

European Intellectual Property Teachers' Network

Fourth Annual Workshop

24 - 25 June 2010

University of Alcalá, Spain

Report 2010

EIPTN, University of Alcalá, Spain

Prepared on behalf of the
European Patent Office



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Programme & Timetable

European Intellectual Property Teachers' Network

Fourth annual workshop

Venue
University of Alcalá
Pza. San Diego, s/n
28801 Alcalá de Henares (Madrid)
Spain
AW22-2010

Thursday, 24 June 2010

12.30 Registration and buffet lunch

14.00 Welcome and introduction to the aims of the EIPTN workshop
Adoración Pérez Troya and Miguel Rodríguez, University of Alcalá, Spain

14.15 Keynote address: The Future of IP Education in Europe
Gerardo Penas Garcia, Spanish Patents and Trade Marks Office

14.45 The IP Teaching Tools of the European Patent Academy
Noël Campling, Director Know-How, European Patent Academy, European Patent Office

15.30 Coffee break

16.00 Session 1 – Creating an IP teaching culture in universities
Chair: José Manuel Otero Lastres, University of Alcalá, Spain

Patents – What every scientist and engineer should know: A five-year successful IP teaching experience at Spanish universities and other research centres
Pascual Segura, Director Patent Centre, University of Barcelona, Spain

The patent engineering study programme
Ursula Versch, University of Applied Sciences, Amberg-Weiden, Germany

The role of universities in creating innovation culture – experiences in teaching IP law students and SMEs
Justyna Ożegalska-Trybalska, Jagiellonian University, Krakow, Poland

17.00 Session 2 – Across the legal/technical divide
Chair: Alison Firth, University of Surrey, United Kingdom

Multidisciplinary pairing: a win-win teaching experience
Claire Howell, University of Aston, United Kingdom

Interdisciplinary IP teaching: the experience of the Bocconi Transatlantic IP Summer Academy
Laurent Manderieux, Bocconi University, Italy

The need for teaching IP management issues at higher education institutions: experiences from Poland and international projects
Dariusz Kasprzycki, Jagiellonian University, Krakow, Poland

18.00 End of day 1

19.30 Annual EIPTN Dinner

Friday, 25 June 2010

9.00 Coffee break

9.30 Session 3 – IP across boundaries: comparative and other areas of law

Chair: Duncan Matthews, Queen Mary University of London, United Kingdom

Teaching intellectual property law with the contract as a starting-point

Caroline Pamp, University of Gothenburg, Sweden

How to implement IP teaching considering the public issues of registering IP rights: perspectives of an administrative law teacher

Eva Nieto, University of Castilla-La Mancha, Spain

Teaching European intellectual property law to non-European students: The Community Trademark System

Eli Salis, PricewaterhouseCoopers, Coordinator for "Practicums", Magister Lvcentinvs, Spain

10.30 Coffee break

11.00 Session 4 – IP Law and other paradigms: economics, arts, sociology

Chair: Mariano Riccheri, University of Alcalá IP-Research Group, Spain

Teaching copyright to Masters students in the English Department and the Huston Film School

Maureen O'Sullivan, National University of Ireland, Galway, Ireland

Teaching copyright through the law and technology approach

Roberto Caso and Federica Giovanella, University of Trento, Italy

The role of IP teaching in the information society

Petra Zikovska, Charles University, Prague, Czech Republic

12.00 Lunch

13.30 Session 5 – The teaching medium and message

Chair: Tanya Aplin, Kings College University of London, United Kingdom

Patent cases for law undergraduates

Manuel Lobato, Autonomous University of Madrid, Spain

Initiating post-graduate students to patent law through practical examples

Inmaculada Gonzalez, Lawyer, Cuatrecasas, Visiting Lecturer Magister Lvcentinvs, University of Alicante, Spain

Patent claims and paperclips

Janice Denoncourt, Nottingham Trent University, United Kingdom

14.30 Coffee break

15.00 Session 6 – Case studies and boundaries

Chair: Mike Adcock, University of Durham, United Kingdom

Problem-based learning and the challenges of integrated teaching to lawyers and non-lawyers

Cees Mulder, Maastricht University, Netherlands

Is clinical law possible in IP matters?

Tomás Vázquez Lépinette, University of Valencia, Spain

Teaching IP in technology/innovation management courses

Maurizio Sobrero, University of Bologna, Italy

16.00 Session 7 – Technology as a mediator of IP understanding

Chair: Maciej Barczewski, University of Gdansk, Poland

UAIPIT as a key tool for IP teaching and research

Clara Ibáñez, University of Alicante, Spain

A web based IPR learning resource for arts industries

Ruth Soetendorp, Bournemouth University, United Kingdom

Problem-solving via the use of online simulations

Caroline Coles, Leicester De Montfort University, United Kingdom

17.00 Closing remarks and next steps for the EIPTN workshops

Welcome

Adoración Pérez Troya

"Muy buenas tardes. Good afternoon. Welcome to the Fourth Annual Workshop of the European Intellectual Property Teachers' Network, taking place this year in the University of Alcalá.

Once again, the European Intellectual Property Teachers' Network is grateful for the generous support of the European Patent Academy of the European Patent Office and particularly its Director, Mr. Noël Campling. Again, this year he is giving enthusiastic support to the Annual Workshop and he is personally participating in the programme today. His presentation this year will be on "The IP Teaching Tools of the European Patent Academy".

One of the aims of the European Intellectual Property Teachers' Network is bringing together individuals from across Europe to exchange ideas on best practice and innovation in teaching and learning activities relating to intellectual property. In this Fourth Annual Workshop this aim is met by 47 participants from nine different European countries, representing 25 different universities. There are also representatives from other important institutions, including the Spanish Patent and Trade Marks Office, OHIM, and WIPO, taking part in the Workshop. The European Intellectual Property Teachers' Network is grateful to all the participants, universities and institutions represented here today. Most of you have made a long journey to come to Spain and I hope that all of you will enjoy your stay at the University of Alcalá.

The other aims of the European Intellectual Property Teachers' Network will also be addressed at this Annual Workshop. Looking at the variety of interesting presentations that delegates have sent, the programme of the Workshop reflects the Network's awareness of the importance of an interdisciplinary focus on teaching combined with the use of innovative approaches in the teaching of intellectual property.

The titles of the sessions at this Fourth Annual Workshop accord closely with this year's theme: "Teaching across Boundaries". This is intended to reflect the new developments and challenges taking place in Europe, where more than ever intellectual property teaching and learning can play a leading role in universities and society. The Workshop theme also accords closely with the next steps agreed by the EIPTN at past Workshops, particularly the objective of developing the Network as a resource for exchanging ideas on innovation and best practice in intellectual property teaching and learning activities.

Clare Howell from the University of Aston was the host of the first EIPTN Annual Workshop in Birmingham on 25 June 2007, Alison Firth from the University of Surrey hosted the second EIPTN Annual Workshop in Newcastle on 30 June 2008, and Duncan Matthews was the host of the third EIPTN Annual Workshop in London on 20-21 July 2009. Without their work in previous years, this fourth Annual Workshop would not be possible. I would like to thank them all, with special thanks to Duncan Matthews for his work in coordinating the EIPTN which plays such an important role to the Network's development.

The Network operates on a very small budget yet it has already achieved a great deal. Since it was founded, only four years ago, EIPTN Workshops have enabled more than 100 participants to meet and exchange ideas on approaches to IP teaching. In addition, over 200 IP teachers throughout Europe have subscribed to the Network's email list and are kept informed about its activities. These are great achievements in such a short space of time and they indicate that the EIPTN has already become an important and valued resource for the IP teaching community in Europe.

To keep the Network growing the EIPTN will need to identify additional financial resources so that it can deepen and broaden its activities. At the end of the Workshop, there will be an opportunity to discuss the next steps for the Network further. At this stage I would simply like to acknowledge the significant contribution that the EIPTN has made to the teaching of intellectual property so far in its short life and to wish the Network every success for the future.

This year the Workshop will be divided into seven sessions, beginning with a session on “Creating an IP teaching culture in universities” and ending with one devoted to “Technology as a mediator of IP understanding”. During the next two days, 21 speakers are going to present their experiences, proposals and ideas for improving innovative teaching in IP. I would like to thank all of you, as well as the chairs: José Manuel Otero Lastres, Alison Firth, Duncan Matthews, Mariano Riccheri, Tanya Aplin, Mike Adcock and Maciej Barczewski.

There is one change to our programme. The plan was for the keynote address to be given by Mr. Alberto Casado Cerviño, Director of the Spanish Patents and Trade Marks Office, on "The Future of IP Education in Europe". Unfortunately his high level commitments today mean that he will not be able to join us until the Annual Dinner this evening. Due to this change in the programme, Mr. Campling will be able to begin a little earlier than planned and we will have more time for discussion before the coffee break at 15.30.

Before we commence our programme, a representative of the University of Alcalá would also like to wish you a warm welcome. I would like to introduce our President, Professor Miguel Rodriguez, Secretario general of the University of Alcalá. As he has many responsibilities today he cannot remain with us for long, but on behalf of the EIPTN I would like to express to him our gratitude to the University of Alcalá for hosting the Workshop and supporting it in so many ways."

Miguel Rodríguez (Secretario General)

"On behalf of our president, Fernando Galván, I welcome you to the University of Alcalá. The University of Alcalá is very happy and proud to be hosting the Fourth Annual Workshop of the European Intellectual Property Teachers' Network.

I would like to thank the European Intellectual Property Teachers' Network Workshop team (Alison Firth, Duncan Mathews, Mariano Riccheri and Adoración Pérez) for their efforts in organizing it. I would also like to thank the Patent Academy of the European Patent Office for supporting this workshop, and Mr. Camppling for being here. And of course, I'd like to thank all of you for coming from so far away. We are aware that many of the most reputed professors and lecturers in Europe in the field of intellectual property participate in the Workshop and are engaged with the Network's wider activities.

The aims of the European Intellectual Property Teachers' Network Workshop are also the aims of the University of Alcalá, which is very committed to innovative teaching and internationalization. Indeed, these are our main goals so that we can offer our students the best possible education.

Exchanging ideas about teaching is particularly important at present because of reforms taking place. At European level, some of these reforms were born out of the Bologna Process, which is probably the beginning, not the end, of enormous changes in Europe's university system. Intellectual property teaching will play a key role in the success of these reforms, whose ultimate goal is to face the demands of globalisation and a more technologically advanced world.

New challenges make it necessary to develop a new approach to learning and one of its most important characteristics will be its interdisciplinary approach. The idea of developing an European network as a resource for exchanging ideas on innovation and best practice in intellectual property teaching and learning activities is therefore not only timely but also brilliant.

On behalf of the University of Alcalá we wish you the very best and can assure you that we are totally committed to the success of the Network. Have a good Workshop, work very hard but also enjoy our city and University. Thanks again for coming."

Keynote Address

The Future of IP Education in Europe

Gerardo Penas García

(gerardo.penas@oepm.es)

Mr Gerardo Penas García is an adviser on quality in the Patents and Technological Information department of the Spanish Patent and Trademark Office. At the Workshop he stood in for Alberto Casado, Director General of the Spanish Patent and Trademark Office, in his capacity as Alternative Representative.

Summary

Mr García began by offering apologies on behalf of Mr Casado who would have liked to have been present in person. He went on to say that predicting the future of intellectual property (IP) in Europe was complicated, while noting positive signs internationally with respect to IP in statements made by figures such as the US Secretary of Commerce and the Japanese Prime Minister. Most significantly, however, he stressed the importance of Chinese Premier Wen Jiabao's speech at Davos in 2009 in which he asserted China's strong commitment to intellectual property protection. At the European level Mr García considered that it was important to address the system itself and to encourage involvement at all levels.

Mr García stated that Spain embraces IP as part of the framework for future industrial growth. However, he acknowledged the need for stronger links between universities and the patent office. It was necessary, he felt, to demonstrate that IP protection fits with the mission of universities and, therefore, to promote the idea that IP is not just about protecting knowledge but is also about knowledge creation and knowledge dissemination.

As in other countries, Spain's universities promote a 'publish or perish' culture as the route to a successful academic career. However, the research may not be appropriately directed. He felt that it was important for there to be a connection between university-based research and a country's industrial base to ensure that resources are usefully targeted. He pointed out that Spain is currently investing in biotechnological research although there is no biotechnology industry in Spain. Spanish industry is largely based in the service sector and has a much less active industrial sector. This, he said, should have implications for researchers.

He noted that Spain is not even ranked in the top ten European countries in terms of patents granted in 2009. Paradoxically, while Spain has a strong level of published research, it has a low level of patenting. He concluded that it was necessary to create better links between industry and universities in order to generate more patents. Since more patents are generated by universities than by the private sector, the national patent office was trying in particular to encourage university researchers to generate more compatible patents by explaining to them the potential monetary benefits for IP owners.

One way of encouraging patenting among university researchers, he explained, would be to recognise the value of patents in academia in the same way that publications are currently recognised. He acknowledged that there may be some difficulties assessing the value of patents, but he said it was necessary to be creative in this; just as some publications are rated more highly than others, patents could also be ranked according to value, as in Brazil.

Mr García went on to talk about European proposals for a Code of Practice and pointed to the Patent Teaching Kit of the European Patent Academy and the promotion of the European Intellectual Property Teaching Network as elements of a Europe-wide approach to education and raising awareness of intellectual property issues. The big issue in this respect is money. Education is expensive, so e-learning is a useful means of implementing the Bologna process with materials accessible to all and available freely or under licence.

For a small office, he said, the OEPM conducts a lot of activities including e-learning and reaches a large section of the Madrid community through their seminars and courses. Their e-learning platform is cheap and effective and can be used as a model to be exported to other places. IP education must start early in student careers, he said, especially for those studying in technical areas.

The IP Teaching Tools of the European Patent Academy

Noël Campling (Director Know-How, European Patent Academy)

(ncampling@epo.org)

Noël Campling has been Director of the European Patent Academy in Munich since October 2006. He was "Chef de Cabinet" for the EPO President from 1996-2000. He started his career at the EPO in 1984 as an examiner.

Summary

Noël Campling began by saying how pleased he was to address the EIPTN meeting again. He thanked the hosts of the meeting at Alcalá, noting the lovely weather and fabulous surroundings.

He strongly linked the theme of the conference, 'Teaching Across Boundaries', to the mission of the European Patent Academy (EPA). With 38 EPC member states, the EPA is concerned with boundaries within universities as well as both within and across faculties.

While he realised that most members of the audience were familiar with the EPA, he nevertheless took the opportunity to explain its origins and goals. He explained that the EPA, an institution of the EPO, with its headquarters located in Munich, was founded between four and five years ago. Its mission goes beyond the normal mission of the EPO, to offer training in patent-related information across the member states, available equally throughout the member states.

He described the five main target areas: – (i) institutional strengthening; (ii) innovation support; (iii) professional representatives; (iv) judicial training, (v) academia and IP research innovation support. The areas represent the ways in which the EPA supports the work of the EPO around Europe and disseminates IP knowledge around Europe, the last being the reason for Mr Campling's presence at the EIPTN meeting.

Mr Campling commented on the current situation with respect to IP awareness generally and noted that there is still only limited awareness of IP beyond the law faculty despite the fact that IP knowledge is now essential to function adequately in today's society. This is illustrated by the fact that 80 percent of new inventions are only reported to the public in the form of patent information. Thus the EPA aims to ensure that all students should be aware of IP both as users and potential creators. To this end patent examiners are sent to support IP lecturers across Europe and tools have been developed in order to develop IP expertise.

Disseminating the necessary information, however, has required a strategy to facilitate the teaching process and develop teaching skills. This has resulted in the Patent Teaching Kit which is now a concrete reality. When Mr Campling asked the EIPTN participants how many had already downloaded the Patent Teaching Kit, the majority responded positively. He encouraged anyone who had not downloaded it yet to do so. The IP Curriculum is another useful tool which will be released in the next few months.

The Patent Teaching Kit has already achieved positive results. In meetings in Austria, Poland and Turkey it was explained that it has been incorporated as a mandatory part of the curriculum for all students. It is divided into core teaching modules and others directed at specific audiences. Teachers find it easy to use with confidence and welcome the useful optional links to extra information.

There has been a demand for teacher training on how to use the Patent Teaching Kit and three workshops have taken place, including one in Alcalá. Originally the attendees were non-IP people, but more recently IP people have also been attending. Mr Campling wondered why that might be.

Duncan Matthews developed the Patent Teaching Kit and Mariano Riccheri is developing the IP Curriculum, which aims to take IP teaching a stage further. The process of developing the syllabus began in 2009 and the final draft is expected soon. The aim is to provide a curriculum outline containing headings and information about what to teach, not materials. In this way it can be introduced into any context with users guided by the outline while designing the course according to need. The goal is for it to be used in all member states in order to ensure good practice in the teaching of IP, especially in non-law faculties, in order to embed a general understanding of IP issues. It is therefore multidisciplinary and flexible enough to take different situations into account. Currently it is used in 300 universities across Europe. Interest so far has been mainly from the law faculties, but there is growing interest from non-law faculties.

The curriculum can be tailored to address specific audiences with particular technical backgrounds. It was used, for example, in training judges in Prague. In that case the context was the patenting of a complex medical device. It was noted, however, that the momentum of the teaching was somehow lost as so much time was taken up in explaining the technology.

In general, however, when addressing specific areas the aim is to achieve a basic competence at post-graduate level. Each module syllabus contains a list of contents essential to the building of a curriculum that will ensure students' learning success.

Questions and Comments

Ruth Soetendorp thanked Mr Campling for the interesting presentation. She noted that assessment had not been discussed with respect to the curriculum. In her experience she has found it difficult to engage students with non-assessed topics. She therefore wondered whether it might be possible, where IP is included as part of a course, to include an element of assessment relevant to the students' particular goals, perhaps a page or a paragraph on IP, with a few marks attached.

Noël Campling responded that assessment is obviously important but acknowledged that it has not really been addressed. He looked to Mariano Riccheri for further comment.

Mariano Riccheri said that there have been suggestions made about evaluation and that he was open to such suggestions. He added that assessment exercises would have to be valid for many countries, requiring careful development. He felt that the assessment element was more related to implementation of the curriculum.

Claire Howell praised the curriculum, saying that she had shown it to someone in charge of an engineering design course who thought it was very good indeed. In particular he thought that the time given to each topic was well allocated and clearly defined with, for example, 30 minutes on topic 'x'. He thought it was very promising.

Noël Campling said that he hadn't realised that timing was so important.

Claire Howell replied that it was very important.

Adoración Pérez Troya wanted to know more about the profiles of the 3,000 people who downloaded the Patent Teaching Kit.

Noël Campling said that the top country for downloading was Germany, but there were downloads from all over the world and from all sorts of backgrounds. The downloading form requires downloaders to give some information about themselves but it is in free-text format and so difficult to interpret. There have been 350 downloads in Spanish from the Spanish Patent Office and 2,600 downloads from the European Patent Academy. If each individual downloader were to teach twenty students that would already mean a great deal of knowledge has been disseminated.

Tanya Aplin addressed a comment to Gerardo Penas García regarding the importance of encouraging the patenting of research. She said that it was not enough for researchers simply to obtain patents, as there was no guarantee of commercial benefit. More importantly, there was a need for strong structural support both to support commercialisation and to help with enforcement where there was infringement.

She also pointed to problems at a deep institutional level with interdisciplinary research and teaching. These problems are revealed by the cross-boundary teaching of IP and urgently need to be addressed.

Gerardo Penas García said that the universities' resources need to be used to help with commercialisation. In Spain there is such support but the problem is that not all Transfer of Technology Offices (TTOs) have the resources to employ experts. At a rate of around 30 patents a year it is not possible for TTOs to concentrate just on IP. In order to reach a point of critical mass there must be a slow process of continually promoting patenting among researchers and helping with commercialisation.

Noël Campling thanked Tanya Aplin for her comment on the difficulties of interdisciplinary teaching. He said that a few years ago at a meeting in Brussels it was clear that IP was not on the radar of universities. It is increasingly so, however, and he expects it to become more widespread in the next five years.

He also wished to respond to issues raised earlier by Gerardo Penas García. With respect to the choice between patenting versus publication he acknowledged that the matter of delay is relevant. From filing to publication a patent can take 18 months. It can take even longer, however, sometimes for publication in academic journals. Therefore a balance needs to be found.

He also said that while it is important to note that in the US some TTOs are making money for universities, there is an element of luck involved. In reality most TTOs make little or no money. In some cases one patent makes a lot of money and pays for the rest, which are seen as a drain on resources. This is a hurdle that needs to be overcome.

Duncan Matthews was interested in Gerardo Penas García's point about pooling materials and wondered whether he had considered the potential barriers to pooling, for example questions of institutional ownership of materials.

Gerardo Penas García responded that it was necessary to take a positive approach and to try to share knowledge so that we do not continually have to reinvent the wheel. He said that universities should understand the need to exchange materials and that in his opinion this was the only way to improve the situation.

Duncan Matthews went on to explain that one of the ways in which IP knowledge is passed on to the next generation of students in the UK is through the tradition of inviting patent attorneys to deliver lectures on IP in universities.

Noël Campling said that he acknowledged that patent attorneys were already being used but stressed that each university has to decide what approach to take from a wide range of possibilities.

Mariano Riccheri agreed that it was important to allow universities to choose but he suggested that there might be a profile of the ideal teacher for introductory courses. He considered the assistance of patent attorneys something to be welcomed but felt that it was not necessary at the early stages. He recognized that higher levels would require more expertise. He went on to say that the new IP curriculum will be a dynamic tool that will need to evolve and develop.

Noël Campling finished the session by reminding everyone that there were lists on his slides outlining the different modules together with detailed information on the content.

Session 1

Creating an IP Teaching Culture in Universities

Chair: José Manuel Otero Lastres, University of Alcalá, Spain
(Josemanuel.otero@oterolastres.com)

What Every Scientist and Engineer Should Know: a Five Year Successful IP Teaching Experience at Spanish Universities and other Research Centres

Pascual Segura (Universitat de Barcelona, Spain)

(pascualsegura@pcb.ub.es)

Professor Segura is an Associate Professor of Organic Chemistry at the Universitat de Barcelona (UB). He is also the founder and director of the Patent Centre of the UB.

With a degree in Chemistry from the University of Valencia and a PhD from the Universitat de Barcelona, he is a member of the American Chemical Society (ACS), the Spanish Royal Society of Chemistry (RSEQ), the Catalan Chemical Society (SCQ), the National Association of Spanish Chemists (ANQUE), the Spanish Association of Industrial Pharmacists (AEFI) and the Catalan Official College of Chemists.

Summary

Pascual Segura, together with Carmen Toledo, has presented seminars and workshops on IP at 50 academic institutions and it was this experience that formed the backdrop for his presentation. He explained that they started giving workshops in 2006 when he was elected to the board of the European Patent Academy and realised the need for IP education in Europe. He had previously trained Spanish judges but found that he needed to develop a different style for teaching an academic audience.

He identified a difference in the approach to IP teaching at undergraduate and post-graduate levels. At the University of Barcelona a substantial number of hours were devoted to teaching IP to about 80 undergraduates per year. However, 60 hours of dedicated time was found to be too much and this has since been curtailed. At post-graduate level, however, increased exposure is more useful as at that stage students can see the benefits in terms of prestige and income. They are able to relate the information to their own experience and are therefore interested and motivated to learn.

Pascual Segura noted that time management was a key element of a successful workshop. The time available is short and so needs to be used wisely, while programme content is the biggest factor in a successful course. He explained that he uses a lot of slides (around 300 in one session), which are fully explanatory. They are intended to be a resource for the students to refer to after the session and so contain complete information rather than just bullet points. He also makes sure that they are entertaining, focusing on real-life examples and using photos, press cuttings and cartoons. He acknowledged the benefits of a good relationship with a TTO. He teaches the students practical skills such as how to search for patent information. In terms of motivation he focuses on the money-making aspects of patenting.

Questions and Comments

Alison Firth commented on the dream-team combination of Professor Segura and Carmen Toledo whose unique qualities seem to be the key to their success. She wondered whether this approach could be replicated.

Pascual Segura acknowledged their uniqueness and conceded that there was a need for training in this respect.

Mariano Riccheri asked about teaching non-lawyers, such as scientists, about IPRs. He wanted to know how much non-patent information should be taught. He wondered how to get scientists and researchers interested in copyright for example.

Pascual Segura said that it was important for people to be able to distinguish between different types of IP so as not to get confused. He noted that it was important to identify situations on the borderline between patenting and copyright, such as computer-related inventions, which suggest that copyright and related rights as well as database rights need to be taught alongside patents. He found he could skim over Trade Marks but he has found it necessary to stress unfair competition because students are not very aware of that area. He also makes sure the students are aware of the importance of keeping technical information secret.

The Patent Engineering Study Programme Ursula Versch (University of Applied Sciences, Amberg-Weiden, Germany)

(U.Versch@haw-aw.de)

Ursula Versch is Chair of the Research and Information Technology degree programme in engineering at the Patent Fachhochschule in Amberg-Weiden. She was previously Head of Information Services in a Technology Transfer Centre. She studied chemistry at the Technical University of Munich and the University of Regensburg specialising in inorganic chemistry in her doctorate at the Friedrich-University Erlangen-Nuremberg.

Summary

Ursula Versch started by explaining that she is not a lawyer; her background is in chemistry. However, she has been teaching IP for 20 years. She has been in charge of the patent engineering diploma programme at Amberg-Weiden since 2008. There are different rules in Germany regarding the labelling of courses, but this programme may be brought into the bachelor system soon, offering a BA or BSc.

Amberg-Weiden is an institution founded in 2006 for 3000 students in a rural area of Germany to encourage young people in the area to study. The IP programme, set up in response to the need, identified in 1998, for IP experts who understand the language of both engineers and patent attorneys, is unique in Germany.

The course content includes an English language and communication component, considered necessary for the patent field as well as a component focusing on search techniques taught within the science and engineering section of the course. The aim of the course is to produce patent engineers who will work with companies on IP issues in a number of different ways: as a collaborator, a mediator and assistant. Most significantly, in the second half of the programme, the students spend their sixth semester enjoying job-related experience in industry in order to gain a deeper understanding of the importance of IP.

Delivery of the course relies on a great deal of cooperation with industry and the patent office, which provides speakers on relevant subjects. The core teachers of the course include an IP lawyer, representatives of both the technical field and business studies as well as Ursula Versch herself, who teaches search techniques.

The course is taught to about 10-15 students per year and so far almost 100 students have completed the course, all of whom have immediately entered employment on completion.

Questions and Comments

Janice Denoncourt was interested in the student placement part of the course and wanted to know how that was managed and whether staff members were the ones who organised the placements.

Ursula Versch replied that in Germany the applied science universities are constantly in touch with companies, which makes it easier to organise. The professors don't have to look for companies as the programme is established and has proved itself; on the contrary, the companies are keen to have the students. However, the students do sometimes complain that the companies don't understand what a patent engineer is and they need to explain their role, which can be a problem initially.

The role of universities in creating innovation culture - experiences in teaching IP to law students and SMEs

Justyna Ożegalska-Trybalska (Jagiellonian University, Krakow, Poland) (j.osegalska-trybalska@uj.edu.pl)

Dr. Justyna Ożegalska-Trybalska graduated with a doctorate in law from the Faculty of Law and Administration of the Jagiellonian University in Krakow, where she is currently an assistant professor in the Department of Industrial Property Rights and Competition at the Institute of Intellectual Property Law. She lectures on post-graduate courses in copyright, industrial Property Law and Internet Law. She also works as an expert in the EU's IPR Helpdesk project. Her PhD thesis addressed the legal issues relating to Internet domains.

Summary

Justyna Ożegalska-Trybalska wanted to share her personal experience as an IP teacher at Jagiellonian University. Jagiellonian University, the oldest university in Poland, dates from the 14th century, and boasts long experience in IP teaching and research. It has a dedicated IP law institute as part of its Management and Social Communication faculty.

The university was the first in Poland to make IP courses mandatory for undergraduates in all faculties. The impetus behind this was a regulation issued by the Ministry of Science and Higher Education in July 2007 but it also accords with an important internal university policy that aims to develop an IP culture. With the goal of providing good IP education and raising awareness of IP, the regulation requires that all faculties should provide 15 hours of IP during one semester to all students. The IP unit, which does not have its own undergraduate programme, therefore works with undergraduates throughout the university.

In designing the compulsory IP courses, Justyna noted the importance of addressing the concerns of a particular audience. She has found that traditional IP materials are not suitable for non-law students, who need to have tailor-made materials. Using real objects, such as the coca-cola bottle is a helpful way of showing the students that IP is concrete and not merely an abstraction. More activities need to be incorporated for non-law students and offering incentives such as prizes helps with motivation. Among other awards, there is an annual competition for the best IP dissertation in the area of IP law, awarded by the Polish Patent Office.

The institute is involved in a national project begun in 2009 which will run until 2012 aimed at enhancing teaching skills for IP as well as establishing standards and developing materials.

LLM courses are offered in IP, within the institute, and other IP courses are also offered to interested parties such as judges and entrepreneurs. Judicial training in IP has recently been given to 80 judges and Justyna anticipates better judicial decisions in the future.

External courses are funded by finance from the Operational Programme Innovation Economy a project that also began in 2009 and continues until 2011. These courses are aimed at small and medium sized enterprises (SMEs) and seek to disseminate IP knowledge. They have had some success but a problem encountered is that businessmen tend to want certainty and are disturbed by the degree of uncertainty regarding IP issues. They come to the courses with no prior knowledge on the whole and are sometimes annoyed by the nature of legal discussion, which tends to be highly qualified. Justyna finds it necessary to teach some law first so that the students understand some of the basics, such as the difference between an EU regulation and a directive. In terms of accessibility, she also finds that she tends to start with copyright law as the students find it more accessible than patent law.

Questions and Comments

Julio Laporta Insa asked whether the focus was on national law, European law or WIPO standards.

Justyna Ożegalska-Trybalska responded that 15 hours is not a lot of time and that the courses start by looking at Polish law with a European focus since Poland has fully harmonized its IP standards and the EU rules are applicable in Poland. She also looks to the US when discussing patent law, where it is relevant, for example in the patentability of computer inventions.

Tanya Aplin agreed that the coca cola example was a good one to get students thinking about IP issues.

Mariano Riccheri pointed out that Professor Otero uses a bottle designed by Dali.

Justyna Ożegalska-Trybalska said that she sometimes takes in different bottles of mineral water and asks the students to decide which one is better and why.

Mariano Riccheri suggested that internet issues grab attention. The issue of downloaded music, for example, is useful since pretty much everyone has done it. He asked if she agreed.

Justyna Ożegalska-Trybalska said that she hasn't used that particular example because she was not trying to scare the students. Rather she wanted to show them what they can do.

Clara Ibáñez wanted to know if there was a practical element to the course.

Justyna Ożegalska-Trybalska said that she did try to incorporate an element of practical application into the course but that it was not possible to bring in companies due to lack of time.

Session 2

Across the Legal/Technical Divide

Chair: Alison Firth, University of Surrey, UK
(Alison.Firth@surrey.ac.uk)

Multidisciplinary pairing: a win-win teaching experience

Claire Howell (Aston University, Birmingham, UK)

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Claire graduated in 1984 with an LLB from University College Cardiff. Continuing her studies at the Inns of Court School of Law she was called to the Bar in 1985 as a Barrister of the Middle Temple. In 1994 she studied for an LLM in Commercial Law at Birmingham University.

Claire has taught at various Law Schools including Cardiff, Birmingham and UWE Bristol. She has teaching experience at both undergraduate and postgraduate level of Company Law; Sale of Goods and Agency, Contract Law, Employment Law and Intellectual Property Law.

Summary

Claire Howell conceived of her experiment in multi-disciplinary pairing between engineering students and law students when discussing the issue of how to bridge the law/non-law divide with a distinguished IP and company lawyer. The course, which formed part of the LLB final year project in IP, attracting 30% of the mark, was piloted this year. It draws on an innovative approach to teaching originally developed by Ruth Soetendorp.

Each law student was paired with an engineering student and required to identify any potential IP rights they may generate in their MSc projects. Their initial written task was to write an 800 word letter of advice that would be easy for a non-lawyer to understand. To achieve the task the law students would have to interview the engineer and ask the right questions to discover the facts, forcing them to develop the kind of communication skills necessary to enable them to communicate with engineers. Their second written task involved a 1,700 word academic analysis of the IP issues they had identified. The engineers were given a different set of goals and tasks.

Some of the obvious benefits of the approach are the fact that there are no additional financial costs, there is no need to spend time inventing a fictional case study and very little academic involvement is needed, except at the marking stage. After the students had been paired up and exchanged email addresses Claire had no more control over them, although she was available via email and BlackBoard, and in weekly tutorial slots.

However, the outcomes are very impressive. The law students had a deep learning experience in which they developed autonomy as well as communication skills. The engineering students learned the importance of identifying potential IP at an early stage and they began to understand the idea of competitive advantage as well as the possibility of income generation. Some of the engineering students changed their project as a result of the encounter, recognising, in the light of IP information, that taking a different approach might result in something new. All the students were highly motivated and involved.

The project structure involved the law students studying basic IP in the first term and in the second term they were introduced to the functions of the TTO by their officers and the university patent agent. This was a useful precaution because it alerted the students to the fact that they might find a really useful innovation and gave them guidance so they would know what to do should they be confronted with a commercially viable invention. At this stage the students were advised that the first practical task they would have to undertake with their engineering student partner would be to draw up a confidentiality agreement. This was a useful exercise for both engineering and law students because it concentrated their minds by drawing attention to the potential seriousness of the activity.

Claire accepted that in order for such a project to succeed it was necessary to partner with the right academic in the engineering faculty. It was essential to find someone enthusiastic who understood the importance of IP issues.

She also found that it was not an appropriate approach for PhD students whose goal was to publish as quickly as possible and were not willing to spend the necessary time to identify and protect potential IP. Some problems with master's level students were the fact that their schedules may not match particularly well with the law students and their projects, which are undertaken in the third semester, may still only be at a very vague stage. One student refused to sign the confidentiality agreement on principle and could not be persuaded otherwise.

However, all the students loved the project, were highly motivated and got better marks as a result.

Next year the engineering students will be taught using the EPA's Patent Teaching Kit in their first undergraduate year, the pairing will be with final year undergraduates who start their projects in their second year and the advice will concentrate more on design and other IPR protection than just on patents.

Questions and Comments

Justyna Ożegalska-Trybalska said that she liked the presentation but wondered about the question of ownership. Her understanding was that students are not entitled to the results of their work in the UK and that they have to sign a contract to that effect.

Claire Howell responded that the situation differed according to the university and that at Aston University students own their copyright. She conceded that the TTO won't help with patenting unless the student signs the invention over to them. However, the deal is rather generous, with the student being entitled to a third of any profits under a university-wide agreement.

Ruth Soetendorp said that it was exciting to see her idea taken and used in this way. The results are both successful and fun. She has plans to continue using the approach in Bournemouth but is in need of an engineering enthusiast. In her experience the approach has worked well with small numbers of students but imagines it may be more difficult with large numbers.

Interdisciplinary IP teaching: the experience of the Bocconi Transatlantic IP Summer Academy Laurent Manderieux (Bocconi University, Milan, Italy)

(Laurent.manderieux@unibocconi.it)

Laurent Manderieux is professor of IP law at Bocconi University, Italy, as well as associate professor of copyright Law at the University of Francophone States, visiting professor of IP Law at the University of Trento, Italy, professor of IP law at the State University of Milan, Italy, and invited lecturer in IP law in many other universities and training institutes worldwide. He is coordinator of the Bocconi IP Transatlantic Summer Academy Programs.

Summary

Laurent Manderieux described the Transatlantic Summer Academy, an ambitious experiment in IP collaboration between participating universities, based at the University of Trento in Italy, and supported by the EPO. It is a joint project which began five years ago between participating universities. It is both interdisciplinary and international with its main objective to bring academics and business operators together, connecting Europeans and Americans, and IP lawyers, economists and engineers with practitioners. It is a prestigious project with a number of governments requesting to join the support group and many of the lecturers coming from WIPO.

The summer school operates at relatively low cost. Because the activities have a social purpose, the fees are low and there are special discounts for younger attendees as well as scholarships offered to some. Nevertheless, despite the limited sources of income it is self-supporting. It takes place each year at a different location around the world and focuses on a broad theme. In 2009 it was based in Pisa, with activities taking place in a number of different locations. The project is horizontal in nature, developing in many directions; perhaps too many, suggested Laurent Manderieux. In 2009, there were three modules, but this proved to be too much. While it was fascinating, it was too complex and expensive to run. In the future a maximum of two modules will be run. However, there is a proposal to expand the geographical scope to include Asia.

Significantly, the summer school does not offer any academic credits to students, who are selected for their high quality and cover a wide range of backgrounds and ages. The students do, however, have high expectations.

Questions and Comments

Mariano Riccheri commented on the summer school, saying that it offered an interesting and different perspective on IP teaching. He liked the fact that it was constructing a legacy through repetition and networking over a period of years, since quality develops over time.

Laurent Manderieux agreed that the legacy was important. He added that the best papers from the summer school were going to be published and that work was being done to develop a web platform so that they can be shared.

The need for teaching IP management issues at higher education institutions: experiences from Poland and international projects

Dariusz Kasprzycki (Jagiellonian University, Krakow, Poland)

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Dariusz received his Doctorate in Law at Jagiellonian University. He is currently the IPR Helpdesk project coordinator.

Summary

Dariusz Kasprzycki described the IP scenario in Poland as a Cinderella story. A servant initially, it was not until the global economy swept her off her feet that the real value of IP was appreciated. Nevertheless, he said, now that IP has emerged it still needs to be guided and managed and so there is a need for the teaching of IP management.

In universities there are both internal and external dimensions to IP, with the teaching of IP knowledge on the one hand, and the management of IP generated by the university on the other. Dariusz broke down the elements of IP management into economic and management issues as well as the legal aspects, and stressed that management of IP within higher education was not only about commercialisation but also about ownership.

Dariusz explained that a new course at master's level addressing this area was due to start in 2011 at the Jagiellonian University and that it would be the first in the market. Half of the course content would be IP law based, with the other half comprised of economics and management subject matter.

The question of IP management at universities is currently being addressed in Poland with an attempt at national level to create a model law covering ownership of research generated at universities. More universities are tending to develop spin-off companies and establish TTOs to manage the IP generated so it was felt necessary to find a common approach. Dariusz pointed out that his university has looked beyond Poland for inspiration and has found India to be a good model as an example of good practice in IP management.

Jagiellonian University is involved in a number of IP management projects internationally, in Latin America, Europe and the 'BRIC' countries as well as in the Ukraine and Moldova.

Questions and Comments

Duncan Matthews said that he found it particularly interesting to find similarities in activities between the different countries and welcomes the possibility of developing networks and cooperation between TTOs.

Dariusz Kasprzycki responded that he has been interested to note that within Europe many problems are shared throughout the EU and are not merely related to a particular stage of development.

Session 3

IP Across Boundaries: Comparative and other Areas of Law

Chair: Duncan Matthews, Queen Mary, University of London, UK

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Teaching intellectual property law with the contract as a starting-point Caroline Pamp (University of Gothenburg, Sweden) (Caroline.pamp@cip.ps.com)

Caroline Pamp is a researcher at the Department of Law, School of Business, Economics and Law, at the University of Gothenburg, Sweden. She is also a practitioner in the area of company law.

Summary

Caroline Pamp described her approach to teaching IP with the aid of the contract. She shows students how IP strategies, concerning trademarks, patents, and licenses can be governed and managed through contracts. This method helps the students to see the need for interdisciplinarity in their work. In addition, since the business perspective is much stronger in this approach, law students learn to understand how the costs involved in creating a contract play a part in contract formation. This is something they tend not to think about but in this method they discover that it is wise to consider these things from the start.

The usual perspective in legal education is that of the judge, with students determining how a particular case might be decided. Equally important, however, is the perspective of the drafter during the negotiating phase of contracting. This exposes students to business realities and they are better able to appreciate how the negotiating strengths of different parties are reflected in the contract and to see how law affects business strategies.

Students are not only given practical drafting exercises but they are also required to examine prepared documents, for example a license agreement, and question why it may have been drafted in a particular way. The students learn to consider the contract as a building block for business relations, not just something that is litigated in court.

In drafting a license agreement they have to consider what is being licensed and whether there may be any associated know-how. They also need to think about who has the expertise and with whom it may be necessary to enter into a dialogue. It will be necessary to consider whether the licensor's aim is exclusivity or whether they want to disseminate the knowledge widely.

In addition, they may have to think about the extent to which an old template may be appropriate in a new setting and to what extent a new contract must be tailored for specific purposes. In a license agreement it will be necessary to draft provisions about improvements, disclosure, and the sharing of information. This leads the students to have to think about other related documents that may be needed, for example confidentiality agreements. They also learn that an agreement must be drafted and re-drafted as often as necessary and that there is usually not just one draft.

It becomes clear to them that contract drafting is not necessarily about producing a document that will be 100 percent upheld in court but that it is a tool and that sometimes risks are worth being taken in order to achieve a deal.

The skills developed in the approach include the ability to deconstruct, to construct and to communicate. The importance of communication skills is apparent because without language skills it is not possible either to negotiate or to draft. More importantly, they acquire a broader business perspective than under the traditional law approach.

Questions and Comments

Janice Denoncourt wondered what kinds of scenarios were given to the master's level students.

Caroline Pamp said that she used different fictitious scenarios. The students in one instance were provided with information about a biotechnology company and a patent pool. They had to think about potential licenses that may be required and explain their assumptions. Although the situations are not real they are very happy with the approach and enjoy the experience.

Mariano Riccheri said that he liked the presentation and found it both modern and clear. However, he wanted to know whether it was taught only to law students or whether it was multidisciplinary.

Caroline Pamp replied that there was a mix of law, business and engineering students who all have different assignments setting out the interests of the different parties. The students work in groups and communicate and learn from each other.

Juan Ignacio Ruiz Peris was impressed with the approach but wanted to know how long the whole exercise took and how individual students were assessed in the group work.

Caroline Pamp replied that it depended on the assignment. The drafting of a license agreement, for example, should only take a few days. In terms of assessment more generally, the students have both individual assignments and group assignments to which each individual has to contribute for the overall grade.

How to implement IP teaching considering the public issues of registering IP rights: perspectives of an administrative law teacher

Eva Nieto (University of Castilla-La Mancha, Spain)

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Eva Nieto is Profesora Titular of Administrative Law at the University of Castilla-La Mancha and clerk at the Spanish Constitutional Court.

Summary

Eva Nieto explained that the University of Castilla-La Mancha, where she teaches administrative law, was founded in 1985 and linked to the University Complutense of Madrid. Administrative law is a subject that is not only taught in law but also in a number of other faculties. Eva believes that the administrative aspects of patent law are important and should not be neglected.

She is aware that some law professors may resist this approach but is concerned that choosing to teach either the commercial aspects of patent law or the procedures is unsatisfactory. In her opinion administrative law must be involved. Since the Bologna process has allowed for patent law to be introduced across disciplines she believes that the administrative aspects of patent law should be taught to undergraduates and postgraduates in the relevant degree subjects. Commercial law should form two thirds of the course content, with procedural aspects occupying the other third. The focus would be on the procedures for obtaining a patent in Spain, European patent procedures and the PCT process.

She was particularly interested in the ideas and experience of the audience and wanted to hear what they thought about the appropriate timing for introducing a procedural component into a law degree. She was also keen to discuss how to achieve the right balance of theory and practice.

Questions and Comments

Claire Howell said that she teaches IP to business students and wanted to know why it was necessary to teach students how to register a patent. She could understand the need to teach IP management but not registration.

Eva Nieto answered that students need a more holistic knowledge and that from a business perspective many patent problems derive from procedural aspects. It would be useful for businesses to have a basic knowledge about procedures before going to the expense of getting an expert. They need to be able to answer basic questions such as what issues might arise depending on the type of patent.

Alison Firth said that she enjoyed the presentation and that she felt it was possible to use the patenting process as a means of conveying patenting law to non-lawyers.

Julio La Porta commented that the theme was an interesting one and added that knowledge about procedures would help businessmen to define their strategy for commercialising their product. The amount of detail necessary would be dictated by the profile of the students. He wondered whether the course would be taught in such a way that the one third devoted to procedural aspects would run sequentially after the two thirds devoted to the commercial aspects. He thought there may be some problems with this since procedures differ. From his experience at OHIM while procedures are supposed to be harmonised, in reality they are not. He felt that ideally the two streams would run parallel. He also agreed with Alison Firth that procedural issues could be used to introduce substantive issues.

Teaching European intellectual property law to non-European students: The Community Trademark System

**Eli Salis (PricewaterhouseCoopers, Coordinator for “Practicums”,
Magister Lvcentinvs Spain)**

(Eli.salis@es.landwellglobal.com)

Eli Salis qualified in law in Argentina, where he worked as an IP consultant at the National Institute in Buenos Aires in Argentina before moving to Spain to do his Master's degree at the University of Alicante. He has practiced in both Argentina and Spain and is author of several publications on Private International Law.

He is Latin-American area coordinator as well as teaching on the Master's course in Industrial and Intellectual Property and Information Society at the University of Alicante, Spain.

Summary

Eli Salis explained that, in Latin America, IP has previously been the exclusive domain of a small number of lawyers. IP has been an optional course on law courses until recently; something that started to change over the last 10 years.

It is in this context that he teaches the Community Trade Mark system to students aiming to become trade mark lawyers. The courses are intensive and run five hours a day, six days a week in countries such as Argentina, Chile, Ecuador and Mexico. The three main areas he covers are trade mark prosecution, litigation and transactions. On finishing the course, the students should be familiar with the legal aspects of the Community Trade Mark system as well as OHIM and the ECJ.

He sends a comprehensive syllabus of the course to the students a couple of months before they start the course so that they can familiarise themselves with the course content. The syllabus defines the topics, when they will be taught, the time spent on each subject and the cases to which he will refer. He finds that giving the students the syllabus in advance is both a useful method of introducing them to the subject matter and a means of reviewing the course at the end.

The teaching methods used are intended, in particular, for students with a non-European background. He begins by identifying what the students already know in order to build on it. This usually involves teaching the students the difference between a directive and a regulation and other terms with a distinct European meaning.

He specifically teaches students how to convert a Community Trade Mark into a national trade mark and explains the basis of the International Trade Mark system, based on the Madrid Protocol. He also clarifies the differences between trade mark and design protection.

He uses real-life stories and interactive role play exercises to develop students' skills and aims to get the students to apply relevant principles of law to analyse and solve problems. He finds that students are well motivated by the use of an interactive methodology and team work.

He feels that such courses are very important in Latin America in order to address a lack of knowledge, familiarity and understanding of IP among the general population that has resulted from IP knowledge being restricted to a small number of IP practitioners. He believes that it is necessary to modernise the IP policies and to update IP education more generally. The feedback from the courses he has taught has been very good and he has maintained contact with former students.

Questions and Comments

Mariano Riccheri had a question about the level of knowledge of EU law needed to understand the IP system. He wondered what the minimum amount of information would be.

Eli Salis replied that he was no longer living full-time in Argentina since he moved to Spain some time ago and he has been impressed by the amount that the Latin American students know about EU law including recent cases at the ECJ.

Mariano Riccheri wondered whether the students had any problems understanding the framework and meaning of terms such as directive and regulation.

Eli Salis said this was not a problem because it was the first thing they were taught on the course.

Laurent Manderieux observed that at Bocconi they had faced a similar situation, with non-European students coming from 120 different countries. He has found that, with the exception of the Americans, Australians and Canadians, they tend to perform less well in IP exams. Based on this experience he has urged them to take EU classes but he believes that the problem is more generally a lack of IP culture.

Eli Salis said that they solved the problem by offering an introductory EU course.

Laurent Manderieux replied that despite doing that, they still find that there is a gap.

Eli Salis conceded that it was difficult in the beginning but in his experience the non-European students sometimes end up with better results.

Session 4

IP Law and other Paradigms: Economics, Arts, Sociology

**Chair: Mariano Riccheri, University of Alcalá IP Research
Group, Spain**
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Teaching copyright to Masters students in the English Department and the Huston Film School

Maureen O'Sullivan (National University of Ireland, Galway, Ireland)

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Maureen O'Sullivan holds a BCL from University College Cork and did a research LLM entitled "The Linux Operating System: A Socio-legal Study" at the University of Warwick in 2001. She designed and taught a course for the LLM in Commercial Law at the University of the West of England, Bristol in Cyberlaw and Software Licensing and Legislation.

Her research and teaching interests span intellectual property in the digital age, including Free/Libre and Open Source Software (FLOSS) and Creative Commons licensing; the patenting of genetically modified organisms; the Information Society and related policy making, especially in Spain and Latin America; theoretical approaches to property and intellectual property; sociology of law, with a focus on law-making in technocracies; and anarchism.

Summary

Maureen O'Sullivan began by saying how beneficial she had found being part of the EIPTN, especially because she moved from the UK back home to Ireland, where IP is still a developing area and where there is not much case law. She teaches copyright on three different post-graduate courses: the MA in Literature and Publishing, the LLB, and the MA in Arts, Policy and Practice.

MA in Literature and Publishing

The MA in Literature and Publishing is a well-organised course which runs smoothly. As a service teacher Maureen said that she had a lot of freedom to design her part of the course. Initially the focus was entirely on copyright but there is a strong need to adapt to student needs. The course is open to both English and Law students who have different interests, with Law students wanting to know more about doctrinal issues. There is therefore a need to find the right balance and the course will have to adjust accordingly.

The essay assessment demonstrates that the English students are aware of copyright issues but are unused to legal thinking and lack basic legal knowledge. This has led to a need to give the students a crash course in the Irish legal system which they can then apply to copyright matters. The solution is effective but very labour intensive.

The LLB

Since undergraduate fees were abolished in 1999, a one year post-graduate LLB was established to bring in fees to the university. The structure of the course is deliberately not very doctrinal so that the English students are not de-motivated.

There is very little IP case law in Ireland but the case law that does exist is controversial. Judges in Ireland have made remarkable statements, making the teaching of theory fascinating. In 1994 a judge suggested that, unlike in other common law countries, in Ireland copyright is a constitutional right that has not been abolished by statute. This would mean that Ireland's situation currently resembles that prior to the Copyright Act of 1709 (commonly known as the Statute of Anne). In 2009 a judge in a downloading case said that copyright was a human right in addition to the statutory right, with the potential to make copyright endless, with a very broad scope. While theory appeals to some students more than others, this obviously controversial material is highly motivating.

Master's in Arts, Policy and Practice

Maureen took over the teaching of the law element of the Master's in Arts, Policy and Practice course run by the Huston film school at short notice. The students are non-law students and the course is assessed by a 2,500 word essay. When she took over the course the students were unhappy so she had to immediately consider how to address the students' needs.

She has negotiated the maximum possible teaching time and now has five weeks to teach copyright, starting with a crash course on the Irish Legal System and copyright law. With a small classroom and no PowerPoint facility she has discovered that what initially seemed like limitations have actually turned out to be benefits. Her teaching tools are books and pictures and methods include discussion and questionnaires focussing on issues that face the students as artists.

Theoretical discussion of the nature of art is directly relevant to copyright and is of great interest to artists. Maureen suggested a number of useful examples that generate discussion of art and copyright. These included the Adam Ant case (Merchandising Corp of America Inc v Harpbond Ltd [1983] FSR 32, 46) and the question of copyright in a blank canvas. She discussed whether copyright and the application of western concepts of property rights are appropriate in relation to collective folkloric works produced by indigenous artists and she passed round an aboriginal drawing, together with its certificate of authenticity, while explaining that the aborigines who produced the drawing are not considered to be the authors of the work; instead the authors are their ancestors. Another conundrum related to the Dadaists of the twentieth century who proclaimed that their work was not art, raising the question of whether copyright applies whether you want it to or not.

All these matters are related back to discussion of how they would be answered by an Irish court. The lack of case law or clear definition of art in the copyright act, combined with the idiosyncratic judicial comment, means that the boundaries of copyright are uncertain giving great scope for analysis and comment.

Questions and Comments

Tanya Aplin wanted to ask whether Maureen taught basic principles of copyright law.

Maureen O'Sullivan said that she did although within rather tight time constraints. There is an expectation that students will do a certain amount of self-study.

Tanya Aplin further asked to what extent the course went into questions of policy.

Maureen O'Sullivan remarked that policy issues were raised. Notably, in the LLB class when she asked the students about music downloading there were a lot of red faces but in contrast the art students were far more aware of copyright issues and were in favour of protection because they knew it was important in order to protect their own work.

Mariano Riccheri asked about the students' attitudes to copyright when using other people's work.

Maureen O'Sullivan said that in the English department in particular there was institutional awareness of copyright and respect for the work of others.

Teaching copyright through the law and technology approach Federica Giovanella and Roberto Caso (University of Trento, Italy) (Federica.giovanella@unitn.it; Roberto.Caso@unitn.it)

Federica Giovanella is a doctoral Candidate in Private Comparative Law in the Department of Legal Sciences, University of Trento.

Summary

Federica began by explaining that Roberto Caso had been unable to make it to Alcalá because of a strike in Italy so she would present their experience of teaching copyright in Italy. The teaching of copyright law at public universities in Italy is somewhat fragmented, compared to private universities like Bocconi. Copyright tends to be marginalised in IP teaching because the focus tends to be on industrial law with the main focus being patent and Trade Mark law.

Federica and Roberto aimed to break down the boundaries using comparative law, experimenting with different approaches and introducing interdisciplinarity. Their experience teaching IP in this way, which she acknowledged was limited, includes the Bocconi Transatlantic Intellectual Property Summer Academy discussed earlier by Laurent Manderieux as well as a number of other courses since 2003.

The courses aim to provide students who come from economics and engineering backgrounds as well as law with an understanding of copyright history. The central theme is how technology has affected the structure and development of copyright law. They explain license agreements and the possibility of open agreements. In their approach they try to give reasons for the way copyright has evolved rather than being prescriptive about whether it is right or wrong.

Questions and Comments

Laurent Manderieux thanked Trento University which, he said, is the highest ranking university in Italy, for their presentation linking copyright and technology. He said that it creates a positive effect when students with an IT background attend a course together with lawyers. He suggested that one effect of such courses may be that students with an understanding of copyright issues could be less likely to plagiarise.

Federica Giovanella said that they discussed plagiarism in both science and art in a seminar. Artists and art collectors as well as teachers of art were invited to talk about links between plagiarism and contemporary modern art.

Alison Firth said that Laurent may have answered her question but that she would like to know whether Federica felt the students were keener on or had a more balanced view of copyright after the course.

Federica Giovanella replied that the students were happy with the course and that they had had good feedback. The aim was to encourage them to be critical and to make them think. It did not matter if the students were sympathetic or not.

The role of IP teaching in the information society

Petra Zikovska (Charles University, Prague, Czech Republic)

(zikovska@ifpicr.cz)

Petra Zikovska is head of the International Federation of the Phonographic Industry in the Czech Republic as well as teaching in the Institute of Copyright, Industrial Property Rights and Competition Law, at the Faculty of Law, Charles University.

Summary

Petra Zikovska aimed to give an overview of IP teaching in the Czech Republic as well as her personal experience of teaching non-lawyers in the art faculty.

She began her presentation by showing a beautiful image of Prague and stressed how proud the Czechs were of their country. She then contrasted this with an image of border markets, full of counterfeit products, of which they are not proud and emphasised the need to raise awareness of IP issues in the country. This was vividly illustrated by a scandal in 2004 in the Czech Republic, involving the Prime Minister's wife carrying a counterfeit Louis Vuitton handbag at a conference.

While all Czech law schools teach IP, only Charles University has a dedicated IP Institute, although there is competition with Brno University which has a different curriculum. The Institute of IP law at Charles University teaches between 500-700 students per year.

Copyright law has a long history in the Czech Republic along with Trade Mark law which has also been taught, traditionally, despite the fact that there was no competition in the communist era. Students on civil law courses have three mandatory lectures in IP law so all law students have a basic knowledge of IP but there is very little specialisation in the legal education system, with students only specialising in voluntary courses. In order to enable other students to take voluntary courses in the IP Institute they are about to launch a credit system.

Petra said that she would like to make the teaching of IP more interactive but admitted that it is difficult with 120 students in a class. To make IP more attractive to the students IP teaching is approached through case studies in which the students examine a contract to analyse it for possible problems.

IP professionals in the Czech Republic don't just teach in the law school but also in other places so it is not unusual to have experience of teaching IP to a non-law audience. Petra has taught for four years in the Academy of Visual Arts. She described the first year as something of a baptism by fire, as she had no idea what to expect; but she learned from that year the importance of knowing something about the students you are about to teach so that the course can be tailored to their needs. She taught in small groups of about five students which she realised could be a burden for the teacher in terms of preparation because of the much greater emphasis on debate and argument. She found that she had to adjust her language and that it was important to use as little legal language as possible with non-lawyers.

She used the first 90 minutes to provide a basic introduction to the legal system. She found that in doing this it was very important not to bore the students. Much of the information ran contrary to the students' ideas about the law, which they had often taken from American films. Ultimately, she found the experience fulfilling and a refreshing change from teaching lawyers.

Questions and Comments

Claire Howell suggested that she might have enjoyed teaching the non-lawyers more because they were in small groups rather than the 120 students in the law class.

Petra Zikovska agreed that it may have been one reason but she also enjoyed the different perspective of the non-lawyers.

Ruth Soetendorp said that she had found the presentation really interesting and the comments about the Louis Vuitton handbag reminded her of a WIPO conference in Bangladesh when the conference bag was a fake Hugo Boss bag.

She went on to suggest that the law students could partner the arts students to grapple with licences. It may help them to express legal concepts in clear, easily understandable language.

Petra Zikovska said that she would try that next year.

Session 5

The Teaching Medium and Message

Chair: Tanya Aplin, Kings College, University of London
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Patent cases for law undergraduates

Manuel Lobato (Autonomous University of Madrid, UAM, Spain)

(Manuel.lobato@twobirds.com)

Manuel Lobato is a Professor of Law at the Autonomous University of Madrid, specialising in commercial law, corporate law and intellectual property law. As a practicing lawyer he has advised many research-based pharmaceutical companies on intellectual property litigation, regulatory issues and contract law. He is regarded as a specialist in pharmaceutical law and pharmaceutical data exclusivity as well as in patent and trade mark law and has advised international companies on Community Trade Mark and unfair competition litigation. He has also advised life sciences companies on patent litigation and drafting of technology transfer contracts.

Summary

Manuel Lobato introduced himself as a maverick IP teacher, who goes in like a sniper to teach IP. He teaches elementary elements of IP law within a general course on commercial law and changes the IP element every year. He also teaches on the law degree.

He considers patent law to be high IP whereas he describes Trade Mark and Designs as soft IP law. Copyright and Trade Mark have a sexier image while patent law is perceived as harder and is, therefore, more difficult to teach. As in the Czech Republic the undergraduates studying for a law degree are aiming to go into general practice. The law degree aims to teach the students everything about everything; among all the information IP is a small subject and the students lack the technical background to appreciate it. Therefore to interest the students he teaches patent law through real cases. In this way he can bring practical experience and not just theory to the subject.

Manuel Lobato complained about the lack of text books on patent law in Spanish and was concerned that the students do not understand English well enough to access text books in English. However, while there are few decisions at the Spanish Supreme Court, those that exist are bizarre and therefore no good teaching material. The peculiar interpretation of TRIPS in Spain is also useful for discussing the interpretation of treaties in international law.

In his practice Manuel Lobato mainly works with chemical patents but they are complex and he has found, when giving seminars to the judiciary, that even judges find them difficult to follow.

However, he uses the API case, an example illustrated on his slides, in order to make the issues in patent law accessible. The simple diagram illustrating the chemical structure of the patent application enables students to identify possible infringement and to determine what may or may not fall within the claim. This example dramatically demonstrates the importance of claims.

Undergraduate students find mechanical patents easier to read than chemical patents. Mechanical patents are often everyday objects that the students can see and feel making the subject matter more real for them. He uses the example of a patent for a safety belt for pregnant women. The claim describes the utility of the patent, which can easily be appreciated. It is also easy to visualise possible infringements.

He considers using cases to be indispensable in teaching patent law but cautions that more technical cases need to be gradually introduced to students and recommends mechanical patents as a good place to start.

Questions and Comments

Alison Firth asked why, in the API case, the alleged infringement was not a literal infringement of the claim.

Manuel Lobato replied that there was no infringement because there was no microcrystalline cellulose in the alleged embodiment. Spheroids can be created through a different process. There was no extrusion in the embodiment of the alleged infringer.

Mariano Riccheri wanted to know how Manuel dealt with the quality of the decisions of the Spanish tribunal and the fact that they show a lack of awareness of basic aspects of IP, given that he taught this course early in the undergraduate programme.

Manuel Lobato responded that not all courts made such mistakes but that it was important to develop a sense of scepticism among the students regarding the abilities of Spanish judges. The system pretends that the judges know everything but in fact they need to specialise. However, he also noted that some of the bad decisions made, were made by a specialist judge. He felt that students need to know the truth; that judges are not perfect. In the IP field, he said, there is a lot of room for improvement.

Initiating post-graduate students to patent law through practical examples

Immaculada Gonzalez (Lawyer, Cuatrecasas, and Visiting Lecturer-Magister Lvcentinvs, University of Alicante, Spain)

(immaculadagolo@gmail.com)

Dr Immaculada Gonzalez practises as an attorney with the Intellectual Property Group of Cuatrecasas law firm in their Alicante Office. She contributes to the 'Magister Lucentinus' programme at the University of Alicante.

Summary

Immaculada said her aim was to share her experience of teaching students at the beginning of the LLM course. She recounted her dismay when she realised, in one of the last sessions of the patent law module, that some basic concepts were still not clear to the students. She realised then that there was a need for a stronger introductory part of the course requiring a supplementary session with a practical element in order to fix the basic concepts of patent law in the students' minds: a Practicum.

The students are chosen from a variety of academic backgrounds and come from all over the world. They all have excellent academic backgrounds and a high level of English. As postgraduates, their motivation is much greater than that of undergraduates. She has realised that a major reason for this is that the students have paid good money for the course and have therefore invested in better study habits. They are also more mature. This facilitates teaching but the teachers also need to meet the heightened expectations.

The Practicum lasts between three and six hours and focuses on teamwork and the analysis of cases. The exchange of ideas is very important to its success, with the students encouraged to expose their ideas in public to help them lose their fear of public speaking. There are eight groups and each is expected to analyse a case. Two groups are allocated to each case which, since patent law is not an exact science, may have more than one solution. The main themes are the requirements of patentability. The groups spend a week analysing and discussing the case then designate a speaker. With two speakers per case the discussion often ends in a lack of agreement, which leads the students to further discussion. Any mistakes made in the analysis are used to re-teach the relevant point and explain it more clearly.

Questions and Comment

Tanya Aplin thought that the examples were excellent: both accessible and useful. She commented that they facilitated not only the teaching of doctrine but also enabled discussion of questions of policy.

Immaculada Gonzalez said that the students understand that there are several possible answers. The aim is to try to fix certain concepts at an early stage in the course so that at a later stage in the LLM students will be able to understand more complex issues which will be particularly useful when it comes to claim drafting.

Claire Howell was afraid that some students might find it difficult and do nothing. She wanted to know if all the students participated.

Immaculada Gonzalez said that all the students participated and that participation had not been a problem. If it didn't work she would change the system.

Clara Ibáñez said that from her point of view, as a student on the course, everyone wanted to join in the discussion.

Patent claims and paperclips

Janice Denoncourt (Nottingham Trent University, UK)

(Janice.denoncourt@ntu.ac.uk)

Janice Denoncourt is a senior lecturer in law at Nottingham Trent University and module leader for a number of intellectual property courses. She is a barrister and solicitor in Western Australia and a solicitor in England and Wales.

Summary

Janice Denoncourt explained that Nottingham Trent University is a full service university in the UK that takes students from undergraduate law degree to full professional qualification. Here she wanted to focus on a single example of a teaching technique for a patent claim simulation exercise handed down to her from Michael Pendleton of Murdoch University, Western Australia, as part of an IP legacy common to commonwealth countries. It is a fun example that helps to consolidate theory and demystify the topic of patent claims. It is memorable and since it is not high tech it is very useful as it can be used with few facilities. Everyone can understand and contribute.

The students are required to do some pre-reading then, after a short discussion of the justifications for grant of a patent monopoly and the criteria and procedures for registration under section 14 Patent Act 1977, the students are required to write the patent claims.

The students are asked to assume that the paper clip is new and inventive and are given 15 minutes to describe it. Then in groups of three or four in a class of 30 to 40 they are given 10 minutes to describe the monopoly that the device creates. For this the students are reminded of the legislative provisions. They are instructed to think of the different possible shapes and materials feasible for a paper clip so they can draft to cover all the alternatives. They then highlight the most significant claims, in particular those that have the most value, and discuss whether the claims should be narrow or broad.

It requires precision to describe the monopoly in words. But it teaches the students that, as Lord Russell said in *Electric & Musical Industries Ltd v Lissen Ltd* (1939) 56 RPC 23 “The function of the claims is to define clearly and with precision the monopoly claimed so that others may know the exact boundaries of the area in which, if they venture therein, they will be trespassers.”

The paper clip example is simple. Although the paper clip itself was not patented, the machine to make it was. As a real object for use as a teaching tool it is easy to carry around and widely available as well as familiar to people from all backgrounds.

Janice brings in other types of paper fasteners and asks the students to consider whether they are infringing. She also takes them to the paperclip history museum. The method appeals to many different styles of learning, undergraduates enjoy it and there is no need for any type of technological support. She has used it in many different contexts including at the bottom of a mine.

Questions and Comments

Claire Howell noted that it must have boosted the sale of paperclips.

Janice Denoncourt said that she started using it because of the easy availability.

Tanya Aplin endorsed the importance of using practical examples to engage students. She was interested in Manuel's comment in the previous presentation when he said he steered clear of chemical patents as examples. She said that she thinks it is necessary to show students the complexity of biotechnology patents. They are controversial in patent law so it is important to draw out their complexity and to discuss both their economic value and how they are pushing at ethical boundaries.

Janice Denoncourt said that she felt that it was a matter of progression.

Session 6

Case Studies and Boundaries

Chair: Mike Adcock, University of Durham, UK
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Problem-based learning and the challenges of integrated teaching to lawyers and non-lawyers

Cees Mulder (Maastricht University, Netherlands)

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Cees completed his first PhD in Physics at Leiden University before qualifying as a Dutch patent attorney in 1997 and a European patent attorney in 1999. He is currently lecturing at Maastricht University on the Masters degree in Intellectual Property Law and Knowledge Management while also completing a further PhD, this time on patent law.

Summary

Cees told the meeting that he comes from a technical rather than a legal background. After completing his first PhD in physics he worked in research at Philips until becoming a patent attorney, at this point he was exposed to the impact of the law on technology. This led him ultimately to do a second PhD in IP Law at Maastricht University where he now teaches on the advanced Masters degree in Knowledge Management.

The method used to teach the course derives from the Problem-Based Learning (PBL) approach developed in Canada and the United States, which is now used globally. PBL involves students collaborating in small groups of up to 20 or 30 students to solve problems and means that students take a great deal of the responsibility for their own learning. At the beginning of the learning cycle the students are given information about their problem, which they use to identify what they need to read.

Since 2009 a new curriculum has been introduced at postgraduate level with the students on the LLM and MSc courses now taught together. The Masters' courses produce individuals who are highly educated in IP and are ideally placed to interface between companies and advise inventors on IP issues as well as communicate with patent attorneys. The goal of many of the students is to find a job in industry where opportunities may exist both in companies that have an existing patent department and those that don't. The MSc course is also a first step to becoming a patent attorney. In this last year it has had eight students, half of them are from outside the EU, and the feedback from course evaluation has been that the course is stimulating. There are 40 applicants for the coming year.

The Master's courses have a common core for both the LLM and the MSc as well as specific assignments for each discipline. The courses also share a number of common core assignments and exams. The MSc focuses more on the teaching of claim drafting and Cees said that he was inspired by Janice Denoncourt's paper clip example and will try to use it in the coming year.

He stressed that the students are expected to undertake self-study and organise their work for assignments without interference. They are taught presentation skills in order to increase their confidence and teachers have come from around the world to teach on the course. High profile visitors include Prof. Alison Firth and lecturers from WIPO. The students also visit WIPO. While the programme is not perfect and is still under development, it has been strongly endorsed by the students who have stressed the depth of knowledge they feel they have gained through the process of PBL.

Questions and Comments

Caroline Coles asked Cees how he dealt with students with different expectations.

Cees Mulder admitted that there had been some problems with students coming from universities where they are used to more guidance. But, he said, they learn that if they are unprepared they get bad grades, so they adapt to the system.

Mike Adcock wanted to know how much of the assessment was based on exam work.

Cees Mulder said that the mark distribution was 40% for the assignment and 60% on the written exam although some modules have no written exam.

Ursula Versch wondered whether he had tried to teach PBL with no assignment and only a written exam.

Cees Mulder replied that he didn't think that would be a good idea.

Ursula Versch said that she meant the possibility of giving no mark for the PBL part.

Cees Mulder said that he hadn't tried that. Currently all courses have assignments plus exams.

Ursula Versch explained that the reason she asked was because in Germany they are talking about using PBL to get the students learning independently, but while they would be given an assignment they would get no mark and be assessed only by the exam at the end. She wondered what the effect would be on motivation without marks.

Cees Mulder said he couldn't comment as he did not have the relevant experience.

Is clinical law possible in IP matters?

Tomás Vázquez Lépinette (University of Valencia, Spain)

(Tomas.vasquez@tomarial.com)

Tomás Vázquez completed his law degree with honours in 1990, followed by a PhD with honours in 1994 before undertaking post doctoral work at the Max-Planck Institute from 1995-1996. He became a Commercial Law professor at the University of Valencia in 1998.

Summary

Tomás Vázquez Lépinette's presentation concerned a proposal to create an IP clinic at the University of Valencia. The university already offers clinical education in other areas of law. Something that may facilitate the creation of an IP clinic is the fact that the University of Valencia incorporates a science park that houses the university's spin-off companies, as well as a number of other companies that are heavily involved in R&D, such as Biopolis, Galileo Geosystems and Green Molecular.

The benefits of an IP clinic would be in its utility as a pedagogical device, introducing students to basic law skills under supervision. Students would gain a critical understanding of the values that shape IP law and policy and they would be helped to make the transition from law student to practising lawyer more easily. Since a clinical approach is designed to contribute to the community it should therefore promote the public interest in copyright, patent, trademark and related fields. As a law office within a public university an IP clinic would be subject to scrutiny.

The IP clinic would be non-mandatory and attract five credits. Students would have to take responsibility for reading up about the matters and then discuss possible actions in seminars. Ideally, the students would get to see a full range of IP cases but the actual cases brought would depend on the clients.

The local industrial base is made of small family-owned companies in the early stages of development which tend to be entrepreneurial. They are often unable to afford expensive advice so the law clinic would not present a threat in terms of unfair competition to established law firms in the area.

The question remains whether this will be possible to set up. The plan is to create the legal structure to enable the next stage so that it can be offered in 2011-2012.

Questions and Comments

Alison Firth was interested to know whether the existing clinics have a system for receiving clients and distributing work.

Tomás Vázquez Lépinette replied that there was a coordinator who acted as a reception officer and decided whether to accept a case.

Immaculada Gonzalez asked what the clinic should do in a case of infringement. While the students can analyse the matter, they cannot stand before the court. How would this be handled, she wondered.

Tomás Vázquez Lépinette answered that in the first stage of the clinic students would give only extra-judiciary assistance and this must be taken into account. The cases must be referred to registered lawyers at the appropriate point.

Another issue is how to assess the economic resources of the clients in order to select them. One way would be to ask them to provide tax returns to prove lack of resources. However, in practice this may not be a problem as someone who can afford a good lawyer would not be seeking advice from students.

Ruth Soetendorp asked about insurance cover.

Tomás Vázquez Lépinette said that it was a good question. The research and development group would be covered by insurance.

Mike Adcock wanted to know whether they had a mechanism in place to evaluate the advice.

Tomás Vázquez Lépinette said they didn't have one in place yet. The plans are still at an early stage.

Session 7

Technology as a Mediator of IP Understanding

Chair: Maciej Barczewski, University of Gdansk, Poland
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UAIPIT as a key tool for IP teaching and research

Clara Ibáñez (University of Alicante, Spain)

(Clara.ibanez@ua.es)

Clara Ibáñez is a Spanish attorney at Law in Spain. She took the Patents and Technology Transfer Module when studying on the Magister Lvcentinvs course.

Summary

Clara Ibáñez introduced the new version of the International Portal of the University of Alicante on Intellectual Property & Information Technology (UAIPIT) website, providing information on industrial and intellectual property. The website was the original idea of teachers at University of Alicante but after running for a number of years the website reached a point where it needed to be updated, so a new version has been developed to make it easier to use. The new website also introduces a wider geographic scope, with more useful information for the Latin American, North American and Asian audiences.

The content is addressed to teachers, researchers and lawyers many of whom have reported that they use the website to find the latest information. It is therefore a challenge to ensure that the site is continually updated.

Clara encouraged EIPTN members to participate in the UAIPIT community. She pointed to an interesting section that provides a publishing opportunity, which may be useful for researchers who are finding it difficult to get their work published.

With the UNESCO chair in copyright currently held at the University of Alicante, there is an emphasis on research into copyright issues and a number of courses and seminars have been organised on the topic. Information about these can be found on the UAIPIT website.

A new case law section hosts Spanish and other European case law as well as links to international IP case law websites. Such case law access is offered free for users of the website, something that may be particularly useful for students.

A particularly useful aspect of the website is the calendar compiled in collaboration with the EPA and published on the EPO website, with a link to the UAIPIT website, ensuring the event reaches a wide audience. It is easy to add a patent event or other IP events through the simple completion of a form. More than 4,000 events have already been publicised in this way. An annual UAIPIT congress provides a forum for discussion to address how the website can better address audience needs, as well as other IP topics.

Questions and Comments

Ursula Versch asked how many people were involved.

Clara Ibáñez explained that there were two directors and four trainees in the office and there were a lot of people involved in collaborating internationally.

Duncan Matthews said that he hadn't known about the resource before and will use it and recommend it to students. He wondered whether they had any statistics about the number of people using the site.

Clara Ibáñez said that the IP team could let him know about the statistics. Referring back to the previous question on the issue of staffing, she said that funding of the website is an issue. The budget is small and that although they want to pay everybody, they sometimes can't. There are more than 55 countries involved so it is a lot of work to keep the site updated.

A web based IPR learning resource for arts industries

Ruth Soetendorp (Bournemouth University, UK)

(iprsuet@googlemail.com)

Ruth Soetendorp is Professor Emerita at Bournemouth University, where she is Associate Director of the Centre for Intellectual Property Policy and Management. She is also Visiting Professor at Middlesex University Business School.

She is a member of the Chartered Institute of Patent Attorneys Education Committee, founding convener of the Intellectual Property Awareness Network's education sub-group and the Intellectual Property Institute. She is a member of the European Patent Office International Academy and a UK Higher Education Academy National Teaching Fellow.

Summary

Ruth Soetendorp, who has been working this year with workers in the arts industry, began her presentation with an image of the HIV virus sculpted in glass. The sculpture, designed in collaboration between an artist and a virologist, raises issues about its IP potential. Another project that raises IP issues and bridges the worlds of science and the arts, this time fashion, involves a magic mirror that allows customers to 'try' clothes on in a virtual sense to visualise what they might look like in reality. This invention has been patented.

Ruth used these examples to illustrate the way in which the arts industry is waking up to the importance of IP. Artists are now commercially involved in both Trade Marks and Patents. To illustrate that something is happening in this area she pointed to the inclusion of an IP strand in Christie's private Art Business course and American schools, such as the Benjamin N Cardozo School of Law, teach IP in courses linked to film, music and entertainment. Fordham Law School, which is situated in the area of Manhattan in New York, is devoted to the garment industry and has now a fashion law institute.

In the UK there have also been recent developments in this area. It is ten years since ACID, an organisation that offers IP advice and training for designers, was established. The National Endowment for Science, Technology and the Arts (NESTA) was established by the UK government in 1998 as an independent body with a mission to make the UK more innovative. There has also been collaboration between Imperial College and the Royal College of Art.

Ruth explained that she had been involved in developing a course at the University of the Arts London. The course was aimed at arts students at an early stage in their course and is not classroom based. The focus was on self-managed learning as well as tutor-led sessions. The format involved using videos of case studies, one of which involved Jenny Tillotson a postgraduate at the University of the Arts, London, and a designer of jewellery and clothing. She has been developing e-scents and smart fabrics that dispense aromas that reduce stress and give the wearer or user a sense of well-being. The technology is being investigated by Samsung to explore the possibility of smell-tones. Ruth's students were asked to identify the IP knowledge that Jenny would need to know both as an artist and as a collaborative researcher. After watching the video interview with Jenny the students were asked what they could learn from Jenny's situation, what they needed to know more about and where they would find the information.

A second art-based project Ruth discussed in detail was the Museum of Brands, Packaging and Advertising, a fascinating museum located in London. It is sponsored by the Intellectual Property Office (IPO) and the Intellectual Property Education Trust and has charitable status. Ruth pointed out that it has great potential as a learning resource for students, with a hundred brand histories and many useful worksheets. For those who teach outside London and would find it difficult to take their students to the museum Ruth suggested that a similar teaching project could be designed by taking students to a local hypermarket.

Questions and Comments

Mariano Riccheri noted the development of a creative perspective resulting from a convergence of technology and the arts. He wondered whether there were any problems organising the projects as well as how Ruth decided what to teach the students in terms of substantive content when some students would be more interested in copyright while others may be more interested in patents.

Ruth Soetendorp replied that it was a small programme and that hers was a small part of the overall programme. She said that she presented IP as a whole, aiming to get across the idea that intellect produces things and that the outputs can be protected in different ways. At the same time she tried to raise awareness of the fact that it was equally important to be careful about the things created by other people. She said that she certainly didn't start with the assumption that artists don't need to know about patents. Since the students are self-managed, they navigate the issues themselves. They start with questions and think functionally.

Problem-solving via the use of online simulations

Caroline Coles (Leicester De Montfort University, UK)

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Caroline Coles followed her original BSc degree by doing the Graduate Diploma in Law (GDL) and going on to become a solicitor. She has since founded her own management consultancy firm and practiced with Freeth Cartwright in Nottingham. She has also worked in marketing with Boots Company plc.

Currently she teaches Business Law and Practice, Commercial Law and Business Accounts on the Legal Practice Course (LPC) at De Montfort University. She is the coordinator for e-learning for the Department of Professional Legal Studies.

Summary

Caroline Coles started by explaining that her interest in technologically enhanced learning was inspired by her teaching on the distance learning Legal Practice course as a way to combat 'the loneliness of the long-distance learner'.

The students on the course have 24 days a year of 'eye-to-eye' contact time but otherwise they are on their own juggling work and studying. With the trend for more people to study in this way, as studying becomes increasingly expensive, it is important to engage distance learning students using innovative methods.

Caroline has looked to multiplayer online games to find a solution through developing simulated role play. Pedagogic support for this approach can be found in Vygotsky, who found that students learn better in groups; Kolb, who established the existence of a cycle of knowledge in which students receive knowledge, work with it to make it meaningful and then create new knowledge; and Lave and Wenger who explained that students learn best in a community.

Some of the advantages of technologically enhanced learning are that it is safe, repeatable and can embrace wide participation. It offers a means to reach out to students so they don't have to attend and can fit their studying in around work schedules. The approach engages students' motivation through the fact that it has a practical application and is flexible, leading ultimately to learning.

Caroline's research discovered a number of simulations already in existence. Alph@bit offers an immersive world to teach basic literacy, while in the US the CIA has developed peace simulation programmes to provide training in conflict avoidance. Leeds University has an open access Spanish programme while the UK government has funded a project entitled the SIMPLE Community.

Caroline has created her pilot course using the SIMPLE Community, but she said that something similar could be done using the BlackBoard software which is used by many institutions and there are other free options available. She also uses an online Wiki.

In her virtual learning environment Caroline was the principal partner of a fictional law firm in which the students were the legal teams. Caroline allocated the cases, while each group had its own page and followed a set of tasks. They collaborated within their teams and loaded documents onto the website where they commented on each others work. Caroline maintained quality control by having a look at the uploaded documents, ticking them to let the students know when they could go ahead.

Such simulations can range from simple to complex. The important thing is for the simulation to feel authentic and at the same time be tailored to the students needs. Caroline admitted, however, that writing simulations takes a long time. There must be a storyboard so that the instructor knows what is going to happen and it is necessary to develop different tasks to engage the students.

The students learned how to use the software through an exploratory task right at the beginning of the course. They learned to manage their time carefully because they had no one to contact but they did have the advantage of having time to reflect. The format encouraged them to try out ideas, to be creative and to work independently.

In terms of contact time Caroline made sure to manage student expectations from the beginning. She also noted that while technical support is costly, the system itself is free.

Questions and Comments

Tanya Aplin asked how the students communicated with each other and what Caroline's experience had been with managing student expectations.

Caroline Coles said that the students communicated through email using the Wiki and discussion boards. They could also upload visual and auditory formats.

As for student expectations she said that as long as she made it clear at the beginning how the system works the students were happy.

Tanya Aplin was interested in the fact that there was no contact aspect.

Caroline Coles responded that while the students don't have to meet physically it did help if they had met. There are 24 days of face to face contact time during the year.

Ruth Soetendorp referred to a course in Melbourne where the students have no expectation of ever meeting but they still manage to develop a sense of community spirit.

Next Steps and Closing Remarks

Adoración Pérez Troya thanked the speakers and handed over to Duncan Matthews for closing remarks.

Duncan said that all the presentations had been very valuable and that the interventions, had also been of the highest order. He reported that the feedback about the meeting had been very positive and that there was a desire to build on the event and expand the network, perhaps arranging more workshops. The general feeling was that the network should grow in the future. There is clearly a need for this type of activity, with practically focused workshops distinct from academic research-based workshops.

Duncan emphasised the great achievement in the network's successful move outside the UK and said that the network was poised to move around Europe in coming years. There have already been offers from three different European locations which Duncan will be following up.

Duncan pointed out that with the network growing it was becoming difficult to accommodate within the existing budget. This year only half of the papers submitted could be accepted and, in order to accommodate the demand, a suggestion has been made to establish national networks linked to the European network. The EIPTN would also emphasise on its website that its activities accord closely with the aims and ambitions of the EPA and OHIM. He reported that, while the EPA will continue its partnership with the EIPTN, the EPA has also indicated that it supports widening the EIPTN's funding base in the future.

Suggestions for the network include:

- Producing an edited book;
- Organising smaller events in addition to the annual meeting, addressing for example early career teachers;
- Introducing a more detailed approach with more in-depth case studies into the Annual Workshop;
- Exploring the concept of research-led teaching;

Duncan said that these ideas would be followed up and that he would inform participants on developments.

Duncan thanked all the participants, the EPA for its support and the organising committee, in particular Alison Firth and Mariano Riccheri, for contributing to making the 2010 meeting such a resounding success. He thanked Adoración for her flawless organisation and the University of Alcalá for providing the fabulous location.

Summary of Outcomes

Patent Teaching Kit and IP Curriculum

Uptake of the Patent Teaching Kit has been impressive. Most EIPTN participants said they had downloaded it and it is currently a compulsory part of the curriculum for students in a number of countries. The IP Curriculum which will shortly be available is a means of extending the reach of IP teaching, providing a template for good practice and offering an opportunity for institutions to mould IP courses to fit student needs in different disciplines. The need to continue to expand and to spread the word about the teaching kit and the curriculum was emphasised at the meeting.

Motivation

A major theme of the conference revolved around addressing audience needs. This can be particularly an issue when teaching non-law students whose motivation and needs may be quite different from those of law students. Teaching students from a variety of backgrounds is valuable for instructors in understanding the impact of different perspectives on students' motivation to learn about IP. While the downloading of music for example might be shrugged off by law students, art students are likely to have a different view and to be more aware of copyright issues. Non law students are therefore often highly motivated to learn about IP both to protect their work from infringement and to profit from it.

Interdisciplinarity

A number of speakers were involved in tailoring courses for different groups as diverse as scientists, engineers, English students, fashion students and film makers. Key issues raised included maintaining interest, demonstrating relevance and deciding how much background was necessary in terms of legal knowledge.

Realia

It was widely agreed that a good way of engaging students was by bringing real objects into the classroom or workplace. This made it easier to show how intellectual property issues directly affect students' lives. The ubiquitous coca cola bottle and paper clip were examples of easily available props to enliven IP classes although, clearly, there is a great deal of scope for inventiveness in this area. The Museum of Brands, Packaging and Advertising in London was also highlighted as a place for student field trips which has fact sheets on IP already prepared. Visits to supermarkets could also be used effectively in a more do-it-yourself approach in the same vein.

Case law

Using cases was highlighted as a way of getting the students thinking about real-life scenarios. Cases can be used in many different ways. Examples included illustrating in a very visual way the intricacies of patent claims and possible infringements as well as illustrating the impact of judicial decision making on shaping the law. Particularly controversial decisions are useful to get the students thinking and talking about IP.

Legal Content

A question raised by a number of speakers was how much background legal knowledge was necessary in order to teach IP to non-European law students as well as to non-law students. Intensive courses at the beginning of courses are a favoured way of dealing with any gaps, but time allocations are often tight. This is not something that is always easy to resolve.

It is generally agreed that avoiding legal language when teaching non-law students is very important if they are to remain interested. However, there may be some basic law terms and concepts, EU regulations and directives for example, which non law students need to understand.

Pairing

Matching up law students with non-law students to give IP advice is a method that has been used successfully to get budding lawyers to communicate with people from other disciplines. The exercise gets them explaining ideas in colloquial and understandable language, which is a very valuable skill. It is also useful in helping them to appreciate the relationship between client and lawyer in a much more dynamic way. The activity can be done either with students across the disciplines or by using role play.

Relations with industry and commerce

Building good relationships with local industries was generally acknowledged to be indispensable in finding placements for students to get relevant work-experience and ultimately employment.

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