

**University of Calgary**  
**Department of Communication, Media and Film**

**Communication and Media Studies COMS 401 L01**  
**Special Topics in Communication and Media Studies –**

**Communication and Intellectual Property**

**Winter 2019**

**Tuesday January 15 – Tuesday April 9**  
**(excluding February 19<sup>th</sup>)**

**Tuesdays 2:00 – 16:45**

**Instructor:** Richard Hawkins  
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**Office Hours:** Monday 10:00-11:00,  
Tuesdays 10:00-11:00

**Course Description**

Much of the technology and content of modern communications is shaped and controlled by Intellectual Property Rights in the form of copyrights, patents, registered designs and trademarks. The course will review the history, theory and practice of defining and protecting intellectual property, and explore the implications for how humans communicate in a technologically mediated society.

Through lectures and weekly scheduled student-led sessions aimed at contextualizing IPR in the contemporary communications milieu, students will explore complex interrelationships between the “immaterial” dimensions of communication content, and the “material” dimensions of communication technology. Although the course will cover the institutions, structures and practices of the global IPR regime, the focus will be upon the socio-economic issues that the protection of intellectual property raises in contemporary societies. For example, regarding the nature and status of property, economic performance, science knowledge and learning, cultural production and social organization.

The course will contain two modules:

**Module One:** History, basic concepts and mechanisms of intellectual property

**Module Two:** Intellectual property and the evolution of contemporary communications

## Objectives of the Course

- acquaint the student with the complex history and evolving socio-economic significance of intellectual property as a concept,
- acquaint the student with the legal basis, institutions and practices pertaining to the protection of intellectual property,
- make students aware of the controversies surrounding IPR and how they affect the contemporary communications landscape,
- develop critical thinking skills that will equip students to deal with complex legal, economic and social theories and arguments that pertain to IPR.

## Textbooks and Readings

**Textbook** (available electronically on D2L):

May, Christopher and Susan Sell (2006) *Intellectual Property Rights: A Critical History*, Boulder CO: Lynne Reinner Publishers.

<https://ebookcentral-proquest-com.ezproxy.lib.ucalgary.ca/lib/ucalgary-ebooks/detail.action?docID=3328971>

**Additional readings** (available electronically on D2L):

Bekkers, R., G. Duysters and B. Verspagen (2002); Intellectual property rights, strategic technology agreements and market structure The case of GSM, *Research Policy*, 31, 1141-1161.

Boldrin, M. and D. Levine (2013) What's Intellectual Property Good For?, *Revue economique* 64, 29-53.

Burk, D. (2007) Intellectual Property in the Context of e-Science, *Journal of Computer-Mediated Communication*, 12, 600–617.

Caraway, B. (2011) Audience labor in the new media environment: A Marxian revisiting of the audience commodity, *Media, Culture & Society*, 33 (5), 693–708.

Harvie, D., G. Lightfoot, S. Lilley and K. Weir (2013) Publisher, be damned! From price gouging to the open road, *Prometheus*, 31 (3), 229–239.

Kahin, B. (2001) The expansion of the patent system: Politics and Political Economy, *First Monday*, 6 (8), (online journal).

MacDonald, S. (2011) Seducing the goose: Patenting by UK Universities, *Intellectual Property Quarterly*, 4, 2011, pp.323-44.

May, C. (1998) Capital, knowledge and ownership: The 'information society' and intellectual property, *Information, Communication & Society*, 1:3, 246-269,

McIntyre, P. (2007) Copyright and Creativity: Changing Paradigms and the Implications for Intellectual Property and the Music Industry, *Media International Australia, incorporating Culture and Policy*, 123, 82 – 94.

Menard, G. (2016) Copyright, digital sharing, and the liberal order: sociolegal constructions of intellectual property in the era of mass digitization, *Information, Communication & Society*, 19 (8), 1061-1076.

Mokyr, J. (2009) Intellectual Property Rights, the Industrial Revolution, and the Beginnings of Modern Economic Growth, *American Economic Review: Papers & Proceedings*, 99 (2), 349–355.

Moser, P. (2013) Patents and Innovation: Evidence from Economic History, *The Journal of Economic Perspectives*, 27 (1), 23-44.

Munger, M. (2016) Tomorrow 3.0: The Sharing Economy, *The Independent Review*, 20 (3), 391-395.

Nadel, M. (2004) How current copyright law discourages creative output: The overlooked influence of marketing, *Berkeley Technology Law Journal*, 19 (2), 786-856.

Phillips, T. and J. Street (2015) Copyright and musicians at the digital margins *Media, Culture & Society*, 37 (3), 342–358.

Powell, A. (2015) Open culture and innovation: integrating knowledge across boundaries, *Media, Culture & Society*, 37 (3), 376–393.

Tang, P (2005) Digital copyright and the “new” controversy: Is the law moulding technology and innovation?, *Research Policy*, 34, 852-871.

Towse, R. (2010) Creativity, Copyright and the Creative Industries Paradigm, *Kyklos*, 63 (3), 461–478.

### **Internet and electronic communication device information**

Except for purposes of direct relevance to the conduct of the seminar – e.g. note taking and reference to course materials, assignments and readings – the use of electronic devices in class is not permitted. Upon prior notification, exceptions may be granted in the case of expected important or emergency communications.

### **Assignments and Evaluation**

Weight	Assignments	Due
25%	Contextual group discussion (full half weekly session)	As scheduled
25%	Mid-term exam (90 Minutes)	<b>In class February 26</b>
35%	Term paper (10-12 pages excluding bibliography)	Due <b>March 19</b> in class
15%	Take-home exam	Questions given in class <b>April 9</b> (receipt deadline is 12:00 pm, <b>April 12</b> )

### **Contextual discussion and debate:**

- 25% of final grade
- Scheduled throughout the Term (each discussion will occupy the last half of each weekly session)
- Notes (3-4 pages) due in class on the day of the scheduled talk

Beginning in week three, the second part of each session will be devoted to student input. Groups of 3-4 participants will be formed up and assigned slots at the beginning of Term. One group will lead a session each week.

Each student will participate in one group exercise. Each group will be awarded a common grade for the assignment.

The objective of each session is to discuss and debate the material covered in the readings for that week such that we can better understand how different aspects of the history, theory and practice of IPR might affect how we communicate in contemporary society and how this might evolve.

The exercise will involve advance preparation and coordination, which students can organize in any way they choose. However, the class sessions will follow a fixed format:

- Each group will be responsible collectively for nominating and describing a contemporary context in which the content of the readings for that session is seen to be relevant. The group will nominate one of its members to state and explain this context, which should be selected by consensus of the group.
- Each individual group member will be responsible for preparing and delivering a brief exposition of a specific idea, theory, event, practice, case history etc. as taken from the readings for that day, followed by a brief explanation as to how they see this to be related to the contemporary context as nominated by the group. Groups must coordinate these presentations to prevent duplication. 8-10 minutes should be scheduled for each of these individual presentations (maximum 10 minutes).
- The sessions will conclude with debate and discussion prompted by questions or interventions either from the instructor or from other students in the class.
- Each group will prepare a short (3-4 page) summary of the points covered in their session. This must be turned in to the instructor at the beginning of the session.

The assignment will be assessed on the following criteria:

- understanding of the key concepts (30%)
- clarity of presentation (10%)
- critical perspective and awareness of contemporary relevance (30%)
- response to questions (20%)
- summary note (10%)

Except where excused for legitimate reasons, failure to present a scheduled session or to participate in a group will result in loss of the grade for this assignment for the individual concerned. The rest of the group will receive a grade.

***Mid-term exam:***

- 25% of final grade
- 90 minute multiple choice and short answer exam
- in-class **February 26**

The exam will cover key definitions, concepts, processes, institutions and concepts covered in Module One.

***Term Paper:***

- 35% of final grade

- Due March 19 in class
- Minimum 10 – maximum 12 double spaced pages in 12-point font, excluding bibliography and any tables or figures

Term papers can be written on any subject of interest to the student that has relevance and implications with respect to how intellectual property affects any aspect of human communication. Papers must be fully documented and referenced in an accepted scholarly style (e.g. MLA, Harvard etc.).

**Take home exam:**

- 15% of final grade
- Students will write a brief essay on one of three questions
- **Questions released in class on the final day of class**
- Maximum 6 double spaced pages in 12-point font
- No bibliography required (reference to authors by name sufficient but not required)
- Exams can be submitted to the instructor at any time via a Drop Box which will be set up on D2L. **Absolute deadline is 12:00 PM April 12.**

Based only on material covered in Module Two.

**Registrar-scheduled Final Examination:** No

All assignments and exams must be completed. Otherwise a course grade of F may be assigned at the discretion of the instructor.

**Submission of Assignments:** Please hand in your essays directly to your tutor or instructor if possible. If it is not possible to do so, a daytime drop box is available in SS320; a date stamp is provided for your use. A night drop box is also available for after-hours submission. Assignments will be removed the following morning, stamped with the previous day's date, and placed in the instructor's mailbox. [Edit as wish if you want assignments to be uploaded to D2L]

Please include your name and ID number on all assignments, and be prepared to provide photo ID to pick up assignments or look at marked final exams in SS 320. Personal information is collected in accordance with the *Freedom of Information and Protection of Privacy (FOIP) Act*. For more information, see <http://www.ucalgary.ca/legalservices/foip/foip-hia>

**Note:** It is the student's responsibility to keep a copy of each submitted assignment and to ensure that the proper version is submitted (particularly in courses requiring electronic submission). Including a version date in your file name may be useful.

**Policy for Late Assignments**

Assignments submitted after the deadline may be penalized with the loss of a grade (e.g.: A- to B+) for each day late. [Edit as you wish to reflect your own policy.]

**Student Accommodations and Deferrals:**

Students seeking an accommodation based on disability or medical concerns should contact Student Accessibility Services; SAS will process the request and issue letters of

accommodation to instructors. For additional information on support services and accommodations for students with disabilities, visit [www.ucalgary.ca/access/](http://www.ucalgary.ca/access/).

Students who require an accommodation in relation to their coursework based on a protected ground other than disability should communicate this need in writing to their Instructor. The full policy on Student Accommodations is available at <http://www.ucalgary.ca/policies/files/policies/student-accommodation-policy.pdf>.

Students seeking accommodation for transient illnesses (e.g., the flu) or for another legitimate reason should contact their instructors. Whenever possible, students should provide supporting documentation to support their request; however, instructors may not require that a medical note be presented. For the policy on supporting documentation the use of a statutory declaration, please see the following:

- Section N.1 of the *University Calendar*: <https://www.ucalgary.ca/pubs/calendar/current/n-1.html>
- FAQs for Students at <https://www.ucalgary.ca/registrar/registration/appeals/student-faq>

Note that when accommodations are granted, they may take forms other than make-up tests or assignments. For example, the weight of a missed grade may be added to that of another assignment or test.

For information on deferrals, see the following sections in the *University Calendar*:

- Section G.7 Deferral of Term Work at <http://www.ucalgary.ca/pubs/calendar/current/g-7.html>
- Section G.6 Deferral of Final Exam at <http://www.ucalgary.ca/pubs/calendar/current/g-6.html>

### **Grading & Department of Communication, Media and Film Grade Scale**

Final grades are reported as letter grades. Each assignment will be marked in percentage (out of 100). Each assignment will be weighted according to its allocated percentage of the final grade.

The following chart outlines the grade scale percentage equivalents used in the Department of Communication, Media and Film. In calculating final grades in this course, letter grades will be assigned according to where the cumulative percentage for all assignments falls within the percentage grade scale.

Grade Point Value	Description	Grade	Dept of CMF grade scale equivalents*	Letter grade % equivalent for calculations**
<b>4.00</b>	Outstanding performance	<b>A+</b>	96 - 100%	98.0%
<b>4.00</b>	Excellent performance	<b>A</b>	90 - 95.99%	93.0%
<b>3.70</b>	Approaching excellent performance	<b>A -</b>	85 - 89.99%	87.5%
<b>3.30</b>	Exceeding good performance	<b>B+</b>	80 - 84.99%	82.5%
<b>3.00</b>	Good performance	<b>B</b>	75 - 79.99%	77.5%
<b>2.70</b>	Approaching good performance	<b>B-</b>	70 - 74.99%	72.5%
<b>2.30</b>	Exceeding satisfactory performance	<b>C+</b>	65 - 69.99%	67.5%
<b>2.00</b>	Satisfactory performance	<b>C</b>	60 - 64.99%	62.5%

<b>1.70</b>	Approaching satisfactory performance	<b>C-</b>	55 - 59.99%	57.5%
<b>1.30</b>	Marginal pass. Insufficient preparation for subsequent courses in the same subject	<b>D+</b>	53 - 54.99%	54.0%
<b>1.00</b>	Minimal pass. Insufficient preparation for subsequent courses in the same subject	<b>D</b>	50 - 52.99%	51.5%
<b>0.00</b>	Failure. Did not meet course requirements.	<b>F</b>	0 - 49.99%	0%

\* If percentages are used to calculate final grades, then grades falling within these ranges will be translated to the corresponding letter grades.

\*\* These percentage equivalents will be used for calculating final grades unless an alternative method of final grade calculation is outlined above.

### Writing Skills Statement

Department policy directs that all written assignments (including, to a lesser extent, written exam responses) will be assessed at least partly on writing skills. Writing skills include not only surface correctness (grammar, punctuation, sentence structure, etc.) but also general clarity and organization. Sources used in research papers must be properly documented. If you need help with your writing, you may use the writing support services in the Student Success Centre (3<sup>rd</sup> floor, Taylor Family Digital Library). Visit the website for more details: <http://www.ucalgary.ca/ssc/writing-support>

### Plagiarism

Using any source whatsoever without clearly documenting it is a serious academic offense. Consequences include failure on the assignment, failure in the course and possibly suspension or expulsion from the university. You must document not only direct quotations but also paraphrases and ideas where they appear in your text. A reference list at the end is insufficient by itself. In-text citations must be provided, and readers must be able to tell exactly where your words and ideas end and other people's words and ideas begin. Wording taken directly from a source must be enclosed within quotation marks (or, for long quotations, presented in the format prescribed by the documentation style you are using). Paraphrased information must not follow the original wording and sentence structure with only slight word substitutions here and there. These requirements apply to all assignments and sources, including those in non-traditional formats such as Web pages or visual media.

For information on citation and documentation styles (including APA, Chicago, IEEE, MLA, and others), visit the links at <https://ucalgary.ca/ssc/resources/writing-support/436>. Research and citation resources are also available on the Purdue Online Writing Lab (OWL) website at <https://owl.english.purdue.edu/owl/section/2/> If you have questions about citing sources, please consult your instructor or visit the writing support services in the Student Success Centre (3<sup>rd</sup> floor, Taylor Family Digital Library, at <http://www.ucalgary.ca/ssc/writing-support>.

### Academic Misconduct

For information on academic misconduct and its consequences, please see the *University of Calgary Calendar* at <http://www.ucalgary.ca/pubs/calendar/current/k.html>

### Research Ethics

Whenever you perform research with human participants (e.g., surveys, interviews, or observations) as part of your university studies, you are responsible for following university research ethics guidelines. Your instructor must review and approve your research plans and supervise your research. For more information about your research ethics responsibilities, see <http://arts.ucalgary.ca/research/resources/ethics>

This course does not require research involving human subjects.

**Important information, services, and contacts for students**

<b>For information about . . .</b>	<b>Visit or contact . . .</b>
<b>ARTS PROGRAM ADVISING (ASC)</b>	SS 102 403-220-3580 <a href="https://arts.ucalgary.ca/advising">https://arts.ucalgary.ca/advising</a>
<b>CAMPUS SECURITY &amp; Safewalk Program</b> <ul style="list-style-type: none"> <li>• Calgary Police Service</li> <li>• Emergency Text Messaging</li> <li>• Emergency Evacuation &amp; Assembly</li> </ul>	<a href="http://www.ucalgary.ca/security/">http://www.ucalgary.ca/security/</a> <b>403-220-5333</b> <b>403-266-1234      Emergency: call 911</b> <a href="http://www.ucalgary.ca/emergencyplan/textmessage">http://www.ucalgary.ca/emergencyplan/textmessage</a> <a href="http://www.ucalgary.ca/emergencyplan/assemblypoints">http://www.ucalgary.ca/emergencyplan/assemblypoints</a>
<b>DESIRE2LEARN (D2L) Support</b> <ul style="list-style-type: none"> <li>• IT help line</li> </ul>	<a href="http://elearn.ucalgary.ca/desire2learn/home/students">http://elearn.ucalgary.ca/desire2learn/home/students</a> 403-220-5555 or <a href="mailto:itsupport@ucalgary.ca">itsupport@ucalgary.ca</a>
<b>STUDENT SUCCESS CENTRE</b> <ul style="list-style-type: none"> <li>• Writing Support Services</li> <li>• Events &amp; Info for Students</li> </ul>	<a href="http://ucalgary.ca/ssc">http://ucalgary.ca/ssc</a> <a href="http://www.ucalgary.ca/ssc/writing-support">http://www.ucalgary.ca/ssc/writing-support</a> <a href="http://ucalgary.ca/currentstudents">http://ucalgary.ca/currentstudents</a>
<b>STUDENTS' UNION CONTACTS</b> <ul style="list-style-type: none"> <li>• Faculty of Arts Reps</li> <li>• Student Ombuds</li> </ul>	<a href="https://www.su.ucalgary.ca/about/who-we-are/elected-officials/">https://www.su.ucalgary.ca/about/who-we-are/elected-officials/</a> <a href="http://www.ucalgary.ca/provost/students/ombuds">http://www.ucalgary.ca/provost/students/ombuds</a>
<b>SU WELLNESS CENTRE</b> <ul style="list-style-type: none"> <li>• Health Services</li> <li>• Mental Health Services</li> <li>• Distress entre 24/7 CRISIS LINE</li> <li>• Online resources and tips</li> </ul>	<b>403-210-9355</b> (MSC 370), M-F, 9:00–4:30 pm <a href="http://ucalgary.ca/wellnesscentre/health">http://ucalgary.ca/wellnesscentre/health</a> <a href="http://ucalgary.ca/wellnesscentre/counselling">http://ucalgary.ca/wellnesscentre/counselling</a> <b>403-266-HELP (4357)</b> <a href="http://ucalgary.ca/wellnesscentre/healthycampus">http://ucalgary.ca/wellnesscentre/healthycampus</a> If you're concerned about a friend or your own well-being, it is important to seek help early. Call or visit the SU Wellness Centre or the 24-hour crisis line.

**Schedule of Lecture Topics and Readings**



	Date	Topic	Readings
1	Tu Jan 15	Introduction to the course	N/A
<b>Module One: History, basic concepts and mechanisms of intellectual property</b>			
2	Tu Jan 22	The practice and significance of IPR in contemporary society	May & Sell Chapter 1; May (1998)
3	Tu Jan 29	The foundations of IPR as a concept	May & Sell Chapters 2, 3; Mokyr
		Group Session	
4	Tu Feb 5	Creators, commerce and the economy	May & Sell Chapter 4; Towse
		Group Session	
5	Tu Feb 12	IPR and technological progress	May & Sell Chapter 5, 6; Tang
		Group Session	
6	<b>Reading Week: 17-24 February</b>		
7	Tu Feb 26	The IPR system	May & Sell Chapter 7; 8 Kahin
		Group Session	
8	Tu March 5	<b>Mid-term Exam (In Class)</b>	
<b>Module Two: Intellectual property and the evolution of contemporary communications</b>			
9	Tu Mar 12	IPR and the communications infrastructure	Bekkers et al.; Powell
		Group Session	
10	Tu Mar 19	IPR and the advancement knowledge	Burk; MacDonald; Harvie et al.
		Group Session <b>Term papers due in class</b>	
11	Tu Mar 26	IPR and the sharing society	Munger; Menard; Caraway
		Group Session	
12	Tu Ap 2	IPR and the production of culture	Nadel; McIntyre; Phillips & Street
		Group Session	
13	Tu Ap 9	A world without IPR?	Boldrin & Levine; Moser
		Group Session <b>Final Take-Home Exam questions disclosed</b>	