



DREXEL UNIVERSITY

Thomas R. Kline

School of Law

Law, Technology, & Regulation

**General Information:**

Instructor:

Andrew Leahey (he/him)  
Phone: 215-240-0250 (text)  
Email: [andrew.leahey@drexel.edu](mailto:andrew.leahey@drexel.edu)

Office Hours: By appointment; link for scheduling to be posted to Blackboard.

Day/Time: T/Th, 12:00PM – 1:50PM

Location: Pearlstein - 207

**Course Description:**

This course serves as an introduction to the foundational concepts of intellectual property (IP) law and its intersection with emerging technologies. It examines the historical and evolving relationship between law and technological advancements, exploring how legal frameworks adapt to fields like publishing, artificial intelligence, cybersecurity, cryptocurrency, biotechnology, and digital communications. Students will analyze contemporary cases and policy debates to understand the opportunities and challenges technology poses to traditional legal principles. This introductory course will serve as a foundational piece for further study of intellectual property law. The course emphasizes critical thinking about the balance between innovation, regulation, and societal impact.

**Course Objectives:**

- Introduce students to the fundamental principles of intellectual property law through its intersection (and, in some cases conflict with) technological innovation.
- Examine the philosophical and economic justifications for IP protection.
- Provide a high-level overview of major IP frameworks, including copyright, patents, trademarks, and trade secrets.
- Analyze key legal and regulatory frameworks governing data privacy in a digital world.
- Explore ethical and legal challenges posed by new technologies in content creation and decision-making.

- Examine the legal classification and regulatory treatment of cryptocurrencies and decentralized finance.
- Assess the implications of biotechnology advancements, such as gene editing, from legal and ethical perspectives.
- Develop critical thinking skills to assess policy debates and case studies related to emerging technologies.
- Prepare students for further specialized study in intellectual property and technology law.

### Course Topics:

- **Foundations—Legal Frameworks and Technological Change**
  - Introduction to law and regulation in technological contexts
  - The collision of emerging technologies and traditional legal frameworks
- **Philosophical and Economic Underpinnings of Intellectual Property Protection**
  - Defining IP in light of its role in innovation and economic progress
  - Broad philosophical justifications for IP: Utilitarianism, labor theory, personality theory, etc..
  - Ethical considerations: Balancing the rights of creators with public access and the interests of the public domain
- **Intellectual Property Protection Frameworks**
  - Introduction to copyright, patents, trademarks, and trade secrets
  - International and national frameworks
  - Future of IP: Open-source movements, Creative Commons, etc.
- **Data Privacy and Regulation**
  - Fundamental privacy principles: Right to be forgotten, consent, data portability
  - Legal frameworks: GDPR, CCPA, HIPAA, etc.
  - Big Data: Balancing privacy and innovation
- **Artificial Intelligence**
  - The rise of AI
  - AI and bias: Algorithmic discrimination and issues of fundamental fairness
  - AI and copyright: Use of copyrighted materials in AI training data
- **Cryptocurrency and Financial Regulation**
  - Blockchain and decentralized finance (DeFI)
  - Cryptocurrency as: property, currency, or security
  - Current (evolving) regulatory landscape
- **Biotechnology and the Law**
  - Genetic engineering, CRISPR, and IP in biotechnology
  - Regulation

**Course Format:**

The course will be delivered through a combination of lectures, discussions, and readings. Students will be expected to complete weekly readings and participate in class discussions. There will also be several written assignments, including three short response papers.

**Course Textbooks:**

*Digital copies work just fine.*

Peter S. Menell et al., *Intellectual Property in the New Technological Age, Volume I* (Clause 8 Publ'g 2023).  
ISBN-13: 978-1-945555-24-4

Peter S. Menell et al., *Intellectual Property in the New Technological Age, Volume II* (Clause 8 Publ'g 2023).  
ISBN-13: 978-1-945555-25-1

**Additional Materials and Cases:**

As the course progresses and as the news permits, students will be provided with additional cases, video clips, commentary, academic articles and if possible real-world examples on relevant topics. All materials expected to be read will be referenced in class, posted on Blackboard or otherwise communicated via that platform.

**Grading:**

The final grade will be calculated as follows:

Three Response Papers	30% (10% each)
Class Attendance	10%
Class Participation	10%
Midterm Analysis Paper	20%
Final Paper	30%

**Dates to Remember:**

First Response Paper Due: April 17

Second Response Paper Due: May 1

Midterm Analysis Paper Due: May 8

Third Response Paper Due: May 22

Final Paper Due: Finals Week

### *Class Participation*

A class like this doesn't work unless we can all feel free to participate to our level of comfort—that is, we are adopting a strict “there are no wrong answers” approach to discussions. It goes without saying all discussions should comply strictly to the student code of conduct.

There will be no cold-calling or Socratic method, as I don't believe people learn better under stress—I'll ask for volunteers, and I won't penalize those that do volunteer by making them the permanent spokesperson for the class. Courtesy and civility are paramount.

### *Assignments*

You will be expected to write three short response papers and draft two longer pieces over the course of the semester. The instructions for papers will be distributed on Blackboard. In addition, class attendance and participation will comprise 20% of your grade. 10% will reflect your attendance and 10% will reflect your participation.

If you have any questions on this or any of the other portions, just ask – I promise I'm here to help, not hinder, and I intend no chicanery in terms of expectations.

### *Grade scale*

The grade equivalencies used in this course for individual assignments and final course grades are as follows:

A+	Instructor's discretion
A	93 & above
A-	90-92.9
B+	87-89.9
B	83-86.9
B-	80-82.9
C+	77-79.9
C	73-76.9
C-	70-72.9
D+	67-69.9
D	63-66.9
F	< 63

### **Academic policies**

This course follows all University academic policies. Your continued enrollment in the course means that you have read and agreed to follow these policies. Follow the link below to review the latest version of each policy.

- Academic Integrity, Plagiarism, Dishonesty, and Cheating: <http://drexel.edu/provost/policies/academic-integrity/>
- Students with Disability Statement: <http://drexel.edu/oed/disabilityResources/students/>
- Course Add/Drop Policy: <http://www.drexel.edu/provost/policies/course-add-drop>
- Course Withdrawal Policy: <http://drexel.edu/provost/policies/course-withdrawal>

## Grading rubric for written assignments

<b>Criteria</b>	<b>Needs Improvement (C range and below)</b>	<b>Meets expectations (B range)</b>	<b>Exceeds Expectations (A range)</b>
<b>Comprehension &amp; use of legal terms &amp; concepts</b>	Terms are used incorrectly or not at all.	Terms are generally used correctly, with some minor errors.	Terms are used correctly and strategically to advance the argument.
<b>Strength of arguments for position</b>	Writer focuses on moral/cultural not legal arguments; introduces irrelevant material; does not address legal defense of position; does not address relevant sources/arguments/history.	Author builds a good case for the argument, but shows room for improvement, such as missing/misusing precedents, lack of political or interpretive context for argument, lack of attention to historical development.	Author builds a strong case for the argument, citing appropriate legal texts, political context, methods of Constitutional interpretation, historical developments.
<b>Consideration of arguments against position</b>	Author does not anticipate or answer challenges to argument, misunderstands or mischaracterizes opponents' objections.	Author anticipates objections in most areas but does not fully address arguments to the contrary or provides unpersuasive answers.	Author takes into account and persuasively refutes arguments to the contrary, citing appropriate legal/interpretive principles, sources, developments
<b>Mechanics: writing style</b>	Paper shows significant problems: does not present a thesis, lacks organization at the paragraph/paper level, and/or does not construct a coherent argument.	Paper is generally well written, but shows room for improvement of thesis development, overall structure at the paragraph/paper level, or flow of argument.	Paper is well-written and argued, makes logical transitions, shows good overall structure of argument, fluid and compelling style.
<b>Mechanics: spelling, grammar, word choice, sentence structure</b>	Many errors; paper is difficult to read/comprehend because of poor writing.	Some errors but overall paper is clear and comprehensible.	Paper is well-written, with excellent presentation.


## Grading Rubric for Participation



A range	B range	C range	D range	F range
Actively supports, engages, and listens to peers in almost every class	Makes a sincere effort to interact with peers in most classes	Limited interaction with peers	Little interaction with peers	No interaction with peers
Arrives fully prepared at almost every session	Arrives mostly, if not fully prepared	Preparation and level of participation are inconsistent	Rarely prepared	Never prepared
Plays an active role in discussions	Participates constructively in discussions	When prepared, participates constructively in discussion.	Rarely participates	Never participates
Comments consistently improve the level and depth of class discussion	Makes relevant comments based on the assigned material	Makes relevant comments based on the assigned material	Comments are vague or off topic; occasionally shows noticeable lack of interest	Shows noticeable lack of engagement with the material
Student routinely invites dialogue; responds productively and thoughtfully in discussion with others; group dynamic and level of discussion are better because of the student's presence	Student usually engages in productive discussion with others; group dynamic and level of discussion are usually better because of the student's presence	Student sometimes engages with others; does not invite or respond to discussion; group dynamic and level of discussion are not affected by the student's presence	Student does not engage in discussion with others; interrupts or talks over others; group dynamic and level of discussion are negatively affected by the student's presence.	Student is not engaged in class discussion; makes comments that are detrimental to classroom environment; group dynamic and level of discussion are very negatively affected by the student's presence

Adapted from Adam Chapnick, "A Participation Rubric," *The Teaching Professor*. March 2005, p. 4



In the interest of lending some clarity to how I grade participation, this is my approach: You will see Class Participation is worth 10% of your grade. I do not want to *force* anyone to participate just to avoid a grade penalty – thus, starting from the first class, each student has a 5/10 for participation. Egregiously disruptive behavior could see that score reduced, but in my experience that has been a rarity.

Those students who choose to participate will gain additional points (up to a possible 10/10) according to the above-referenced rubric. However, you will notice that the grade breakdown leaves ample opportunity for a student that does not feel comfortable speaking up in class to nonetheless earn a high grade – up to 95% in the course.

Week	Topics and Readings
Week 1	<p><u>Class 1 &amp; 2:</u> Course introduction, Introduction and Foundations of Legal Frameworks</p> <ul style="list-style-type: none"> <li>• Introduction to the course and key concepts</li> <li>• Legal systems and sources of law</li> <li>• Overview of regulatory approaches to technology</li> </ul> <p><i>Reading:</i> No formal reading required for first week.</p>
Week 2	<p><u>Class 3 (Tuesday):</u> Philosophical Foundations of IP</p> <ul style="list-style-type: none"> <li>• Philosophical theories of intellectual property (utilitarianism, labor theory, personality theory)</li> </ul> <p><i>Reading:</i> IPNTA Vol. I, Chapter 1: Introduction (pp 1-42), special focus on Philosophical Perspectives (pp. 2-32).</p> <p><u>Class 4 (Thursday):</u> Economic Foundations of IP</p> <ul style="list-style-type: none"> <li>• The economic rationale behind IP protection</li> </ul> <p><i>Reading:</i> IPNTA Vol. I, Chapter 1: Utilitarian/Economic Incentive Perspective (pp. 19-32)</p> <p> <b>FIRST RESPONSE PAPER ASSIGNMENT RELEASED</b></p>

<p>Week 3</p>	<p><u>Class 5 (Tuesday): Intellectual Property Legal Frameworks</u></p> <ul style="list-style-type: none"> <li>• Overview of copyrights and trademarks.</li> </ul> <p><i>Reading:</i> IPNTA Vol. I, Ch. I: Overview of IP (pp. 33-42).</p> <p><u>Class 6 (Thursday): Intellectual Property Legal Frameworks ctd.</u></p> <ul style="list-style-type: none"> <li>• Overview of trade secrets and patents.</li> <li>• Brief overview of international legal frameworks.</li> </ul> <p><i>Reading:</i></p> <ul style="list-style-type: none"> <li>• IPNTA Vol I., Ch.III: International Patent Law (pp. 505-510);</li> <li>• IPNTA Vol. II, Ch.V: International Issues (pp. 1192-1198).</li> </ul> <p> <b>FIRST RESPONSE PAPER ASSIGNMENT DUE</b></p>
<p>Week 4</p>	<p><u>Class 7 (Tuesday): Data Privacy and Regulation</u></p> <ul style="list-style-type: none"> <li>• Fundamental privacy principles</li> </ul> <p><i>Reading:</i> Daniel Solove, <i>Privacy: A Concept in Disarray</i>, excerpt from Chapter 1 (Posted on Blackboard).</p> <p><u>Class 8 (Thursday): Data Privacy and Regulation (ctd.)</u></p> <ul style="list-style-type: none"> <li>• Key regulatory frameworks: GDPR, CCPA, HIPAA, etc.</li> </ul> <p><i>Reading:</i></p> <ul style="list-style-type: none"> <li>• Data Privacy Laws and Compliance: A Comparative Review of the EU GDPR and USA Regulations (Posted on Blackboard);</li> <li>• Jacob Nix, <i>US Data Privacy Law: A Disparate Landscape in Need of Consolidation</i> (<a href="https://www.isaca.org/resources/isaca-journal/issues/2020/volume-5/us-data-privacy-law-a-disparate-landscape-in-need-of-consolidation">https://www.isaca.org/resources/isaca-journal/issues/2020/volume-5/us-data-privacy-law-a-disparate-landscape-in-need-of-consolidation</a>)</li> </ul> <p> <b>SECOND RESPONSE PAPER ASSIGNMENT RELEASED</b></p>



<p>Week 5</p>	<p><u>Class 9 (Tuesday):</u> Copyright Law and Digital Content Creation</p> <ul style="list-style-type: none"> <li>• Copyright in the digital age (“copyleft” protections, Creative Commons, etc.)</li> </ul> <p><i>Reading:</i> IPNTA Vol. II, Ch. IV: Copyright Law (pp. 520-531)</p> <p><i>Supplementary Reading:</i> Sharee L. Broussard, <i>The Copyleft Movement: Creative Commons Licensing</i> (Posted on Blackboard)</p> <p><u>Class 10 (Thursday):</u> Copyright Law and Digital Content Creation (ctd.)</p> <ul style="list-style-type: none"> <li>• Fair use and digital licensing</li> </ul> <p><i>Reading:</i> IPNTA Vol. II, Ch. IV: Fair Use (pp. 801-820)</p> <p> <b>SECOND RESPONSE PAPER ASSIGNMENT DUE</b></p>
<p>Week 6</p>	<p><u>Classes 11-12:</u> Artificial Intelligence and Legal/Ethical Challenges</p> <ul style="list-style-type: none"> <li>• AI and bias</li> <li>• Copyright issues related to AI-generated content</li> <li>• Copyright issues related to AI training</li> </ul> <p><i>Reading:</i></p> <ul style="list-style-type: none"> <li>• Andrew Leahey, <i>We Can All Learn a Thing or Two From the Dutch AI Tax Scandal</i> (Posted to Blackboard)</li> <li>• Chapman University – <i>Bias in AI</i> (<a href="https://www.chapman.edu/ai/bias-in-ai.aspx">https://www.chapman.edu/ai/bias-in-ai.aspx</a>)</li> <li>• <i>Concord Music Group, Inc. et. al. v. Anthropic PBC</i> (2025), 24-cv-03811-EKL (Posted on Blackboard).</li> <li>• <i>The New York Times Company v. Microsoft, OpenAI, et. al., (complaint)</i>. (Posted on Blackboard).</li> </ul> <p> <b>MIDTERM ANALYSIS PAPER DUE</b></p>