

Intellectual Property
Fall 2017
M.Eng. Final Examination

This examination consists of **two questions** and **three pages**, including this cover page. The questions have suggested answer lengths that total about 4,000 words. Submit your answer by email to Christina Ko by the deadline of **5:00 PM on December 14**. Please make sure that your answer contains **no identifying information**.

This is an **open-book** examination. You should not need to consult anything beyond the coursepack and your notes, but you can if you wish. You are free to discuss the general legal principles we covered this semester with anyone, including each other. But **you may not discuss the examination questions** with anyone else until after the examination period. Your work on this examination is subject to the Cornell Code of Academic Integrity, the Law School Code of Academic Integrity, and the Campus Code of Conduct.

Use **simple citations** (e.g. "*Feist v. Rural*") where appropriate. I include **spelling, grammar, clarity, and organization** in my grading. I appreciate the use of headings to organize your answer, but they're not required. If you find the question **ambiguous**, state your assumptions explain how they affect your answer. No reasonable resolution of an ambiguity will be penalized.

To help ensure uniformity in my grading, please use the following **formatting**: 13-point Palatino, 1-inch margins, double-spaced, bold for any major headings and italics for any minor headings. I will provide Word and Pages templates you can use if you wish.

Question 1: The Eye of the Beholder

One recurring theme of the course has been judges' repeated insistence that they are not in the business of imposing their own aesthetic, moral, or economic judgments on society. Intellectual property law, they say, is and should be neutral between different visions of what is beautiful or ugly, right or wrong, efficient or wasteful. Are they right?

*Write an essay of about 2000 words answering this question. Be as **broad** as you can in finding diverse examples from throughout the course to support your argument.*

Question 2: Legal Anthropology

This course is taught primarily from the perspective of the legal system: taking seriously courts' claims about the authorities that constrain their decisions and asking what outcome in a case best fits with the existing landscape of statutes and precedents. But what does the American system of intellectual property law look like from outside?

Pick one or two doctrines we studied during the course that initially struck you as wholly alien: either obviously wrong, or based on premises so strange that to ask whether they're "right" or "wrong" is beside the point. Now that you know more about intellectual property law and the legal system, have you changed your views? Why or why not?

*Write an essay of about 2000 words answering these questions. Be as **deep** as you can in discussing your chosen example or examples in careful detail.*