Academic Regulations for the LL.M. in Intellectual Property Program

Article I. Requirements for the Degree of Master of Laws in Intellectual Property Law

Boston University confers the degree of Master of Laws (LL.M.) in Intellectual Property Law on candidates recommended by the Faculty of the School of Law and approved by the President and Trustees of the University.

Requirements for the Degree

To receive the degree of LL.M. in Intellectual Property Law all candidates must satisfy the following requirements of the LL.M. in Intellectual Property (the Program):

a. Complete and achieve a passing grade in all required courses. Satisfactory completion of a course requires a minimum grade of C.

b. Complete not less than 24 credit hours in two semesters of residence, with at least 10, and no more than 18, credit hours in each semester. Except as otherwise permitted by the Director, all courses for which a student has registered, including any additional courses beyond the 24-credit minimum, must be completed unless dropped as provided in these regulations.

c. Obtain a final weighted cumulative average of at least C+ (2.3) for all courses (including seminars) taken.

d. Receive not more than one grade of C- (1.7), D (1.0) or F (0) in elective classes.

Honors

The Program does not currently award honors distinctions with the degree based on cumulative grade point averages. Students may receive an “honors” grade in individual classes they take pursuant to the “Credit/No Credit/Honors” option set forth in Article III(3), below

Academic Requirements

Complete three of the following four core courses: Intellectual Property; Copyright; Patents; and Trademark and Unfair Competition.
Participate in a three-credit Intellectual Property LL.M. Workshop Series during the spring semester of study.

If foreign-trained, complete two introductory two-credit classes: Introduction to American Law and a Legal Research and Writing Seminar.

**Timing Requirements**

Except for those students enrolled in the Program on an extended (three-semester) basis, all students must complete the Program’s degree requirements in the same academic year that he or she begins the Program, unless the Director grants a waiver in a particular case upon a student’s petition. Waivers shall be granted only for compelling academic reasons and, in all instances, only as allowed by Boston University’s International Students and Scholars Office in accordance with applicable visa rules and regulations.

**Auditing Classes**

Students may audit classes only upon receiving the instructor's written permission, in his or her sole discretion. Students receiving such permission shall submit to Office of Graduate and International Programs (“OGiP” or “the Office”) a completed Audit Form, signed by the instructor, no later than the end of the Add/Drop period of the applicable semester. The Director may authorize a late submission upon a showing of good cause. Audited classes shall count towards the 18-credit semester limit, but shall not count towards the Program’s 24-credit requirement. At the end of each term, a student who wishes to include an audited class on his/her transcript is responsible for submitting to the Office the instructor’s written certification that he/she satisfactorily audited the class.

**Failure to satisfy degree requirements**

Any student who, at the end of the year, has failed to satisfy the requirements for the LL.M. degree must petition the Director with a specific proposal for completing outstanding requirements. The Director shall report the matter to the Academic Standards Committee, along with a recommendation. The Committee shall, in turn, report the matter to the Faculty with its recommendation. The Faculty may then direct either that the student be dropped from the Program or, where appropriate, that the student complete specified work to satisfy degree requirements.

**Article II. Supervised Research and Writing, Courses outside the School of Law and Courses Pursued on a Credit/Non Credit/Honors Basis**
1. Credit for Supervised Research and Writing. Subject to the requirements of paragraphs (a) and (b) below and the limitations set forth in Article I above, students may earn up to three credits for supervised research and writing.

   a. Research and Writing Supervised by a School of Law Faculty Member. A student who has prepared a detailed statement of proposed study, and who has obtained the written approval of the Director and a full-time faculty member (or, with the approval of the Dean or his designee, a part-time faculty member) agreeing to supervise the work, may register for up to three semester credits for supervised research and writing. The study must involve a substantial investment of time and effort and must result in written work that meets a high standard of academic performance. The student’s final grade will be based solely on the written work submitted and will be included in the student’s average.

   b. Research and Writing Supervised by an Outside Faculty Member. A student who has prepared a detailed proposal for law-related research and writing to be supervised by a person holding professorial rank outside BU Law, and who has obtained the written approval of the Director, may petition the Dean or his designee in advance for permission to register for up to three credits for such work. The petition must be presented prior to beginning such work and must include the proposed supervisor's written agreement to supervise the work. Such a petition may be granted if the Dean or his designee finds that (1) the work to be done is equivalent in time and quality of a course carrying such credit, and (2) the supervisor is an expert in the area of study who will set high standards of academic performance. The grade received will be recorded on the student’s transcript but will not be included in the student’s average.

2. Credit for Graduate Level Courses outside the School of Law

   a. Credit Allowed. LL.M. in Intellectual Property Students may earn credits for graduate level courses taken at Boston University outside the School of Law. If the course is open to both graduate and undergraduate students, the student must secure the instructor’s assurance that the student will be held to graduate level standards. Credit towards the Intellectual Property Law degree shall be limited to four credits per course; to one course per semester; and to a maximum of six credits for the entire year; and, in all instances, to courses which further the educational objectives of the Program. Students seeking to obtain such credit shall petition the Director, who shall determine whether the proposed class furthers the Program’s educational objectives.

   b. Completion and Grades. Grades received for non-School of Law classes are recorded on the student’s transcript but are not included in the student’s average. It is the student’s responsibility to see that a grade received from
another school within Boston University is conveyed to the School of Law’s Registrar’s office in time to meet the School of Law’s deadlines. A student who receives a failing grade in a course taken outside the School of Law shall not receive credit for such course unless the school or department in which the course is taken grants credit for failed courses. Credits earned under this provision shall count towards the limitations set forth in Article I(7), above.

3. Credit/No Credit/Honors Option.
LL.M. students may elect to register for up to six credits of non-required coursework on a Credit/No Credit/Honors basis if the coursework so qualifies. Any graded course or seminar is eligible for registration on a Credit/No Credit/Honors basis unless the instructor has listed the course as unavailable for such enrollment. Students wishing to take a graded course or seminar on a Credit/No Credit/Honors basis shall submit a completed Credit/No Credit/Honors form, available at the OGIP, by the end of the Add/Drop period for the semester in question. A student, however, can elect to reverse this decision and take the course on a graded basis for an additional two-week period after the end of the Add/Drop period. Exceptions to these deadlines may only be allowed with the Director’s approval, in his/her sole discretion. Credits earned under this provision shall count towards the limitations set forth in Article I(7), above.

Article III. Registration, Course Election, and Program Changes

1. Registration
Every student must be registered for classes by the end of the official registration period for each semester. For incoming LL.M. students, the fall semester registration period ends at 5 pm on the Friday before the commencement of classes. The Office of Graduate and International Programs registers the program’s students and prescribes the related deadlines and procedures. No student will be registered until he or she has received an academic counseling session with the Director or his/her designate. The University reserves the right to require an earlier completion of registration by means of pre-registration and prepayment of tuition and fees.

2. Late Registration
A late registration fee may be charged if a student registers after the official period. In no event may a student register later than one week immediately following the official registration period without the written approval of the Director.

3. Course Election
All students must have their initial individual course selections approved in writing by the Director or his/her designate before the end of the registration period for each semester.
4. **Add/Drop Period**
After registration, students may change their study plans within the relevant “Add/Drop” period, which generally takes place during the first two weeks of each semester. The end of the Add/Drop period for mini-courses will be prescribed by the Registrar. Students shall request their changes by submitting to the OGIP a completed Add/Drop form. All requested course changes must be approved in writing by the Director or his/her designee. In no event may program changes resulting from adding and dropping courses result in a program of less than 10 or more than 18 credit hours in any one semester. Late adds/drops may be authorized only by the Director. Unless the student demonstrates that, under the circumstances, the delay should be excused, a course that the Director permits to be dropped after the relevant deadline will appear with a notation of “W/D” (indicating “withdrawal”) on the student’s transcript.

5. **Course Priority**
The Office of Graduate and International Programs prescribes the procedures regarding wait-lists for oversubscribed classes. Students desiring to add courses or seminars that have been announced as closed should request that they be put on a wait-list. To the extent space becomes available, assignments to such courses or seminars will be made no later than the close of the Add/Drop period in each semester. LL.M. students will have priority over second-year J.D. students in such assignments, but third-year J.D. students will have priority over LL.M. students. Any student who misses the first meeting of a seminar without the Director's and instructor's advance permission may be administratively dropped from the seminar.

6. **Program, Calendar and Schedule Changes**
The School of Law reserves the right to make changes of any kind in its program, calendar, or academic schedule, with reasonable notice.

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**Article IV. Attendance, Preparation and Classroom Participation**

1. **Attendance**
Regular attendance is expected in all courses and seminars for which a student is registered. Students must notify the Director, in advance if possible, of extended absences. A student who, without permission from the Director, has not attended any of his or her classes in a four-week period will be administratively dropped from the Program.

2. **Preparation and Classroom Participation**
Preparation of class assignments and informed participation in class discussions are expected of every student.
3. Effect on final grades

a. Exclusion from further participation. A student who has been warned by an instructor of excessive absences, and whose absences continue, may be excluded from the final examination or any other further participation in the course or seminar. Such a student will receive a failing grade. A warning under this paragraph may be communicated orally or in writing. A written warning will be deemed adequate if either (1) mailed to the student’s street address on file in the Registrar’s Office or (2) e-mailed to the student’s Boston University e-mail account. Any petition to the Director for readmission to the course or seminar will face a heavy presumption against readmission.

b. Lowering final grades. An instructor shall announce any policy, apart from the provisions of paragraph (a) of this section, of lowering a student’s grade on account of classroom attendance, preparation or participation. Such a policy does not preclude enforcement of paragraph (a).

c. Raising final grades. An instructor, without advance notice, may raise final grades by one increment (e.g., from B to B+) to reflect a student’s preparation or classroom participation.

d. Special case of courses without a final examination. With advance notice, an instructor who requires a paper or papers in lieu of an examination may adopt and apply a policy of assigning a specified weight to classroom preparation or participation. The weight given to preparation or participation may be specified either as a percentage of the final grade or in terms of grade increments.

Article V. Examinations and Failed Courses

1. Examination schedule.

Except when special arrangements have been made with the instructors to evaluate student performance other than by examination, students must take examinations according to the Registrar’s announced schedule unless they have obtained permission to reschedule the exam under section 2 or section 3 of this Article. Any student who is unable for any reason to take an examination as scheduled must promptly report the fact to the Director or Associate Director.

2. Advance rescheduling of an examination in special circumstances.

A student may reschedule an examination under the following circumstances.
a. **Religious holiday.** A student may reschedule an examination held on a religious holiday that the student observes. The rescheduled date will be as close as possible to the original date, and ordinarily it will be neither more than one day earlier nor more than five days later. Students may submit their requests directly to the Registrar, after notifying the OGIP.

b. **Examination schedule.** A student may reschedule an examination that is one of (1) three examinations on three consecutive days during a calendar week of the examination period’s calendar week; (2) two examinations on one day; or (3) four examinations during a calendar week of the examination period. In circumstance (1), the middle examination will be rescheduled. In circumstance (2), either examination may be rescheduled. In circumstance (3), any of the exams may be rescheduled. The date of the rescheduled examination will be as close as possible to the originally scheduled date, and ordinarily it will be neither more than one day earlier nor more than five days later. Students may submit their requests directly to the Registrar, after notifying the OGIP.

c. **Illness or other compelling circumstance.** A student may reschedule an examination if the Director or Academic Standards Committee determines that serious illness, or other compelling circumstance beyond the student’s control, justifies relief. Requests for excused absences made prior to, or during, the time set for the examination are reviewed and determined by the Director or his designate. Requests made after the time set for the examination are reviewed and determined by the Academic Standards Committee. If illness is the asserted basis for relief, the student’s request must be supported by a statement from an examining physician. The physician’s statement must show the date, nature, and severity of the illness, and it should give the physician’s judgment as to the student’s ability to take the examination as scheduled. The statement should be as contemporaneous with the request as possible. If relief is granted, the rescheduled date will be as close to the original date as the reason for giving relief will permit, and ordinarily it will be neither more than one day earlier nor more than five days later. If the proposed date for rescheduling is beyond the end of the examination period, and if the student is in his or her final semester, then the student must obtain approvals under Article I.

3. **Excused failure to take or submit an examination on time.**

Failure to take an in-class examination at the scheduled or rescheduled time, or failure to submit a take-home examination on time, may be excused only if the Director or Academic Standards Committee, as the case may be, determines that serious illness, or other compelling cause beyond the student’s control, caused the student’s failure. If illness is the asserted cause, the student must produce the documentation described in paragraph 2(c) above. If the Director or Committee decides that the student’s failure is excused, it will prescribe an appropriate remedy, which ordinarily will be to reschedule the examination for the earliest date consistent with the reason for recognizing the
excuse. If that date is beyond the end of the spring semester examination period, then the student must obtain Faculty approval under Article I, section 6. If the Director or Committee decides that the student’s failure is not excused, the Committee will dispose of the petition according to section 4 below.

4. **Unexcused failure to take or submit an examination on time.**
If the Academic Standards Committee determines that a student, without compelling cause, has failed to take an in-class examination on time, or has failed to submit a take-home examination on time, the Committee may allow the student to take and submit the examination, provided that the student does so immediately. In exigent circumstances, the Director may grant such permission and refer the matter to the Committee or may, in his/her discretion, determine that the circumstances do not warrant referring the matter to the Committee. If the Committee allows the student to take and submit the exam, the Committee will impose a penalty that reflects both the student’s fault and any benefit the student might have obtained from delay. Ordinarily this penalty will be a substantial reduction of the student’s examination grade.

5. **Examination rules.**

The following rules apply to the conduct of examinations. Additional rules may be prescribed either by the School or by an instructor.

- **a.** All in-class examinations must be of at least two hours duration, with questions and answers in writing. LL.M. in Intellectual Property Students shall be entitled to an extra hour to complete in-class examinations, with the following exception: students whose native language is English and who completed their first degree in law in English in a country where the native language is English shall not be entitled to an extra hour. There shall be no additional time granted for take-home exams.

- **b.** All final examinations, including take-home examinations, will be evaluated on an anonymous basis, with students’ papers identified to the instructor only by a number that the Registrar has assigned.

- **c.** Take-home examinations will be issued by, and must be returned to, the Registrar. During take-home examinations, students may not consult other persons unless expressly authorized by the instructor.

- **d.** During an in-class examination, students may not possess materials or devices forbidden by the instructor. Students may not consult with other persons. They may consult books, notes, or similar material, only as authorized by the instructor. Use of laptop computers is subject to announced School policies and procedures. LL.M. in Intellectual Property students shall be entitled to bring into their examinations a non-legal (non-
electronic) dictionary in their native language and English, and an English language dictionary. Possession of cell phones, or other communication and/or recording devices, is forbidden unless authorized specifically by the School in advance.

e. Except in case of emergency, students taking an in-class examination may leave the examination room only as necessary to use the restrooms.

f. Students must stop writing and turn in their in-class examination papers when time is called.

g. No student may retake an examination for any purpose.

h. Students may review essay portions of their examinations after final grades have been released.

i. Students must follow the exam proctor’s instructions to sit in a specific section or seat, if asked.

6. Failed Courses.

When a student fails to receive a minimum passing grade (other than a grade of F) for a course, the student will receive credit for that course. The failing grade, however, will be included on the student’s transcript and will be included in the student’s grade point average, weighted by the number of credit hours which would normally have been granted. A student who receives a grade of F for a course will not receive credit for that course.

If a student fails the required Introduction to American Law class, the student will have the option to be re-examined on a pass-fail basis. If the student elects to be reexamined and passes, he/she will receive a passing notation on his/her transcript. The student’s transcript will indicate that the failing grade was replaced on re-examination with a passing grade. If the student fails the reexamination, he/she will be dropped from the Program.

If a graded seminar or course is taken by a student on a Credit/No Credit/Honors basis, pursuant to Article II(3), the student must earn a "C" or better on the graded work in the course or seminar to pass. A student who does not satisfy that standard will not receive credit for the course, and the course will not appear on the student’s transcript.

7. Unexcused failure to take an examination.

A student who fails to take an examination without excuse and who has not been allowed to take the exam at a rescheduled time pursuant to Article V, paragraph 4 will receive a failing grade of F on the examination and will receive no credit for the course. The
failing grade will be included on the student's transcript, and in the student's grade point average, weighted by the number of credit hours assigned to the course.

**Article VI. Papers**

1. **Deadline for submitting papers.**

For students in their final semester, the deadline for submitting papers is 5:00 p.m. on the last day of the examination period, unless the instructor has prescribed an earlier deadline. For other students, the deadline is 5:00 p.m., on the 14th calendar day after the end of the examination period, unless the instructor has prescribed an earlier or later deadline. Deadlines for students not in their last semester may be no later than the next February 1 for fall semester papers.

2. **Reporting an inability or failure to submit a timely paper.**

Any student unable to submit a paper by a deadline established consistent with section 1 above must report the facts promptly to the Director or faculty member, as the case may be. Students whose papers will be graded anonymously should file a petition with the Director. Students whose papers will not be graded anonymously should report to the supervising faculty member. (See sections 3 and 4 below, respectively.) Students unsure whether their papers will be graded anonymously should ask the Director.

3. **Late submission of papers that will be graded anonymously.**

If a paper is to be graded anonymously, the Director will excuse late submission only if the student demonstrates that serious illness, or other compelling cause beyond the student’s control, prevents or has prevented the paper’s timely submission. If illness is the cause, the student’s request must be supported by a statement from an examining physician that shows the date, nature, and severity of the illness, as relevant to the student’s submission of the paper. If the Director excuses a paper’s late submission, the Director may set a new deadline. If the Director denies a student’s request for excuse, and if the paper is not submitted by a deadline established consistent with section 1 above, the Director will inform the instructor of the relevant facts. The instructor then will have discretion to determine any penalty for the late submission.

4. **Late submission of papers that will not be graded anonymously.**

If a student reports inability or failure to submit on time a paper that is not to be graded anonymously, the instructor may either extend the deadline for the paper, subject to the limits stated in section 1 above, or impose a penalty for the student’s lateness. Instructors may require the student to submit supporting documentation to the Director. For students
in their final semester, extensions beyond the limits stated in section 1 above are subject to the provisions of Article I, section 6.

**Article VII. Grades, Transcripts and Class Rank**

1. **Grading scale and procedures.**
   The LL.M. in Intellectual Property has a letter grading system. The minimum passing grade in each course or seminar is C.

   The Faculty has established the following scale of numerical equivalents for letter grades:

   - A+ = 4.3
   - A  = 4.0
   - B+ = 3.3
   - B  = 3.0
   - C+ = 2.3
   - C  = 2.0
   - D  = 1.0
   - F  = 0
   - A- = 3.7
   - B- = 2.7
   - C- = 1.7

   The normal grade distribution requirements for J.D. students, as set forth in Article IX of the Academic Regulations in the Law Student Handbook (the "J.D. Academic Regulations"), apply to students in the LL.M. in Intellectual Property Program.

   The J.D. upper-level curve for 2017-2018 is as follows:

   - A+ 0-5%
   - A+, A, A- 20-30% (A+ subject to 5% limitation above)
   - B+ and above 40-60% (subject to limitations on A range above)
   - B 10-50% (subject to limitations above and below)
   - B- and below 10-30% (subject to limitations below on ranges C+ and below)
   - C+ and below 0-10%
   - D, F 0-5%

   For seminars and courses with a graded enrollment of 25 or fewer, the above distributions are not mandatory, but a median of B+ is recommended.

   a. LL.M. students and J.D. students are graded as separate groups in classes and seminars that are open to both groups. Thus, LL.M. students and J.D. students enrolled in the same course will be considered separately for purposes of determining whether the 25 student threshold is satisfied for making the grading curve mandatory for either group. In those courses in which there are more than 25 LL.M. students, the upper-level curve set forth in Article IX of the J.D. Academic Regulations is mandatory. In those courses in which there are 25 or fewer LL.M. students, the curve is not mandatory but a median of B+ for the
LL.M. students is recommended pursuant to Article IX of the J.D. Academic Regulations.

b. In LL.M.-only classes, the same grade distribution policies apply as set forth above.

c. Final grades will be released to students by the Registrar as soon as possible after the close of the examination period. Final grades will not be released to students directly by instructors under any circumstances. For the fall semester, grades are usually released toward the end of January. For the spring semester, grades are usually released the Friday before graduation.

d. Except for clerical error, final grades may not be changed, except by vote of the faculty meeting. Students may be required to retake specified courses as a condition of reinstatement in the Program pursuant to the provisions of Article VIII, below.

2. Transcripts and other student records
A student's transcript and record will be made available to the Dean, her representative, the Director of the LL.M. in Intellectual Property Program, his/her delegate, members of the faculty, the student and others to the extent permitted by law. No other persons may have access to a student's transcript and record without the written consent of the student.

3. Class Rank
Class rank information is only issued at the Director’s discretion at the end of the academic year and is based upon the cumulative averages of all students graduating in that academic year. Class ranks to not appear on students’ transcripts. A student may request an official letter from the Director certifying his or her rank.

Article VIII. Reinstatement

1. Petitions for reinstatement.

Any student who is dropped from the Program for failure to maintain minimum requirements for graduation or otherwise may petition the Director for reinstatement. Such petitions must clearly state all circumstances leading to the student's deficient performance, and must be accompanied by supporting statements or documents as appropriate. Grounds or circumstances omitted from such a petition will not afford a basis for reconsideration of a petition that has been denied. Where a student's medical condition has been a contributing factor, a full statement from the attending physician must accompany the petition.
2. **Relief available from the Director**

Petitions for reinstatement in cases of academic deficiency will normally be granted only when the Director is satisfied that the student's academic deficiency resulted from serious illness or other compelling cause beyond the control of the student. When such a petition is granted, the reinstatement may be made subject to such conditions as the Director concludes are appropriate in the circumstances.

**Article IX. Withdrawal and Leaves of Absence**

1. **Withdrawal in good standing.**

Withdrawal in good standing becomes effective only upon submission of an official withdrawal form to the Registrar, whatever the reason for withdrawal, and whether or not the student seeks leave to return. No student may withdraw in good standing until all obligations to the University have been paid. Tuition refunds may be sought in accordance with University regulations.

2. **Readmission of students who have withdrawn without leave to return**

The Program's policy with respect to readmission of students who have withdrawn without leave to return is to consider each request for readmission on its merits, whatever the reason for withdrawal. Students seeking readmission must petition the Director, stating both the circumstances of the withdrawal and the events leading to the request for readmission. The Director has discretion to grant such readmission if in his or her judgment the student will be able to successfully complete the requirements for the LL.M. degree.

3. **Leaves of absence.**

Students desiring to interrupt their study in the Program for any reason and to return to the Program may petition the Director for a leave of absence. Such petition must clearly state:

   (1) the reasons for the leave of absence;
   (2) the activities in which the student expects to be engaged during the leave;
   (3) the date upon which the student wishes to return to the Program.

**Article X. The Academic Standards Committee**

The composition, authority and procedures of the Academic Standards Committee are set forth in Article XII of the J.D. Academic Regulations:
1. Composition.

The Dean or the Dean’s designate will serve as Chair, and two other members of the Faculty will serve as Committee members. Ordinarily, the terms of members who are not Chair will be fixed at three years.

2. Authority of the Academic Standards Committee.

The Academic Standards Committee exercises the authority delegated to it by the Faculty in all matters addressed by these Regulations.

3. Petitions to the Academic Standards Committee.

Matters are brought to the Academic Standards Committee by written petition conveyed to the Registrar’s Office. Petitions should state all material facts and specify the relief sought. Appropriate supporting statements should accompany the petition.

4. Academic Standards Committee procedure.

Petitions submitted to the Academic Standards Committee will be considered at an announced meeting unless circumstances require more expeditious action. If the petition requests reinstatement under Article X, or permission to complete degree requirements under Article III, section 8, the Committee will not deny or recommend denial of reinstatement, nor will it recommend that the student be dropped from the School, without offering the student an opportunity, reasonable under the circumstances, to appear personally before the Committee. With respect to other petitions, a student’s request for personal appearance will be granted only in extraordinary circumstances. The Committee will notify the student of its decision in writing. Committee decisions are final and not subject to reconsideration absent compelling circumstances.

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