up*. *See information on late submission of assignments/tests.

Final test scheduling

The final test/exam is scheduled per the university's Final Exam Schedule/Policy. Registration for this class indicates the student's commitment to follow the schedule, and therefore rescheduling of tests (including the final) and late submissions will be allowed only for emergency or exigent circumstances. A desire or opportunity to expand the time allotted for break, or to leave early for semester break, is absolutely not an acceptable excuse for rescheduling of a test or assignment.

Academic Progress Checks/Early Alert

At weeks 5 and 10 during the semester, I will enter point in time course progress into the campus Early Alert System for all students in this class. These progress checks are an opportunity to connect you with a support staff member who can offer additional support and suggest resources if you need assistance. Support staff will reach out to you directly via email, call, or text if there are any concerns.

Student Email Criteria

Email is regarded as a professional means of communication. Proper sentence structure, capitalization, correct spelling, and punctuation are expected. Additionally, proper netiquette is expected in all online communications.

Because I teach multiple courses at the same time, it is helpful for me if you include identifying information in any email you send to me:

1. Include the course name in each subject line.
2. Identify your first and last name at the bottom of each email.

All official University business will be conducted via "mnstate.edu" email accounts. Email communication to students will be sent to the mnstate.edu email address exclusively. Students will be notified through their mnstate email account of class cancellations, class updates or professor's illness. Therefore, it is incumbent upon the student to check his/her university e-mail account on a daily basis.

Professional Conduct / Classroom Civility / Netiquette

Because this class needs to be a participatory community if students are to fulfill their potential for learning, people who disrupt the community by their words or actions diminish others ability to learn and fully participate. Rude, sarcastic, obscene, or disrespectful speech and disruptive behavior have a negative impact on the teaching and learning process. Students will be warned if their behavior is evaluated by the professor

as disruptive. Sanctions may include a range of responses from immediate removal from class to referral to the appropriate academic unit.

Please be considerate and turn your cell phone ringer off. Text messaging during class is rude and disruptive to the learning environment. **Texting is not allowed during class.**

If you need a left-handed desk and there are none in the room please contact the professor.

In this course we will be communicating with each other on a regular basis. Because written communications are “heard” differently than verbal, please be sure to follow commonly accepted rules of netiquette (online etiquette). It is important that all participants in all courses be aware of proper online behavior and respect for each other.

Use appropriate language for an educational environment:

- Do not use obscene or threatening language.
- Avoid slang and uncommon abbreviations.
- Use proper spelling and grammar.
- Avoid overuse of ALL CAPS.
- Use complete sentences.

Professional Ethics & Academic Honesty

The University expects all students to represent themselves in an honest fashion. In academic work, students are expected to present original ideas and give credit for the ideas of others. The value of a college degree depends on the integrity of the work completed by the student.

Work in this course must be completed in a manner consistent with the Minnesota State University [Student Academic Honesty Policy](#). For a complete listing of student policies, the [MSUM Student Handbook](#) is available online.

Academic dishonesty may result not only in failure in the course, but in suspension or dismissal from the College. The following areas are violations and subject to the dishonesty charge:

1. Cheating on tests, papers, etc.
2. Plagiarism, i.e., using words, ideas, writing, or work of another without giving appropriate credit (Plagiarism is copying someone else’s work or something they have said and using it as your own. This may be copying something word for word or copying someone else’s ideas without citing their name).
3. Improper collaboration between students, i.e., not doing one’s own work on outside assignments specified as group projects by the instructor.

When an instructor has convincing evidence of cheating or plagiarism, a failing grade may be assigned for the course in which the student cheated. Instructors also may choose to report the offense, the evidence, and their action to the Dean of their college or the Provost and Senior Vice President for Academic Affairs. If the instructor (or any other person) feels the seriousness of the offense warrants additional action, the incident may be reported to the Director of Student Conduct and Resolution. The Director of Student Conduct and Resolution will follow procedures set out in the Student Conduct Code.

After the review of the case and a fair, unbiased hearing, the Director of Student Conduct and Resolution may take disciplinary action if the student is found responsible (see [Student Conduct Code](#) for details). A student who has a course grade reduced by an instructor because of cheating or plagiarism, and who disputes the instructor’s finding, may appeal the grade, but only by using the Grade Appeal Policy, which states that the student must prove the grade was arbitrary, prejudicial, or in error.

This Academic Honesty Statement is also published in the [MSUM Student Handbook](#). (mnstate.edu/student-handbook/)

Turnitin: Students enrolled in this course acknowledge and agree to the requirement of submitting course assignments to Turnitin via the course Assignment folders in D2L Brightspace. Students are responsible for adhering to the expectations within the [Academic Honesty Policy](#). Students' use of this tool during drafting and prior to assignment submission will allow students to review their effective paraphrasing, fair use of sources, and proper citations. Faculty will use this tool in evaluation of student's work.

Use the [Turnitin Student Support Guide](#) to learn more about plagiarism prevention and detection.

University Policies

As a student of MSUM, you are expected to be familiar with all University policies. These can be found in the Policies & Procedures section of the [Student Handbook](#).

Accessibility & Accommodations Services

Accessibility Resources (AR) is available to facilitate a range of academic support services and accommodations for students with disabilities. If you have a disability, you can request assistance by contacting AR at 218-477-2167 (voice), 218-477-2420 (fax) or accessibility@mnstate.edu (email). Once eligibility has been determined, students register with AR every semester to activate their approved accommodations. Although a student may request an accommodation at any time, it is best to initiate the application process at least four weeks before a student wishes to receive an accommodation. Students may begin the accommodation process by submitting a Request for Accommodations form online at <https://www.mnstate.edu/student-life/student-services/accessibility/request-accommodations/form/> or by contacting Accessibility Resources.

The Director of Accessibility Resources, Chuck Eade, serves as MSUM's ADA Coordinator for students. He can be reached at Charles.Eade@mnstate.edu. Additional information is available on the AR website: <http://www.mnstate.edu/accessibility>.

Additional Student Support Services

MSUM provides multiple student support services to help you through your academic career here.

- See the [Academic & Student Support Services](#) for a list of available student services and contact information.
- See the [Technical Requirements & Support](#) page for a list of campus supported technologies and details about how/where to find tech help. Links to the privacy policies and accessibility statements for the course software are also available on this page.

*Links to student support services are also available to you on the course navigation bar under **Resources/Help**.*

Safety & Procedural Information

Sexual Violence Prevention Statement

Acts of sexual violence are intolerable. MSUM expects all members of the campus community to act in a manner that does not infringe on the rights of others. We are committed to eliminating all acts of sexual violence.

MSUM faculty and staff are concerned about the well-being and development of our students. We are obligated to share information with the MSUM Title IX Coordinator in certain situations to help ensure that

the students' safety and welfare is being addressed, consistent with the requirements of the law. These disclosures include but are not limited to reports of sexual assault, relationship violence, and stalking.

If you have experienced or know someone who has experienced sexual violence, services and resources are available. You may also choose to file a report. For further information contact Director of Student Conduct & Resolution; 218-477-2174; both located in Flora Frick 153. Additional information is available online mnstate.edu/titleix.

Bias Incident Statement

A bias incident is an act of bigotry, harassment, or intimidation that is motivated in whole or in part by bias based on an individual's or group's actual or perceived race, color, creed, religion, national origin, sex, gender, age, marital status, disability, public assistance status, veteran status, sexual orientation, or familial status.

If you are a student who has experienced or witnessed a hate or bias incident, we want to address the incident and provide you with resources. Contact the Campus Diversity Officer, 218-477-2047, 114 CMU or the Dean of Students, Kara Gravley-Stack (kara.gravleystack@mnstate.edu, 218-477-4222, 153 Flora Frick Hall).

Additional information is available at: <https://www2.mnstate.edu/oscar/>.

Student Grievance/Complaint Process

This general procedure is applicable only to those administrative actions for which no special grievance procedure has been established. Special procedures have been established for certain academic (e.g. graduation, grades), student conduct, discrimination/harassment, and employment related matters. This process can also be found in the Policies and Procedures section of the [Student Handbook](#) (p. 12) (mnstate.edu/student-handbook/).

Building Emergency Plans

Building emergency floor plans showing exit routes, severe weather safe areas, shelter in place locations and areas of refuge are conspicuously located in classrooms, labs, conference rooms, departmental main offices, and residence halls. The Emergency Preparedness Guides (flip style booklets) are located in the same areas and available on the MSUM Public Safety Website. Please review the emergency plans and guide so you know how to respond in an emergency to help protect yourself and others. If you have questions, please contact Ryan Nelson, Director of Public Safety, at ryan.nelson@mnstate.edu or 218-477-5869. <https://www.mnstate.edu/public-safety/>

No Legal Advice Provided by the Instructor: Because this course covers many legal topics related to day-to-day legal matters which a student may encounter, students periodically seek advice on personal legal issues. The instructor is unable to provide you with legal advice and no attorney-client relationship will be formed in the event a student does ask for advice from the instructor. The instructor may occasionally assist students by identifying legal resources available to students with legal concerns. This assistance should not be relied upon by the student as "legal advice" nor should the student consider the instructor their attorney or legal advisor. In the event the student has issues which may require legal advice, the best course of action is to consult a licensed attorney (other than the instructor) for advice.

Please note: This syllabus is NOT an enforceable contract between student and professor. The professor reserves the right to alter this syllabus at any time in the semester by writing or via in-class notification