

VIDEO & COMPUTER GAME LAW SEMINAR SYLLABUS

Prof. Lipson

University of LaVerne College of Law

Spring Semester 2019 [2/3 Credits]

Instructor: Prof. Ashley Lipson
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Meet Times: Thursdays, 6:30 p.m. – 8:25 p.m.
Location: Room 218 (CRN: 2654 / Course Number: 623)

- I. **Required Materials:** *Videogame Law*, Lipson and Brain, Carolina Academic Press, 2nd Edition, 2016. Also, recommended (especially for students wishing to write a research paper): *Video Game Policy*, Conway and DeWinter, Routledge Press, 2016.
- II. **Course Content:** As evidenced by current events and media reports, videogames have become serious business; the products comprise a rapidly expanding global industry. According to the Entertainment Software Association, sales of video and computer games are expected to exceed sixty billion dollars. This relatively new entertainment medium has been growing exponentially. So too have the number of legal issues that have managed to intertwine themselves.
- III. **Course Description:** It is intended that the course will encompass many topics of study relating to the videogame industry, including but not limited to: *Intellectual Property, Virtual Property, Contracts and Licensing, Media Regulation and Manufacturer's Liability*.
- IV. **Classroom Expectations:** Student participation will be extensive. Each week in conjunction with the *Schedule* provided hereunder, students are expected to read and be prepared to discuss significant portions of complete chapters of the assigned text. In addition, students are expected to explore current events and legal proceedings pertaining to the industry.
- V. **Basis of Grade:** There will one final examination for all students enrolled in the course. In addition, a final research paper (Approximately 6,000 words excluding footnotes and bibliography) will be required for those students enrolled for 3 credits. For all students in the course, at the option of the professor, class preparation, recitation and quizzes, if any, will account for 25% of the final grade.
Students enrolled for 2 credits: The final examination will constitute the remainder (75%) of the final grade.
Students enrolled for 3 credits: The final examination will comprise 25% of the final grade; the research paper will comprise the remaining 50% of the final grade. Papers must comply with the College of Law rules (and MAPP provisions) pertaining to Upper Division Writing Requirements. A passing grade in the course does not imply acceptance of the research paper; nor does acceptance of the research paper imply a passing grade in the course. The research paper credit is specifically designed for those students who are seriously interested in intellectual property issues, most of which are particularly well suited to the videogame industry, or who are otherwise interested in other specific aspects of the industry and its products.

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VI. Academic Integrity Policy: Students shall honor and obey all of the policies of the University and the Law School relating to honesty and plagiarism. No electronic devices are permitted within the classroom, Laptops and cell phones are **especially prohibited**. With respect to seating, students are expected to fill the front rows of the classroom. As a matter of courtesy to your classmates and professors, you are expected to be on time. Taping often produces results that are misleading and often out of context; the exclusion of pauses, gestures, student interchanges and other visual components frequently change the meaning of recorded statements during playback. Taping is, therefore, prohibited.

VII. Office Hours:

By appointment

Telephone: [310] 777-8333

Email: ashley@objection.com.

VIII. Class Policies and Standards:

1. *Attendance, Participation, and Preparation:* Attendance is mandatory by College of Law policy (see the below selection from the MAPP). Exam skills, like other skills, are best improved by practice and participation. Students will receive the full benefit of the course only by attending every class session and actively participating.
2. *Tardiness:* Students are expected to arrive on time and stay for the full class session as a matter of courtesy to your classmates and the professor. Arriving late or leaving early will result in a **full absence**. Roll will be called at the beginning of each class - if you are not present when roll is called, you will be marked absent.
3. *Plagiarism:* Plagiarism is unethical and is prohibited by College of Law policy. A violation of this policy will result in a score of zero on the assignment and the student being reported to the Dean. Further, the student may receive a grade of no credit in the course. Plagiarizing may adversely affect your moral character determination with the state bar, and your future career. To avoid this possibility, students should keep in mind that assignments are submitted for academic credit and that academic practices may differ somewhat from those of practicing attorneys. Students should also review the Student Handbook to familiarize themselves with the College of Law Plagiarism Policy.
4. *Non-Collaboration:* Students should complete each assignment alone unless expressly directed otherwise.
5. *Timely Completion of Assignments:* All assignments are due by the stated deadline. No late work will be accepted.

IX. Course Objectives and Learning Outcomes: You should be able to recognize and identify the key issues and legal controversies involving the manufacture, development, protection, liability and marketing of video games. More importantly, you will have substantial knowledge of all of the major categories of intellectual property and the manner in which the intellectual property protection devices (Copyrights, Patents, Trade Marks, Trade Secrets, and Contracts) relate to, and interact with one another.

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X. Disability Accommodations Statement

Students with disabilities should refer to the policies described at the University of La Verne Disabled Student Services Handbook [as of September 13, 2017 located at <https://sites.laverne.edu/disabled-student-services/disabled-student-services-handbook/>], which can be found on the website of the University of La Verne Disabled Student Services website (<https://sites.laverne.edu/disabled-student-services/disabled-student-services-handbook/>) or at their office. Temporary accommodations are offered on a case by case basis. All required documentation must be submitted by the student before any formal accommodations and should be made directly to the Director of Student Affairs. Any student eligible for and requesting academic accommodations due to a documented disability (or a suspected disability) is asked to contact the College of Law Director of Student Affairs and Americans with Disability Act Compliance Officer, Akita Mungaray by email at amungaray@laverne.edu or by phone at (909) 460-2017. Her office is located on the first floor of the College of Law, Office # 107. You can also contact Cynthia Denne at the University of La Verne Disabled Student Services office at (909) 448-4441. The office is located at the La Verne campus Health Center. In order to be considered for accommodations, disabilities must be documented and the proper medical evaluations must be submitted. The office is here to help you succeed in law school. Visit it online at <https://sites.laverne.edu/disabled-student-services/>.

XI. ABA Standard 310

Suggested language for an exam course: This course is designed to satisfy the requirements of ABA Standard 310. Standard 310 requires that for each hour of in-class time, students spend two hours preparing for class (reading or completing class assignments or assessments). For those writing a paper, Standard 310 requires that students spend an additional two hours researching and writing the required paper.

XII. University of La Verne Mission and Values

It is the mission of the University of La Verne to provide opportunities for students to achieve their educational goals and become contributing citizens to the global community. The University of La Verne shares four core values that promote a positive and rewarding life for its students through fostering a genuine appreciation and respect for:

1. Values Orientation. The University affirms a philosophy of life that actively supports peace with justice, the health of the planet and its people. Therefore, in light of this affirmation, it encourages students to become reflective about personal, professional, and societal values. It also encourages values-based ethical behavior.

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2. Community and Diversity. The University promotes the goal of community within a context of diversity. Therefore, it encourages students to understand and appreciate the diversity of cultures that exists locally, nationally, and internationally. It also seeks to promote appreciation and preservation of biodiversity by helping students understand the impact/dependence of human beings on their environment.

3. Lifelong Learning. The University commits itself to promoting education that facilitates lifelong learning. Therefore, it teaches students how to learn, to think critically, to do constructive research, and to access and integrate information in order to prepare them for continued personal and career growth.

4. Community Service. The University believes that personal service is a primary goal of the educated person. Therefore, it encourages students to experience the responsibilities and rewards of serving the human and ecological community.

University of La Verne College of Law Vision, Mission, and Values

VISION: La Verne Law is an incubator for innovation in legal education, thought, and advocacy for individuals passionate about serving their communities and promoting access and justice.

MISSION: The mission of La Verne Law is to guide our students in the discovery of law and self as they prepare for the practice of law or other professional careers. Our faculty of scholars and teachers is committed to creating an innovative, collaborative learning environment designed to develop the knowledge and skills relevant to achieving individual and professional success. Our mission encompasses educating, as well as enhancing the professional lives of, the members of the local, regional, national, and international communities we encounter – students, faculty, staff, administrators, alumni, members of the bench and bar, and others who pursue social justice.

Our mission is grounded in the core values of the University of La Verne – life-long learning, ethical reasoning and decision-making, diversity & inclusivity, and community & civic engagement. Difference-making is our legacy.

CORE VALUES: University Values: As a College within the University of La Verne we adopt and endorse the University core values of Lifelong Learning, Diversity and Inclusivity, Community Engagement, and Ethical Reasoning. College of Law Core Principles and Values: As an institution dedicated to teaching and training the next generation of lawyers and leaders, we operate institutionally and individually on the principles of professionalism, innovation, ethics, student centeredness and community enhancement. In our actions and interactions, we are and seek to be affirming, respectful, humble, accountable, committed, inclusive, empathetic, responsive, passionate, and positive.

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University of La Verne College of Law Program Objectives

A. Upon completion of the program of legal education, students will possess the skills and knowledge to enable them to pass any bar examination of their choosing.

B. Upon completion of the program of legal education, students will possess those skills to participate as respected members of the legal profession.

C. Upon completion of the program of legal education, students will model ethical, responsible, and professional behavior.

D. Upon completion of the program of legal education, students will embrace cultural differences and civic and community engagement.

American Bar Association Standard 302: LEARNING OUTCOMES

A law school shall establish learning outcomes that shall, at a minimum, include competency in the following:

- (a) Knowledge and understanding of substantive and procedural law;
- (b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context;
- (c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and
- (d) Other professional skills needed for competent and ethical participation as a member of the legal profession.

In compliance with ABA Standard 302, the University of La Verne College of Law has established the following.

XIII. University of La Verne College of Law Program Learning Outcomes

1. Students shall demonstrate knowledge and understanding of substantive and procedural law.
2. Students shall demonstrate competence in legal analysis and reasoning.
3. Students shall demonstrate competence in conducting legal research.
4. Students shall demonstrate competence in problem-solving.
5. Students shall demonstrate competence in written and oral communication.
6. Students shall be able and motivated to exercise proper professional and ethical responsibilities to clients, the legal system, and the wider community.
7. Students shall demonstrate competent litigation skills.
8. Students shall demonstrate competent transactional skills.
9. Students shall apply cultural competency while exercising their legal skills.

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XIV. Schedule: The professor reserves the right to alter or modify the schedule in order to best suit the needs and requirements of the class. Assignments referring to the "Paper" only pertain to those students who are enrolled for 3 credits. For every hour of scheduled class time, you are expected to spend at least two hours outside of class engaged in reading and preparation. This obligation is increased by two hours (per class session) for those electing to submit a paper.

Week 1 [01/10/19] - Introduction and Videos. **Chapter 1** - History. Pages 1 - 104 (104)

Week 2 [01/17/19] - **Chapter 2** - Acquisition. Pages 41-104 (43)

Week 3 [01/24/19] - **Chapters 3** - Construction Pages 105 - 169 (64)

Week 4 [01/31/19] - **No Class** [Potential Go-To-Court Week]

Week 5 [02/07/19] - **Chapter 4** - Rights of Publicity. 173 - 214 (41)
Paper Topic Due.

Week 6 [02/14/19] - **Chapters 5 & 6** - Copyrights. Pages 215-250 & 251-280 (64)

Week 7 [02/21/19] - **Chapter 6** - Copyright Continued. Pages 281-356 (75).
Paper Outline Due.

Week 8 [02/28/19] - **Chapters 7** - Videogame Patents. Pages 357 - 406 (49)

Spring Break - March 5 - 11 [No Classes]

Week 9 [03/14/19] - **Chapter 7** - Videogame Patents Cont. Pages 406-456 (50)

Week 10 [03/21/19] - **Chapter 8** - Videogame Trademarks. Pages 457-511 (54)

Week 11 [03/28/19] - **Chapter 8** - Videogame Trademarks Cont. Pages 511 - 538 (27)
First Draft of Paper Due.

Week 12 [04/04/19] - **Chapter 9** - Trade Secrecy. 539-586 (47)

Week 13 [04/11/19] - **Chapter 10** - Player Rights and Responsibilities. 589-646 (57)

Week 14 [04/18/19] - **Chapter 14** - Product Liability. Pages 731-758 (27)
Final Paper Due. / Review for Final Examination
Make Up Week: As Needed /**Examination Period:** TBA