

Advisers and Clients a virtual reality

Professor Ruth Soetendorp

Centre for Intellectual Property Policy & Management,
Bournemouth University

iprsoet@gmail.com

Bournemouth and Aston Advice letter enthusiasts

Claire Howell – Senior Lecturer, Law,
Business School, Aston

Dr Tania Humphries-Smith – Head of
Learning & Teaching, School of Design
Engineering & Computing, Bournemouth

Chris McClening - Senior Lecturer, Design
Tutor for BSc and MSc Product Design and
Engineering, School of Engineering and
Applied Science, Aston

Professor Jim Roach – Dean, School of
Design Engineering and Computing,
Bournemouth

Professor Ruth Soetendorp – Associate
Director, CIPPM, Bournemouth

Dr Lingling Wei – Senior Lecturer, Law,
Business School, Bournemouth

© Ruth Soetendorp 2011



Advice Letter project – update

- Intellectual Property students have been advising Product Designers and other creative students about their IP rights at Bournemouth University for nearly 20 years
- So what's new?
- In the past 5 years the work has been developed by law academics, and engineering academics, and has migrated from Bournemouth to Aston university.

Advice Letter project

- How does it work?
- Intellectual property law students are grouped with final year product design (or other innovative, inventive, creative) students.
- ‘Creative’ students are clients, seeking IP advice
- IP students are advisers to clients using and creating IP rights

Learning outcomes i

At the end of the project Intellectual Property students will be able to

- Elicit information from a client
- Analyse information received and
- Apply appropriate intellectual property law to the information received
- Advise client of appropriate action

Learning Outcomes: ii

At the end of the project 'Creative' students will be able to

- Prepare design documents for discussion with professional adviser
- Formulate questions to elicit best intellectual property advice
- Apply advice received

Humphries –Smith (2009)

- “[...] The LLB students gain the experience of attempting to seek and understand information outside their normal domain. As well as experiencing what it is like to work with real designers/engineers who are engaged on real design work. While **the PD students have their awareness raised about IP and gain understanding about the whole range of IP issues.** They also experience working with a totally different group of students that they would not normally engage with on a professional level and have to explain their designs to a ‘lay’ audience. It demands that both parties take a level of responsibility and a professional approach to exchange of information and time planning

Wei (2011)

-
- There are five different styles of IP teaching, i.e., the case method, the problem solving method, the simulation model, the doctrinal method and the clinical method (Soetendorp 2005, 2006). The first four methods can and to certain degree have been applied during the lectures and seminars. The assignment requires IPP students to diagnose the IP potential of DEC students' final year technology project. It is essentially a **clinical method of teaching IP law, which is applied outside the classroom as complementary to the teaching inside the classroom which can facilitate students' deep learning.**

Roach et al (2005)

- “[g]raduates from different disciplines need the capacity to cooperate with experts from other fields, to see problems in a complementary way, because **employers want flexible, multiskilled graduates, open to learning, and equipped to respond to the rapidly changing nature of the workplace.**”

McLening (2011)

- “At the very simplest level the IPR link helps our design students explore and establish a new project direction. **Nothing worse than seeing a year long project that has been done before but the student just did not find it in their research.**
- Students learn to see the wider implications of their designs, the commercial market and importantly the real value of their ideas.
- Ultimately this **produces better more aware designers, with a more professional perspective and industry aligned approach to their work, a win win.**”
- Christian McLening 2011

Getting Started: Aston Masterclass i

- 35 ABS & 38 EAS students (student names and project titles to follow) 25 January 2011 11am – 1pm
- 11.00 Soetendorp: Introduction, session schedule
- 11.10 David Musker (Lawyer, RGC Jenkins & Co) “Real life experiences of IPR from the coalface”.
- 11.30 Aston Uni Patent Attorney: “Realities of IPR in the real world patent attorney and client relationship. What works well and what doesn’t.”
- 11.45 Law student expectations, Advice Letter requirements

Aston Masterclass ii

- 11.50 Design student expectations, FMP requirements
- 12.00 Students pair up and introduce, exchange contact details. Designers explain outline of project.
- 12.15 Groups of 4 pairs discuss Aims and Objectives of project, individual and group expectations – to be presented to class.
- 12.30 Groups write joint Aims and Objectives for the project, list target dates and set outline of future meetings.
- 12.45 Staff to sign off Students working contracts at end of session. Exchange and sign non-disclosure agreements.

Benefits – Aston EAS School i

- “N H, due to the Master Class event and with input from the IP law student, has now approached a company with several stages for a new product for the music industry. First contact went well and they were impressed with N’s professional attitude and of course confidentiality agreement all made for a business like approach. The next stage is a positive meeting with the Director with a view to developing his product with the company, negotiations are on going. **It is the extra knowledge and confidence in protecting his ideas and designs that has really helped give N the confidence to take this project forward”**
- Christian McLening 2011

Getting Started: Bournemouth IP

- **Inquiry Form**: Design an inquiry form seeking the relevant information on IP protection and exploitation of DEC students' project to assist you in writing the advice letter.
- **Diagnosis Sessions**: meet the DEC students (collectively or individually) and offer each **2 diagnosis sessions** regarding IP protection and exploitation relating to their project. You will comment on your DEC partners individual projects. Completed form to be discussed at the diagnosis sessions. You must provide diagnosis notes to each DEC student based on the discussions. The completed form **AND** the diagnosis notes to be submitted, and will be **assessed**.

Bournemouth DEC students peer review IP work?

- “As part of the IPL assignment, you are able to contribute to 5% to their marks by giving your assessment of how they managed the client relationship, which is a vital part of giving advice to you, the client.
- Please consider the following aspects when considering the mark that you wish to give. There is also space for any comments that you can make or you advice for how to improve the project to better address the needs of DEC students.
- Identify which DEC/IP group Name.....”

Bournemouth DEC peer review cont'd

- “Advice letter - Presentation (e.g. was advice well presented?)
- Advice letter/diagnosis note -clarity (e.g. Are you clear about your needed IP actions?)
- Diagnosis Session Communication (e.g. Was the communication two way? /Did you question get answered?)
- Timeliness (e.g. Did you get replies within a reasonable time frame? Did the IP students manage the process well?)
- Diagnosis sessions (e.g. Did IP students conduct the sessions in a professional manner?)
- Other comments/advice for future :
- Mark (please tick one of the boxes below) 0 – 5”

Bournemouth clients describe advisers' work

- Professional
- Informative
- Friendly and helpful
- I would employ them if I could
- Valuable
- Exceeded expectations²

Reinforcing learning – for engineer and lawyer

- XXXXX[xxxxx@aston.ac.uk] To:Soetendorp, Ruth InboxSaturday, May 07, 2011 11:24 AM You replied on 5/8/2011 12:28 PM.
- Hi Ruth, My engineer is having an interview with a company this coming Friday and has rang me to see if I had a copy of a non-disclosure agreement form that he could take with him. He wants to ensure that should the company not wish to pursue his idea, his idea will remain protected. I am struggling to remember what exactly went into the non-disclosure form that was signed at the beginning of the workshop between myself and him, but would that be suitable for him to take with him? If so would you be able to e-mail a copy across and I can forward it on to him?

Benefit to IP lawyers? Aston & Bournemouth agree:

- L T a final-year law student: “This project has really given us a chance to put our knowledge on intellectual property law into practice. We’re using what we know with a real client and trying to understand how a problem is experienced by the designers will stand us in good stead in the future.
- She added: “The structure of this module means that we are not only benefiting from the precise and accurate manner in which the law is taught to us, but that we also have the opportunity to practically apply this knowledge to truly understand and further appreciate its significance in the real world of commerce.”
- <http://www1.aston.ac.uk/aston-business-school/news/news-archive/2011/musker/>

Challenges

- Reconciling mis-matched student numbers in the two cohorts
- Communicate clearly which elements (for engineers) are optional and which are assessed. Letting 'clients' volunteer to reduce overall number, to get better advice
- Better communication of what can be expected at the beginning (starts at the beginning of the BU students IP) IP students should have their lectures before the project begins
- Not all group members involved – managing expectations, providing a 'safety net'
- Pre-Group students – or allow them to choose groups?

Risks

- Give more consideration to patent searching
- Give more information about next stages of IP management
- Offer more printed information. Advisers should think beyond what is asked for
- “Get phone numbers for better communication; emails were very formal which I found it inhibiting, whereas they were friendly and helpful in person”
- Sometimes felt like being read to from a textbook, students knew what I knew

Design lawyer comments



David Musker, Intellectual Property
Lawyer, RGC Jenkins & Co
Author 'Community Designs
Handbook', Sweet & Maxwell

© Ruth Soetendorp 2011

- “This is a marvelous way to foster awareness amongst those who create Intellectual Property. The role of patent agents would be made a lot easier, and entrepreneurs would be able to protect their IP more effectively, if more universities adopted such imaginative ways of approaching their teaching of IP.”

Sources

- <http://www1.aston.ac.uk/aston-business-school/news/news-archive/2011/musker/>
- <http://www.engsc.ac.uk/resources/intellectual-property-rights>
- INTERNATIONAL CONFERENCE ON ENGINEERING AND PRODUCT DESIGN EDUCATION, 10 & 11 SEPTEMBER 2009, UNIVERSITY OF BRIGHTON, UK, COLLABORATIVE STUDENT CENTERED LEARNING – INTELLECTUAL PROPERTY FOR PRODUCT DESIGNERS, **Dr Tania Humphries-Smith**