

# Don't Copy Me: Copyrights, Patents and Trademarks

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**SUBJECT(S):** Entrepreneurship

**GRADE LEVEL(S):** 9, 10, 11, 12

## ≡ OVERVIEW:

Students will begin this lesson by reviewing key intellectual property rights such as copyrights, patents and trademarks. Then they will read the Knowledge@Wharton article: “Are Efforts to Extend Patent and Copyright Laws Good for Business or Good for Society?” and discuss the implications of copyright and patent extensions on innovation and society.

## ≡ NBEA STANDARD(S):

- Entrepreneurship, VIII. Legal

## ≡ RELATED ARTICLES:

- [“Three Students Take Their ‘Smart Straw’ to Market and Raise Awareness about Sexual Assault”](#)
- [“The Value of Intellectual Property”](#)
- [“The Mission for this Teen’s Drone: Locate and Destroy Landmines”](#)
- [“Snap Caps, Sharks and Sparks: Maddie Bradshaw, Teen Millionaire”](#)
- [“Let’s Party! The ‘Happy Birthday’ Song Loses Its Copyright”](#)
- [“Former Olympian Benjamin Lewis Is Revolutionizing Animal Testing”](#)
- [“Designer Christian Louboutin Goes to Court to Protect His Precious Red Soles”](#)

**Common Core Standard(s):** Vocabulary acquisition and use, knowledge of language, comprehension and collaboration, presentation of knowledge and ideas.

**Objectives/Purposes:** In this lesson students will review intellectual property laws and practice the decision making process for such laws.

**Knowledge@Wharton Article:**

[“Are Efforts to Extend Patent and Copyright Laws Good for Business or Good for Society?”](#)

**Activity:**

1. (15 mins) By this lesson, students should have an understanding of the three most common types of intellectual property laws. You can begin the lesson, though, with a brief review of each type of law (patents, copyrights and trademarks) and how they are being challenged in the 21<sup>st</sup> century. Then, have students read the article: “Are Efforts to Extend Patent and Copyright Laws Good for Business or Good for Society?” Have students highlight words that they do not recognize so that you can go explain them after they finish reading. To check whether they have understood the article, have students take notes on the following questions:

- What is the theory behind copyright and patent laws?
  - It is that those who create goods and services should be granted a monopoly interest over the rights and profits from their innovations for a reasonable amount of time.
- About how many years can copyrights protect an author or artist’s work?
  - 95 years from inception or 70 years after the death of an artist, if the work was created after 1978.
- Why did the Walt Disney Corporation want copyright laws to be extended?
  - So that they kept the rights for the sole use of Disney characters, and Disney characters did not become public domain.
- What problems are associated with the extension of copyright laws?
  - If you have a system where companies can continually extend their copyrights, like Disney, then it may upset the balance between the grant of monopoly and the other rights that we have.
    - \*Note: You may need to explain the concept, grant of monopoly.
  - It also may provide a disincentive to innovate and create new revenue streams for companies. For example, if Mickey is no longer protected (by law), it would force Disney to create new movies and new cartoon characters.
    - This would be a great discussion topic as well.

- Why might some scholars agree that there is a need for governmental protection of patents and copyrights?
  - So that firms have strong incentives for innovation and so that they do not spend too much time trying to extend a patent or copyright when they could be conducting research and development.
- What are some valid reasons for extensions?
  - Pharmaceutical drugs because it takes a long time for drugs to be granted a patent and be approved by the Food and Drug Administration.
  - Backlog at the U.S. Patent and Trademark Office.
- How long do patents typically last?
  - 20 years from the date of filing.
- What are some of the implications to the length of time it takes for patents to be granted in the pharmaceutical drug industry?
  - Because it can take an average of seven years for a drug to go from patent filing to the market, and patents only last 20 years, drug companies often petition Congress to extend the patent life of a popular drug.,
  - Companies also pay off generic drug makers not to make the drug more cheaply after patent protection ends. This has caused some to wonder where the social benefit lies in this behavior.
- Why are software companies different in that they tend not to care about patents?
  - They innovate so rapidly that their competitive protection is not tied up in a patent.

2. (10 mins) Have students discuss their answers with a partner and then go over them together as a class. Have students offer any reflections or thoughts they might have and you can also lead a discussion on intellectual property issues like: whether stripping famous Disney characters of their copyright protection would encourage Disney to innovate more. Encourage students to consider arguments for and against these kinds of issues.

3. (20 mins) All these concepts are constantly being contested. There are many arguments for and against intellectual property laws that are currently being discussed. In this next activity, students are going to conduct a mock legislative hearing for the Rules Committee (legal) and get an opportunity to debate some of the major topics related to each of these before an audience. To do a mock hearing complete the following steps:

- Divide the students into the following groups: legislators (an even number), one committee chair, lobbyists for copyright laws and extensions, lobbyists against

- copyright laws and extensions, lobbyists for patents and patent extensions, and lobbyists against patents and patent extensions
- If you can, arrange the chairs/desks in such a way that you create a half of an open square (like you would see in a legislative committee). This is where the students who are the legislators, and the committee chair, will sit. The committee chair should sit in the middle.
  - Then, in the center of the half square, facing the legislators and committee chair, is where the lobbyists will stand when they are making their case for or against current intellectual property laws and intellectual property law extensions.
  - Have the students who are the lobbyists prepare statements that are for or against the use and extension of the designated type of intellectual property that they have been assigned.
  - While the lobbyists are preparing their statements, have the legislators and committee chair read about their role in the mock committee hearing. Their rules are the following:
- The legislators and committee chair will sit in the chairs (the committee chair in the middle) and it will be their job to listen to the arguments presented by the lobbyists.
  - They will hear two cases:
    - The continuation and extension of copyright laws
    - The continuation and extension of patent laws
    - For each case the legislators will listen to both arguments for and against the continuation and extension of the law. If the members of the committee have any questions or comments they may ask them or add them after testimony. Then they will vote.
    - To vote, first have the chair person repeat the following line:
      - Members of the rules committee, I move that the continuation and extension of copyright (or patent depending on which case you are hearing) laws be given (either a do pass recommendation or a does not pass recommendation).
      - Thus, if the chair does decide that the motion should pass they would say: Members of the Rules Committee, I move that the continuation and extension of copyright laws be given a do pass recommendation.
      - Then the chair person will say: I will now call (and they will say the names of the other legislators [their classmates] on the committee)
      - As each legislator hears their name they can say aye (yes) or no. They may also explain their vote.
      - To end, the chair person will tally up the votes and say the following:

- Members, with your vote of # of aye and # of no, the continuation and extension of copyright laws does or does not pass.

**Practice Outside of the Classroom:** Have students think about the items that they own that are trademarked, copyrighted or have patent protection. Why do they think these companies find it important to protect these specific items?

**What Worked and What I Would Do Differently:** The students loved this lesson. As the teacher you will need to make sure the simulation of a legislative committee flows, and watch for time. You may want to choose a diligent student for the committee chair. Also, you should read the bills for the two cases. All this information is contained in the [supplemental worksheet](#) for this lesson. Encourage students to ask questions to help them to make a better decision.

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