COURSE NAME: Business Torts & Unfair Competition

COURSE NUMBER: Law 8797

PROFESSOR: Jasmine Abdel-khalik

ESSENTIAL PREREQUISITES: N/A

DESIRABLE PREREQUISITES: N/A

COURSE BOOKS AND MATERIALS:


(2) Supplement: Graeme B. Dinwoodie and Mark D. Janis, *Trademarks and Unfair Competition: Law and Policy* – use the most updated version. Please note that, while you can also use the statutory supplement utilized in the IP Survey Course, you will be missing some case and note updates.

(3) Supplemental Cases/Material: You will be able to obtain this material from Roo Prints before the class starts. It will contain the first couple weeks’ reading, focusing on intentional interference with contract and prospective business advantage claims, misrepresentation claims, and economic loss doctrine, as well as some supplementary trademark reading and reading for the end of the class on trade secrets and commercial disparagement.

METHOD OF GRADING & APPRAISAL OF STUDENT FOR GRADE: A majority of the class grade will be composed of an optional midterm and a final exam. Everyone begins the semester with full points for the final percentage, which may be reduced based upon in-class behavior and, if class participation warrants, pop-quizzes.

SUMMARY DESCRIPTION OF COURSE: This course will focus on the common law and statutory remedies for certain trade practices that have been classified as unfair or deceptive (with the exception of certain claims that are more thoroughly addressed in other classes, such as antitrust). We will start with a discussion of the most common business torts, intentional interference and misrepresentation. Then, a significant portion
of the class will focus on trademark infringement and dilution, and we will wrap up the class with trade secrets and the right of publicity. Each of these is a form of intangible intellectual property used to prevent unfair competition and/or consumer confusion. We will end the class by examining false advertising claims and commercial disparagement. The key connection among all of these claims is the attempt to regulate unfair competition via these tort and tort-like causes of action.

**RELEVANCY OF COURSE FOR CAREER PURPOSES:** In addition to satisfying the Advanced Torts requirement, this course serves as our advanced trademark law class and is essential for any student considering a trademark practice or general intellectual property practice. Given the rise in prominence of trademark and other unfair competition claims in commercial matters, this course is also highly relevant for any student who anticipates a commercial litigation practice.