

European Intellectual Property Teachers' Network

Fifth Annual Workshop

27 - 28 June 2011

Charles University in Prague, Czech Republic

Report 2011

EIPTN, Charles University in Prague, Czech Republic

Prepared on behalf of the
European Patent Office



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PRÁVNICKÁ FAKULTA
UNIVERZITY KARLOVY V PRAZE



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Programme & Timetable

European Intellectual Property Teachers' Network - Fifth Annual Workshop

Venue

Charles University in Prague
Faculty of Law
Nám. Curieových 7
Prague 1
110 00 Czech Republic

Seminar code: AW47-2011

Monday, 27 June 2010

9.00 Registration and coffee

9.30 Welcome and introduction

Aleš Gerloch, Charles University, Prague, Czech Republic
Jan Kříž, Charles University, Prague, Czech Republic
Giovanna Oddo, European Patent Office

9.45 Keynote address

*Eva Schneiderová, Patents Department,
Industrial Property Office of the Czech Republic*

10.15 Session 1 – Using technology in IP teaching

Chair: Claire Howell, Aston University, UK

Copyright taught through technologies: constructing a Wiki-entry

Roberto Caso, and Federica Giovanella, University of Trento, Italy

The use of discussion boards to assess global intellectual property rights

Tina Hart, University of Huddersfield, UK

Camera! Action! Feedback! A comparison of multi-media modes of online feedback to improve student learning

Caroline Coles, De Montfort University, Leicester, UK

11.15 Coffee break

11.30 Session 2 – Teaching IP to non-traditional students

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

Imparting an understanding of key IP issues to Masters students in the automotive industry

Ian Hartwell, Cranfield University, UK

Challenges and chances of interdisciplinary IP teaching

Peter Ganea, Goethe University Frankfurt, Germany

Teaching intellectual property and patents in an engineering physics Masters

Maria Inés Torres, Jose Manuel Tarela Pereiro, Fernando Legarda, and Estibaliz Asua, University of the Basque Country, Spain

12.30 Lunch

14.00 Session 3 – Multi-disciplinary approaches to IP teaching

Chair: Michal du Vall, Jagiellonian University, Kraków, Poland

Multi-disciplinary teaching and learning: Towards a more global approach to IP teaching?

Laurent Manderieux, Bocconi University, Italy

Advisers and clients - a virtual reality

Ruth Soetendorp, Bournemouth University, UK

IP curriculum development for cross-cultural and multidisciplinary groups, with particular reference to experiences with Brazil and China”

Anselm Kamperman Sanders and Dalindyebo Shabalala, Maastricht University, Netherlands

15.00 Coffee break

15.15 Session 4 – New approaches to IP teaching

Chair: Chris Ryan, Nottingham Trent University, UK

Innovation in teaching trade mark attorneys

Janice Denoncourt, Nottingham Trent University, UK

Some reflections on experiences with innovative assessment

Smita Kheria and Jane Cornwell, University of Edinburgh, UK

Posters as a summative assessment tool in IP law – skills over substance?

Thorsten Lauterbach, Robert Gordon University, Aberdeen, UK

Teaching patent law to UK law students: A technical problem in search of a pedagogical solution

Christopher Wadlow, University of East Anglia, UK

16:30 Close of day 1

20:00 Annual EIPTN Dinner

Tuesday, 28 June 2010

8.30 Registration and coffee

9.00 Session 5 – National perspectives in IP teaching

Chair: Stuart MacDonald, University of Sheffield, UK

Challenges of Teaching IP: Experiences in Turkey

Recep Varcin and Busra Yalcin, Ankara University, Turkey

Approaches to industrial property studies at the Metropolitan University Prague

Ladislav Jakl, Metropolitan University, Prague, Czech Republic

Teaching intellectual property law in Slovakia

Zuzana Adamová, Trnava University, Slovakia

10.00 Coffee break

10.15 Session 6 – Teaching IP and innovation

Chair: Adoración Pérez Troya, Universidad de Alcalá, Spain

Dialoguing on IP teaching innovation

Inmaculada González, Universidad Católica de Valencia, Spain

Vicenç Ribas, Universidad de Alcalá, Spain

Connecting IP with business model innovation

Alberto Di Minin, Scuola Superiore Sant'Anna, Pisa, Italy

Teaching patenting and licensing for science and engineering students at Turkish universities

Özgür Kulak, Namik Kemal University, Turkey

11.15 Extension of the EIPTN and launch of its new website

Duncan Matthews, Queen Mary, University of London, UK

12.00 Closing remarks

Petra Žikovská, Charles University in Prague, Czech Republic

12.15 Boat trip with lunch

14.15 Close of the Fifth Annual Workshop – European Intellectual Property Teachers Network (EIPTN)

Welcome and introduction

Petra Žikovská welcomed the Dean of the Faculty of Law, European Patent Office representatives, IP teachers, experts, friends and colleagues in Prague and opened the Fifth Annual European Intellectual Property Teachers' Network Workshop.

As one of the organizers, she expressed her personal belief that participants will enjoy their stay and that the conference will meet their expectations. Then she introduced the rest of her organizational team, Kateřina Štechová and Leoš Bednář.

Then she welcomed and introduced the Dean of the Faculty of Law of the Charles University, Professor Aleš Gerloch and gave him the floor.

Aleš Gerloch, Professor and Dean, Faculty of Law, Charles University in Prague, Czech Republic

Dear professors, colleagues, ladies and gentlemen.

Allow me once again to welcome you all in Prague, at the European Intellectual Property Teachers' Network conference.

It is my pleasure to welcome you at the Charles University, one among the oldest Universities in Europe. When it was established in 1348, one of its purposes was to exchange the knowledge with the foreign universities and to create an intellectual debate on the actual problems and your conference should be a part of that very long tradition.

You are all intellectual property experts and therefore you are aware of the fact that the importance of the intellectual property protection is growing with the technological development. One must admit that we are living in the era of technological revolution, which fundamentally affects our daily life. Technological development encourages creativity, multiplies the creative process, supports new business models and makes information in general much more accessible for the general public. On the other hand, unprecedented and unknown threats have developed – threats for both IP rights holders and IP rights users.

More than before there is a need for raising the awareness of the intellectual property rights not only among the law students but also among the general public.

I do hope that your event will be a success and I would like to specially express our gratitude to the European Patent Office which made this event possible.

Thank you.

Petra Žikovská then introduced the head of the Institute of Copyright Law, Industrial Property Rights and Competition Law at Faculty of Law, Charles University, Professor Jan Kříž and after his speech she handed the floor to Giovanna Oddo, Unit Manager Academia and IP Research, European Patent Academy of the European Patent Office:

Jan Kříž, Professor and Director of the Institute of Copyright Law, Industrial Property Rights and Competition Law at Faculty of Law, Charles University, Prague, Czech Republic

(kriz@prf.cuni.cz)

Dear guests,

After an excellent opening speech of our Dean, I would also like to welcome you in the name of the Institute, which exists at this faculty since 1967.

It is our great pleasure to be allowed to organize this conference and I wish you happy and sunny days in Prague and a lot of success to your discussions.

Thank you.

Giovanna Oddo, Unit Manager Academia and IP Research, European Patent Academy of the European Patent Office
(goddo@epo.org)

Ladies and Gentlemen,

Good morning, I would like to welcome you here at the Fifth Annual EIPTN meeting that we have been sponsoring for couple of years and we are happy that we are today here in Prague, where the weather is welcoming us specifically. My name is Giovanna Oddo; I am working at the European Patent Office since 2002 and I am responsible for universities there.

The meeting that will take place today and tomorrow does not only provide an opportunity to enhance knowledge on didactics and learning methods around IP but also allows us to exchange experience and consolidate a growing network, to promote IP culture, a sound IP management, and IP teaching at universities. IP rights protection is crucial for fostering trade and achieving the goals and benefits of global integration. Countries with high standards of IPR protection tend to attract more investment and stimulate more innovation and thereby develop more rapidly. Countries with inadequate protection are often vulnerable to patent, copyright and trade mark infringement that hinder trade flows and economic developments.

One of the preconditions to achieve strong IPR protection is an adequate education in IP. The European Patent Office, most specifically the European Patent Academy is there to support IP education at universities in Europe. To this end we developed among others thing a teaching tools and materials that some of you may know. We have developed the Patent Teaching Kit which some of you have already used. If not, outside this room there is a table where you will find a hard copy of the Patent Teaching Kit and you can take one it with you.

We have also developed the IP curriculum, but we do not call it that as we thought that a title like IP Course Design Manual would be better for our 38 member states. So if you plan to integrate IP in your curricula, and you do not want to start from scratch and you want to save a lot of time, please consult this Course Design Manual. It will be officially launched in September. Then we will have a very nice product like the Patent Teaching Kit and by then everybody who is here will also receive a copy following the launch.

It is also with great pleasure that the EPO supports the Annual EIPTN Meeting and is assisting the efforts of Queen Mary, University of London with a help of Duncan Matthews who is present with us today to energize a network which is targeting universities' IP teaching staff from European universities as well as university teaching staff without IP expertise from all faculties. We are glad to see EIPTN evolving in the last years especially towards a more and more leading role as a European network with a varied interdisciplinary character. When EIPTN started it was, I may say, a UK kind of network but quickly it evolved and enlarged and got on board more and more European countries and European IP teachers.

We are also glad to see that EIPTN is taking initiatives that are in line with the EPO Academy's initiatives - like raising awareness of the importance of IP at the universities, improvement of IP education in Europe. However, taking into account the profile of networks, portals and initiatives already available and in order to avoid overlaps, the Network will have to create added value thanks to specific content and to remain focused on its main objective, mainly the cooperation between the IP

experts and non-IP experts within all faculties. To this end the Network needs to encourage the exchange of information and experience between experts and non-experts at national and European level, enhance IP knowledge within university communities, increase the number of teaching staff able to deliver lecture on IP to their students, foster the development and exchange of teaching materials, case studies and best practices, raise up awareness within the faculties, and promote interdisciplinary teaching of IP.

The set up of an internet portal will be of great value to consolidate the EIPTN Network, and Queen Mary, University of London will present tomorrow a first draft for this project to you and your input and comments will be of great value to ensure that it will constitute a flexible enough tool addressing the real needs. Therefore, please, be there tomorrow with your input so that we can definitely establish a portal that serves your purpose, which suits your needs. And we are aiming at a portal that has also a lot of national characters – so it is not only a portal where you find European information but also that is specified for IP teacher in each nation. So please do not hesitate to comment and make suggestions; you will also have an opportunity to make comments in the questionnaire which you will receive tomorrow.

Finally, I would like to thank in particular to Charles University for hosting this event and especially Petra Žikovská and her team for assisting us and getting this event organized. And I know that Petra and her team are not only event organizers and so this is an additional burden on her by teaching and researching to also be organizing EIPTN and it deserves our applause.

Thank you also to Queen Mary, University of London and Duncan and Claire Howell, Alison Firth and many others for the time devoted to promoting EIPTN and the enthusiasm that they bring to really establish a very useful IP teachers' network in Europe and for accepting to host and design the network's internet portal.

Thank you also to the commitment of the speakers here today, who will make their valuable contributions. Finally, thank you to all of you for spending this day with us and sharing your views and experience in IP teaching with us.

I wish you a successful and enjoyable day today and tomorrow and I will have a chance, I hope, to talk to you during today and tomorrow.

Thank you very much.

Keynote address

*Eva Schneiderová, Director of Patents Department,
Industrial Property Office of the Czech Republic
(eschneiderova@upv.cz)*

Ms. Schneiderová began by wishing good morning to everyone and saying she was honoured to welcome everyone at the workshop in the name of the Industrial Property Office of the Czech Republic, on behalf of Mr. Kratochvíl, the President of the Office, who regrets that he cannot take part in the workshop due to other duties.

Ms. Schneiderová then said few words about the topic of the workshop – the role and importance of IP teaching in the Czech Republic. She first reminded the audience what intellectual property was: creations of the mind, inventions, symbols, names, images and designs used in commerce; and mentioned the division of IP into two categories – industrial property (patents for inventions, trade marks, industrial designs and geographical indications of origin) and copyright (e.g. literary, musical and artistic works, films and architectural designs) and rights related to copyright.

She then posed a question: what intellectual property rights? IPRs are like any other property rights – they allow the creators and inventors to benefit from their work and investment in creation. These rights are outlined in Article 27 of the Universal Declaration of Human Rights.

Ms. Schneiderová then outlined the international instruments where the importance of intellectual property was first mentioned: Paris Convention for the Protection of Industrial Property of 1883 and the Berne Convention for the protection of Literary and Artistic Works 1886, both administered by the WIPO.

A short explanation of the role of Industrial Property Office followed – after administrative proceedings granting protection for inventions, utility models, industrial designs and trade marks, keeping relevant registries, collecting and making accessible global patent literature, ensuring the fulfilment of commitments resulting from international agreements in the area of industrial property, cooperating with international organizations and foreign national offices in industrial property field, and – last but not least – making a joint effort in promoting industrial property rights. Careful handling of industrial property items and industrial property protection has been and remains the Office's permanent priority.

Ms. Schneiderová also mentioned that the Office is one of 8 regional centres providing information on the industrial property in the Czech Republic.

Next, she mentioned increasing awareness of the importance of IP. She explained how the Office operated and had always supported activities contributing to increased awareness of issues related to industrial property protection and how it gave special attention to students from secondary schools and universities and young people who were interested in the field of IP. For example, by cooperating with the Metropolitan University Prague on training in its bachelor's programme in Industrial Property and Masters programme in International and Regional Relations in Industrial Property the previous year. She also mentioned other cooperation with educational establishments and running an Industrial Property Institute – an educational and publishing organization established in 1983. The Institute provides education in the field of industrial property protection in a two-year course and also organizes so called "innovative studies" taking place in form of one day topic-oriented seminars monitoring

current developments in the area of industrial property. The Institute also organises seminars in secondary schools and universities on demand. The Office also participates in various trade fairs and exhibitions, both abroad and home and uses these opportunities to inform the public of its activities and to promote the importance of industrial property for business success. The Institute also issues books and brochures, e.g. an Industrial Property Magazine for specialists.

After outlining the information about the Office and its role for IP teaching, Ms. Schneiderová posed a question “Why promote and protect intellectual property?” She then summarised the reasons.

Ms. Schneiderová concluded with a remark that teaching and education in the area of IP has a great importance which goes far beyond the protection of the creation of a mind – it affects virtually all aspects of economic and cultural life. As a result, intellectual property education at a university level is of increasing relevance in educational programmes. An efficient intellectual property system supported by specialists educated in the IP area can help all countries to realize that intellectual property has great potential as a catalyst for economic development and social and cultural well-being. High quality of IP teaching is reflected in a high quality of intellectual property system for the benefit of all.

Ms. Schneiderová ended by wishing everyone a very fruitful and rich discussion and thanked them for the attention.

Session 1

Using Technology in IP Teaching

Chair: Claire Howell, Senior Lecturer in Law, Aston University, UK
(c.f.howell@aston.ac.uk)

Copyright taught through technologies: constructing a Wiki-entry

Roberto Caso, Associate Professor of Comparative Private Law, University of Trento, Italy

Federica Giovanella, PhD Candidate in Private Comparative Law, University of Trento, Italy
(federica.giovanella@unitn.it)

Summary

Federica Giovanella first thanked Claire Howell, the chair of the first session for introduction, and also the organizers for welcoming her at this very well organized workshop in such a beautiful city. Then she excused Roberto Caso, her PhD thesis supervisor, who was supposed to be present at the workshop and expressed on his behalf his apology for having an overlapping meeting.

She introduced her topic – How to teach copyright through the use of Wiki-entries. After that she said few words about their faculty, its Northern-Italian location, the establishment of the University in 1962 and creation of the Faculty in 1984, the stress that is put on the importance of comparative law and the relation between law and other scientific areas and also technology.

Federica then introduced the main courses, Private Law and Computer Science and Comparative Intellectual Property Law (with main focus on copyright), and also the newest course – Copyright Law and Music. This course can also be attended by students attending the Music Academy which gives it an interdisciplinary context.

She continued by explaining that the Private Law and Computer Science, their oldest course, goes beyond the comparative IP study; it focuses also on privacy and other related legal issues. The course usually has between 30 and 40 attendees and the students are of different backgrounds: besides Law students, there are also Engineering and Economics/Management students. Federica explained that the team's aim was to give the students a tool for assignments that would introduce a practical exercise; something to work on within copyright, something related to a new technology.

The result was a Wiki-entry exercise. Federica then explained the steps followed to create a Wiki-entry. A web site that would host the Wiki-entries had to be available – here, a faculty web site. Mixed groups of students were then created; students with different backgrounds were matched together. Subsequently, each group was assigned an entry, related to one of the issues of the course (e.g. privacy, fair use, etc.). With the support of a technician, students were taught how to use a Wiki, how to write a Wiki-entry. After that, within a given time frame, they had to post the entry on the web site. Finally, their work was evaluated and students were assigned 1 – 3 points, according to the quality of their work. Federica then presented a slide with one of the students' outcomes: it looks like a Wikipedia page but it is made by students.

Federica then outlined the goals they were looking for and what results they achieved. As explained, students learn copyright “by doing”: by constructing the Wiki-entry they learn to understand what can be done with copyright, e.g. how to quote somebody else's work or how other person's work can be copied and within what limits. Students also learn how to write short essays, which is important to learn as, in Italy, assignments normally take the form of oral exams. Students obviously also get a deeper insight in a particular topic of the course. They also understand the use of a tool that helps to spread knowledge; they have been encouraged to modify real Wikipedia entries, to update them – and they eventually did. Finally, students improve their ability to work in a group which is, in the team's opinion, a special skill needed nowadays in the labour market.

Questions and Comments

Alison Firth (University of Surrey, UK) commented that the exercise ensures that the students not only can understand law but also to express it in a very, very short form – a form that is suitable for consumption. She found that very interesting and thanked Federica for this exercise. She then mentioned that at their university they were trying to do a similar thing – using Twitter and trying to make the students express themselves within the Tweet characters.

Smita Kheria was interested to know whether the Wiki-entry counted towards the students' overall mark. Federica answered that the points (1-3) they get for the Wiki-entry exercise are additional points towards their written exam mark.

Claire Howell then said she was curious how often the assessment was used, whether it was once per course or whether it was used for each topic. Federica Giovanella replied that it was once during the whole course. But the team would meet with the students more than once – to organize the assessment. And then students are given enough time to write the entry.

To a follow-up Clair's question whether the assessment takes a lot of time Federica replied that it was not that much time but students have to organize themselves – to get together and work on it, which improves their ability to work as a group. There were about 5 meetings of an hour and a half duration each meeting to explain to the students how it all worked.

Anselm Kamperman Sanders asked whether the Wikis remain available for the students of the following year. Are the subsequent students for example asked to reflect on the work the previous students did, or is everything deleted after the assessment?

Federica answered that usually the entries are deleted (so the same entries can be assigned to new groups) but noted that it would actually be an interesting exercise for students to criticise their predecessors' work. On that Anselm commented that it may be interesting to try to build their own Wiki environment by assigning all the time new topics but also asking new groups to reflect on what was done before. To this Federica agreed.

Dalindyabo Shabalala than asked whether the entry is created as a one-time shot or whether students come back to their work and revise. Federica answered that it is a one-time shot but students are encouraged to update Wikipedia entries.

On a question about the size of the groups, Federica answered that there are 3- 4 students in each group.

Claire Howell, chairing Session 1 then concluded that this was something that could be further developed and what a lot of participants present could actually use and thanked Federica for this input.

The use of discussion boards to assess global intellectual property rights

Tina Hart, Principal Lecturer in Law, University of Huddersfield, UK

(T.S.Hart@hud.ac.uk)

Claire introduced Tina as the author of a book her students love and joked about being jealous about that.

Summary

Tina Hart started with explaining her background. She has been teaching IP for about 20 years, first at University of Derby and then at the University of Huddersfield – both “post-1992” universities so they are not considered by colleagues to be that academic – they approach teaching in a very practical way.

Firstly, after mentioning that she teaches a module in a Masters course called Global Intellectual Property Rights, Tina outlined the rationale behind using discussion boards as a means of assessment. The objective was to teach a course at Masters level ensuring the involvement of creativity but also ensuring there is a deeper learning taking place. The other reason was that the course at Derby was offered both face-to-face to students on campus but also to distance learning students using BlackBoard. It is important when assessing two different groups of students taking the same module to make sure that the assessment is the same and to make the teaching as similar as possible. Also, Tina Hart thought students need every opportunity for learning, especially in the case of distance learning students. Research has shown that the attention levels of students on distance learning courses tend to drop attention and they leave the course easily. You need to get them actively engaged. It requires a lot of engagement on the part of students studying this type course. Making sure they are engaged in an interactive activity right from the start is crucial.

Tina Hart then listed the learning outcomes of the Global IPRs course - what the students should be able to do by the time they finish their module (Knowledge and Understanding Outcomes). On top of that the aim was also to achieve Ability Outcomes (e.g. ability to research, to analyse, evaluate and synthesise the norms and principles of intellectual property and to critically analyse and assess the implications of setting minimum standards). Tina noted with appreciation the fact that the groups of students were small and included students from various countries, like India, Pakistan, and Jordan, which brought different attitudes to topics and enriches the module.

An example of an assignment (used last academic year) followed: “*Using the discussion board, comment on whether the Patent provisions in TRIPS provide reasonable protection for traditional knowledge as well as patents.*” It was coupled with a comment that the assignment would normally also contain suggested reading (e.g. journal articles from Westlaw). Students were then told they should be able to demonstrate they read those articles and also they were told that certain points would specifically be assessed.

The Global IPRs module is assessed by 25% by the discussion board exercise and 75% by individual piece of work. There is a 1000 words word limit, which should be split between the individual submissions.

Tina Hart then followed with a section on how the students were prepared for the assessment. After an e-learning induction (including e-learning and academic ethics) and a research methods module (where the students are taught how to research) the Global IPRs module materials came in turn. The

assignment was ready for students from the very beginning so they knew what the assignment would be like; everything was contained in the module pack. They also had some other discussion board tasks to do during the course in order to prepare themselves for the assignment and, in addition, they had an in-class planning session during which it was explained that they have to post at least one comment on the discussion board by the due date.

Tina Hart then listed the benefits of the discussion board assessment; this being (in her colleague Pauline Collins's view) that team structure enables students to work collaboratively, engaging in dialogue and constructing knowledge through their shared experiences. In Tina's view the main benefit is that, when one has to set an assignment for two sets of students it has to be equal. Since she did not only want to assign the distance learning students an essay but also wanted to ensure that they used e-learning tools, she came up with the discussion board exercise. She concluded that she constructed this discussion board environment and assessment mainly with the online students in mind and they had to use the same discussion method as the face to face students.

The benefits for students are that having in mind that everybody is going to see what they have written makes their research more informed.

According to Tina Hart one of the issues with the discussion board is what to do about the students who do not participate and during the tutorials sit at the back. She mentioned the work of Ian McCall who suggests in his article that he is not that concerned about that as his research indicates that even the students who do not post anything learn from the others. Tina concluded that even though some students find this experience daunting, they learn from their peers.

Tina then made a few comments on the challenges she had with this type of teaching – in particular on the way some students hesitate to engage in non-traditional learning and assessment. What can be done is to try to explain properly to students why this is done. She then noted that each generation of students had to get used to different types of assessments.

Tina concluded her presentation by indicating what the next steps should be. She mentioned she would like to make more use of the Wikis (as was discussed in the previous presentation), also - as a person being responsible for the Commercial Law module in her University's master - she would like to take this experience to another module, but she would also like to take her colleagues with her and hopes to encourage them to expand this method.

Questions and Comments

Ingrida Karina-Berzina (Riga Graduate School of Law, Latvia) asked how many threads are initiated.

Tina answered that she would initiate the first thread and the students take it further. She would put up the question, then the first student would answer and the next students were responding to each other's threads.

Camera! Action! Feedback! A comparison of multi-media modes of online feedback to improve student learning

Caroline Coles, Principal Lecturer in Law, De Montfort University, Leicester, UK
(ccoles@dmu.ac.uk)

Summary

Caroline introduced herself noting she was a solicitor also working at De Montfort University in Leicester where she concentrated on teaching Masters students.

She then indicated that many of their students are distance learning students and they have a busy life. Their engagement is though, as Tina discussed in her previous presentation, an issue as also is giving feedback, which is so important for not only them but for everyone. It is vital for students. However, sometimes students do not understand what the feedback actually says. Feedback also is an emotional issue for them. Some may actually be afraid to look at it; they may only look at the final mark.

This knowledge, as Caroline noted, brought the issue of whether they were communicating the right way; and whether the students actually understood what had been said to them and whether they were keen to return to it and to use it. Caroline also wanted the feedback to be a forward looking.

The aim was that the students not only use the feedback as a comment on what they have done but also to use it for the future. The feedback should be personal to the students, it should be constructive and it should improve their engagement in the course.

Caroline then explained her 3 pilots. She looked at her formative (exercise) exams, she did the usual marking with comments on the paper and then she split the students and did 3 practices (3 pilots) with them.

The first option was “voice only” – using appropriate software (e.g. Audacity), she recorded an mp3 file which was then emailed to each student providing an audio commentary on the performance. It took about five minutes per student plus emailing it.

The second pilot was a “voice over document”. People still want to see the document but also they like to link what is said with the script. This was the second option – students are sent a script where Caroline would provide little markers for herself (but not detailed comments) and then she would scan it and add audio to it. This was found slightly “cooler” as the students can see their document and have the audio sound. The appropriate software again wraps it up and the file is emailed to a student. Here, one has to play around with settings (mono/stereo – mono keeps the size of the file down so it is not too big even for a five minute voiceover time).

Finally, the third pilot was a film – further from the traditional marking, more into the emotional aspect of the marking and e-learning. The evaluation is a film of Caroline (a head shot) talking about the script. The feedback is the same but the emotional aspect plays its role – it is different to see a shot of the marker’s head or to see just a disembodied voice over the paper.

The outcome was that students found the meaning of the feedback more accessible (on that Caroline noted: “How often you give a student a feedback and they come and want to talk to you about it in

your office?”). Also, students are more likely to listen to it not only the first time but also again. For example, if they got an mp3 and put it in their iPod and listened to it on the bus when they heard it for the second or third time - they always picked up something different. The film secured the strongest approval. However, Caroline was not sure that pedagogically there was a huge amount of extra in that; it is rather the emotional aspect to it.

Caroline then posed a question to whom this was going to be used. This form of feedback was not, she suggested, appropriate for dozens and dozens of undergraduate students. It takes a lot of time so this would be selectively used; probably for distance learners, for postgraduate students, for masters – because of the extra challenges they have in receiving feedback.

Questions and Comments

Stuart MacDonald commented on the last bit of the presentation noting that BlackBoard is increasingly used by universities to save costs: they see it as a way to teach in the field but of course you cannot use this sort of feedback (or discussion boards) for 300 or 400 students.

Janice Denoncourt then made a comment in relation to larger groups, saying that maybe a way forward would be a general comment on the whole group and, as Caroline added, that could be posted on BlackBoard without having to email it to everyone separately while it still has the personal touch.

Alberto Di Minin followed with a comment (after thanking Caroline for bringing this excellent idea) that he would like to challenge what was said on the account of undergraduate students because he was of a view that by using the right technology (which possibly has not yet been well identified) it may be actually a time saver. By finding the right technology (maybe a digital recorder leading directly to the student's account) you could easily scale that ample and it could save a lot of time.

Mariano Riccheri then commented on the fact that the fate of the recording could follow usual postproduction problems as sometimes you have a good day and sometimes you have a bad day and this could reflect in the recorded evaluation. On that and after a brief discussion on this topic Caroline concluded that this may lead to a new training area for teachers – “talk to camera”.

Session 2

Teaching IP to Non-traditional Students

**Chair: Mariano Riccheri, Collaborating IP Lecturer and
Researcher, University of Alcalá IP-Research Group, Spain**
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Imparting an understanding of key IP issues to Masters students in the automotive industry

Ian Hartwell, Honorary Research Fellow, Cranfield University, UK
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Summary

Ian Hartwell started with introducing himself and explaining he was working at the Engineering Intellectual Property Research Unit at School of Engineering at Cranfield University that has been in existence just over a year and their remit was the development of data as a tool to help IP professionals make better decisions for engineering companies. He was also a practicing European Patent Attorney and a lecturer on the postgraduate Certificate in Intellectual Property at Bournemouth University.

He noted that the automotive industry Masters course at question is very well established, it recently celebrated its 50th birthday and the challenge was to incorporate an intellectual property element into that course. In the previous year, Ian lectured IP to students but only on an informal basis, this was the first time he had to actually teach formally a course on IP and also to assess it. The other challenge was that the teaching was limited only to two hours and that its assessment represented only 5% of the mark.

By looking at what we may call learning outcomes, Ian Hartwell felt the following four outcomes were key: (i) primarily to motivate the students to understand why IP actually matters to them (because, in his view, if they understood that, if they understood the financial implications of IP, it may incentivise them to give more attention to the topic); (ii) to understand what is covered by intellectual property, and (iii) the implications of that, and overall (iv) understand how to use the three key aspects of the IP management strategy, namely secrecy, patenting and defensive disclosure.

In order to make this as interesting as possible, Ian chose case studies. He described the case studies he chose for the course, starting with *Paice v. Toyota*: a case of a very high profile product, the litigant being a lone inventor, a small scale business, trying to extract money by licensing the invention to Toyota. It involved a US patent and the case was used to explain to students the concept of claims and the concept of infringement.

The next case study was *Antonov v. Toyota*. Again, Ian Hartwell indicated, the case relates to Toyota products and therefore it hopefully is of interest of students in this course. Antonov is a larger company than Paice but still they are very small UK based company; the patent in question was a European patent litigated before German courts. This case study was used as an illustration of novelty. The patent had been granted by the EPO but when it came to litigation it was invalidated by German courts on the basis of lack of novelty. This illustrated to the students that patents once granted do not always remain valid and that there are risks associated with the intellectual property – it is not a black and white matter.

The third case study Ian Hartwell used was the well-known *KSR v. Teleflex* which also conveniently falls within the automotive industry. It relates to a question of inventive step and the litigants in this case were two companies much larger than in the previous two cases.

Ian Hartwell then summed up that through these three case studies he managed to cover the whole spectrum of uses of intellectual property. This was the teaching approach. As regards the assessment approach, it is assessed on the basis of a design project of a twelve week duration where students are split up into groups of 10 and they have to come up with a complete design project. In this case the brief was to design a hybrid technology based taxi for use in London.

The task given to students in relation to IP part of the course was to identify the design aspect warranty protection and to justify the choice. By this, Ian Hartwell was hoping to emphasise to students the importance of identifying value in IP. In principle if the claims are narrow enough one can probably get a patent on most things but this is far from commercially useful. So the first part of the assessment was to encourage students to focus on value, to identify the element of their design that is valuable, to justify why it is valuable and if possible to get the associated numerical financial value.

The second part of the task was to be able to identify prior art, to be able identify the relevant documents, to use the patent searches hierarchy. Then they were required to identify the differences – following the EPO's problem & solution approach. Having identified the differences between the documents they identified and the aspect of technology that they want to protect, they were required to comment on novelty and inventive step and having done that then provide recommendation on how to achieve protection – whether by secrecy, patenting or defensive disclosure.

When assessing how successful the exercise was in its first year, Ian Hartwell noted that in identifying the design aspect, its value and justifying the choice – that concept was taken on board by the students very well. Similarly, they were successful in using the Espacenet database and the hierarchy to identify the documents and typically they went well to justify their search strategy. They were less successful in identifying differences between what they wanted to protect and what was actually disclosed in prior art. And also students were less successful in commenting on novelty and inventive step. The recommendation on protection was consistent with the less successful approach on the doctrine of inventive step; the recommendation on protection was surprisingly but correspondingly less successful.

Ian concluded that these were the results in their first year in Cranfield when they were trying to introduce an IP element in Masters degree in the automotive industry.

Questions and Comments

Alison Firth posed a question, assuming that the design project would change in future years, whether the case study would also change for each design project or whether it was flexible.

Ian Hartwell answered that one has to be lucky to find three litigated patents related to a particular area. In this case, he thought he had been very lucky to have found these cases and he replied he would not suggest changing the case study.

Laurent Manderieux then asked whether they addressed design of spare parts.

Ian Harwell answered that he did, during the teaching. However the project was designed to be focused on technical aspects.

Giovanna Oddo asked how Ian Hartwell convinced Cranfield University to implement this in the MastersMaster's programme.

Ian Hartwell answered that he drafted a patent application for the person who was running the course; the university itself does actually generate intellectual property in this area and part of his remit in the Unit is to help the academics with the IP advice on protection and exploitation.

Giovanna Oddo followed by asking whether the course was now established and would be offered in future years.

Ian Hartwell answered that it was now established; they have had a good feedback on it and it will run next year again.

Duncan Matthews then followed Ian's comment of unsuccessfulness with issues of novelty and inventive step and wondered whether there was anything that he would now do differently, whether there were any tips the audience could learn from on how to deliver this topic to students.

Ian Hartwell answered that one might seek to simplify the case studies. And also, having engineering background, he was interested in technology as well – but he thought that in this particular module perhaps slightly less focus on technology and more focus on the legal aspects would be good.

Mariano Riccheri then asked whether the attention in class dropped abruptly when the legal aspect of novelty was touched.

On that, Ian Hartwell answered that he was not conscious of people going to sleep. One does try to make this as exciting as possible so in case of the *Antonov* litigation he tried to tell the story of the small company going into a battle against Toyota and Toyota's counter-attack, going back to documents from many years before 1972, etc.

Ruth Soetendorp continued by asking Ian Hartwell how he got these concepts across when dealing with "patent virgins"; how to take students into patents without frightening them? What was Ian's first introduction to people who are not in hi-tech field? What kind of patent would he suggest as a case study?

To that Ian Hartwell answered that he would use a technology that is readily understood. Maybe he would suggest students actually having a copy of a patent in their hands, a real patent, rather than a sample.

Challenges and chances of interdisciplinary IP teaching

Peter Ganea, Coordinator M.A. Modern East Asian Studies, Goethe University Frankfurt, Germany
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Summary

Peter Ganea thanked the organisers for the invitation to Prague and reminded the audience he would also be speaking about teaching IP to students with non-legal background; in his case the situation is slightly different: while the previous speakers have students related to technology and therefore there is a likelihood of interest in IP, the context in which Peter Ganea is teaching is interdisciplinary social scientific programme. It is called Master of Arts in Modern East-Asian Studies and, founded in 2009, it is a young programme.

There are two groups of students with different backgrounds on the course: students of social sciences (economics, politics, possibly law) and students taking the BA in Asia-related Cultural Studies (Japanese, Chinese, South Asian, Korean Studies – these students are expected to have an in-depth knowledge of at least one Asian language). Students in social sciences start at the beginner's level and are expected to learn an Asian language of their choice for one year and the cultural students continue their advanced Chinese (or other) studies for one year. The rest of the courses are "contentual" courses – introduction to social sciences for cultural studies students and of general application, for example legal, economic, social and political aspects of East Asia. The teaching language is English so students from various countries can enrol.

The special challenge for Peter Ganea is to teach IP within the programme (Peter teaches for example the Introduction to Law and Legal Thinking). Peter then explained briefly a structure of the programme and courses taught. Intellectual property represents roughly one sixth of the curriculum, there are other areas taught (corporate and business law in China, institutional economy, politics, etc.).

Peter Ganea then explained why the University decided to include IP in the programme, why it is necessary to teach IP to students with that given background. Since the mid-1990s (with the advent of the TRIPS Agreement) the IP debate is no longer a „secret science“ familiar to only a few specialized lawyers and legal scholars but also to politicians, activists, NGOs, journalists, scholars from non-legal disciplines. IP is now linked with a lot of general issues like poverty, development, access to culture and information exclusivity, etc. There are so many articles and comments about IP by people without legal knowledge that the danger of misconceptions, of wrong understanding of the specifics of IP is quite high. To give examples, Peter Ganea mentioned an article on a role of NGOs in development where the concept of „exhaustion“/“parallel import“ was misconcepted; similarly, the „doctrine of equivalents“ is often misunderstood. That is why IP should be taught broadly – to deal with this problem.

Also, there are some topics that are highly emotional (resp. emotionalized), e.g. a proposal for a WIPO Treaty for Improved Access for Blind and Visually Impaired. This brings a debate on a strength or role of copyright in the society and therefore the topic needs to be properly understood in order to avoid a danger of losing neutral academic viewpoint.

Peter Ganea then introduced some IP-related courses within MEAS programme he teaches: International Intellectual Property: Asia within a framework of multilateral treaties and bilateral agreements”, “Emergence and present practice of Japanese copyright”, “Translation of Chinese intellectual property material - court decisions and comments”, “Translation of Japanese intellectual property material - court decisions and comments”.

The method he has been using so far is to provide a detailed introduction: explanation of unfamiliar concepts & terms (quite time-consuming since the students should really understand it); sensitizing students for correct use of terms in presentations and seminar papers; holistic/historical approach: there is for example no isolated Chinese patent law – most of the laws are adopted or adapted to international treaties and are a result of legal transplant; IP in Asia, Indonesia, China, Japan is a part of a larger framework.

Also, Peter Ganea is trying to draw on the huge variety of educational backgrounds and encourage students to apply their methodological or language skills adopted during BA studies (e.g. encouraging a student with a BA in Business Informatics to present a paper on patent protection for computer programmes in Japan; or encouraging students with a BA in Politics to focus on International Relations and to write on Free Trade Agreements between e.g. EU and ASEAN economies.

To summarize the experience Peter Ganea has had so far: one may think that students of economics and political sciences would have better approach to IP issues (because it was taught in both Economy and Politics) than some of the hardcore cultural scientists, but (and that was also experience of the other teachers) some students with a BA in these „hardcore“ cultural studies (e.g. Chinese ancient literature, poetry) performed better than fellow students with a BA in Economics, even in a seminar on Economy in Japan. However, student performance seems to depend a lot on „soft skills“ like openness towards new concepts and schools of thought rather than previous education.

Peter Ganea then ended with a comment that skepticism among a number of professors whether students with such a diverse backgrounds can be integrated into one programme turned out to be largely unfounded.

Questions and Comments

Anselm Kamperman Sanders said he was very interested in this programme since they (Maastricht University) intend to start a similar programme where he was to be responsible for IP teaching. He asked a number of questions: (1) how is it possible to commence the programme without an accreditation; (2) it seems that Peter overcame the issue of resistance, how did he do that? Anselm has been facing similar issues: colleagues believe it is not possible to have students with such a diverse background in one programme of this kind, from different faculties, etc. Has Peter done anything about the curriculum design to address these issues specifically?

To the first question, Peter Ganea answered that he had heard that it would be unusual to start a programme without having it accredited but there never were any doubts that it would get accredited subsequently. And this is, at least in Germany, possible to do. And also it received the national authority, the national accreditation.

To the second question, when speaking about the introductory courses for students without any legal or political knowledge or background, that is what they do in order to align the knowledge and to

diminish the scepticism and the argument that it is difficult to put together students with such a different background. Also, this is all given by the environment: the university education is a matter of states (not a federal issue) and the State of Hesse regards this type of programme as a specially denoted programme since so many faculties work together. And Peter Ganea also expressed a belief that the politics behind it was to give it a try to see how it works.

Anslem Kamperman Sanders then added a query on the curriculum design – was there anything specific in the way IP is taught in this course to address the fact that you have different groups of students, different prior knowledge?

Peter Ganea answered that there were 32 students in the programme and the curriculum had to be levelled – it is impossible to address each specific student's curriculum. But of course many students have to do things they never heard about; especially those with Asian studies background and knowledge.

Stuart MacDonald then commented that it was a great effort to give students, particularly non-specialists, a balanced view on the IP system. But, given that there is such dominance of literature with a conventional view, how does one secure a balanced view when the literature that has to be used is unbalanced?

Peter Ganea answered that they are trying to find a balanced mixture of materials and they also prepare their own texts.

Giovanna Oddo asked what sort of jobs the graduates got.

Peter Ganea answered that this was a difficult question. In Germany, there were programmes that were either rather research oriented or rather practice oriented. This programme was rather research oriented so students could of course become university teachers but they could also get jobs in practice. There has not yet been any experience in this regard since there have been no graduates yet. They expect the students to get jobs for example through internships; they expect them to have career path outside the University, in NGOs, international organizations but also in industry: there are some areas where the content of the course is straight forward enough. But it is too diverse to secure a career as a lawyer.

Teaching intellectual property and patents in an engineering physics Masters

Maria Inés Torres, Professor of Computer Science, University of the Basque Country, Spain

Jose Manuel Tarela Pereiro, Professor of Electronics, University of the Basque Country, Spain

Fernando Legarda, Professor of Nuclear Engineering, University of the Basque Country, Spain

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Summary

Maria Inés Torres introduced herself and explained her background: among other roles she is a Professor in Computer Science and a leader of a research group on Pattern Recognition and Speech Technology, which was her first experience with patents as some of their products are patentable.

Maria Inés Torres mentioned that she had no background in IP but as a member of the Curriculum Committee for the Engineering in Electronics Degree she went to a Workshop on Dissemination of IP knowledge in Spanish Universities in Madrid in November 2008. This was her motivation for putting some IP into the curricula of their new Masters degree. Then she also attended the course on Lecturing with the Patent Teaching Kit in Alcalá in November 2009.

The first action the University of Basque Country took was to introduce an IP knowledge module for the Electronic Engineering Bachelor Degree. The course has now been running and Estbaliz Asua has been using the patent teaching kit for the course.

The other task was to design a specific course for the Engineering Physics Masters. This course will start in September. Therefore the course as presented by Inés Torres is a design. It is a 60 ECTS points, research-oriented, multidisciplinary Masters which is aimed to find people with academic, scientific and professional activities.

The Masters has several Modules and the Module that is most relevant for the present discussion is Module III – Electronic and Information Technology. However in the fifth Module - Complementary Training, there is a section called theoretical, practical and business application of research results. The goal of that module, Maria Inés Torres explained, was encouraging entrepreneurship through a high sensitivity to the relationship between knowledge, technology and intellectual property, promoting spin-off companies and youth entrepreneurs. It also aims to provide introduction to research, innovation and intellectual property, promotion of entrepreneurship, and technology transfer process, from intellectual property to spin-off companies.

The student profile is a Bachelor of Engineering and a Bachelor of Science. Also, as Maria Inés Torres clarified, the interest in IP of the involved persons varied: while engineering and scientific students have low knowledge and low entrepreneurial motivation, and researchers and University staff have low but, maybe, increasing interest; the companies, technological centres and authorities have increasing interest in the area.

Maria Inés Torres then spoke about the amount of hours spent with different activities of the course and the programme of the Intellectual Property and Patents course and highlighted the main goal of the course – the patent system as a source of a scientific and technological knowledge: scientific information in patents, databases, how to conduct a patent search. It is important according to Maria Inés Torres to use a patent database to get relevant knowledge and therefore also to know how to read

it as the language used in the patent field is not the language of engineers and scientists. She than once again mentioned the importance of promoting spin-off companies.

Maria Inés Torres then showed examples of topics with controversial aspects for discussion seminars: software patents and open source licenses, medicament patents, etc.

Questions and Comments

Michal du Vall posed a question about the goals regarding practical use of the knowledge acquired.

To that Inés Torres answered that since the students, at the begging of the course, have no knowledge of patent systems at all, the goal is that at the end of the course they are able to use the patent database for their research.

Claire Howell then encouraged Ruth Soetendorp to share one particular experience she had from her course Ruth Soetendorp responded by telling the audience about two students in her project (see later). One of her law students emailed her regarding a job interview awaiting another – an engineering student who wanted to take a non-disclosure agreement with him and asked for help with that. Not having participated in the project, the students would have no idea about confidentiality issues.

To that Maria Inés Torres commented that one of their goals is to motivate students from all backgrounds.

Mariano Riccheri then asked Maria Inés Torres whether they used any lecturers from technology transfer offices.

To this question Maria Inés Torres replied that they used different sources.

Duncan Matthews then asked whether in the Patent Teaching Kit used for one of the courses contained sufficient teaching material for non-lawyers and how did they chose which the relevant material to use was.

Maria Inés Torres first called for more materials like that and appreciated the effort of authors of such tool and answered that the question would suit better her colleague who uses it.

Session 3

Multi-disciplinary Approaches to IP Teaching

Chair: Michal du Vall, Vice Rector for Human Resources and Financial Management, Jagiellonian University, Kraków, Poland

(prorektor.kadry@uj.edu.pl)

Multi-disciplinary teaching and learning: Towards a more global approach to IP teaching?

Laurent Manderieux, Professor of Intellectual Property Law, Bocconi University, Italy
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Summary

At the beginning Laurent explained that in this year's topic he would like to focus on the point of friction within the faculties of law which is damaging multidisciplinary teaching and learning in many European countries: fragmentary IP law teaching which produces impediments to IP teaching. But there are alternatives to this fragmentation that are difficult to establish. At the end of the presentation Laurent Manderieux intended to discuss whether EIPTN can play a role in improving the current situation.

Laurent Manderieux explained that fragmentary IP law teaching is an impediment to IP teaching: in many European countries IP Law teaching remains within law faculties too hermetically divided between Industrial Property Law and Copyright Law teaching. This happens in many countries and in many Universities. As a result, Industrial Property Law and Copyright Law teaching is often provided and taught by different faculty departments, by different research groups, with full control on one topic or another that is not in combination with the other faculty member. This difficulty is historical – it is linked to the way IP teaching in the field of law developed over the last century and a half and it is very damaging.

This situation is in particular hampering expectations for better IP teaching related to growingly global IP issues e. g. protection of software inventions (professors of copyright may have to make some dangerous exercises explaining patents they are not supposed to teach and vice versa) Also, it often happens that a professor deals with an IP student (Masters or doctoral) who knows hardly anything about the other field.

This fragmentation is scary, it forces us to approach innovative subjects in a very fragmented way (traditional knowledge, new concepts of “open patents”, etc.) and this division is getting less and less effective. The new issues are creating expectations for more global IP teaching. Fragmentation does not apply to real life current IP issues: it limits opportunities for inserting IP law teaching in other curricula (e.g. at technical universities).

The division between different legal courses is raising increased criticism by business circles, by students themselves (the courses are not that interesting), by IP some scholars.

Laurent Manderieux then explained that had Bocconi prepared a case study. In Italy, there are many IP courses but nearly all of them are either Industrial Property Law or Copyright Law. Out of hundreds of courses that are teaching IP in law faculties only less than 20 are global courses. The situation is identical in many European countries.

When addressing what are the current alternatives to IP law teaching fragmentation, Laurent Manderieux mentioned that there are universities that try to offer a more integrated programme. Bocconi University in Milan offers an integrated IP teaching. Also every graduate should have an exposure to IP teaching. There are 88 courses in which IP is taught in one way or another, 20 of those are in the law faculty and only 2 two of them have a fragmented approach. As a private

university, Bocconi can do that as they are not bound by the same rules as public universities in Italy. There are also other integrated IP activities (Summer Schools, IP Seminars on new questions, etc.).

Laurent Manderieux explained that this way was chosen because they felt there was a pressure from business and pressure from students. Laurent Manderieux then said that integrated courses are highly evaluated by students. This positive experience allows them to export this from the Law Faculty to other sectors at Bocconi and also outside it. He then asked himself whether this could be a model, a trend that could be followed at private universities and answered that there were difficulties assessing the results.

Also, there are limits given by the connection of teaching to research, which as a trend is very narrowly focused. In Laurent Manderieux's view one should have excellence in one field of IP and be able to broadly teach also the other concepts to students – that is the key objective at Bocconi. But this does not mean research should be global: research should of course remain fragmented topic by topic. It is for teaching purposes that these limits need to be overcome.

As the last part of his presentation, Laurent Manderieux asked a question whether the EIPTN could play a role in this effort, for example by promoting at its website or through other activities visibility for global IP teaching programme, multidisciplinary and non-fragmented IP teaching. Can, with help of external partners, unitary IP law teaching be reinforced, e.g. by cooperation with EPO Academy? Can the EIPTN push for better unitary IP law teaching with national higher education bodies?

In conclusion, Laurent Manderieux mentioned that one of the ways to overcome the fragmentation is insisting (together with national higher education bodies) on empowering students with abilities and skills rather than exclusively knowledge. These are options and reflections that Laurent Manderieux wanted to bring for discussion at the workshop.

Questions and Comments

Alison Firth commented that this was the same structure as in the UK: the problem that research tends to be in one or another area while insisting on teaching in other areas. And thanked Laurent for an interesting presentation.

Michal du Vall then made a comment that the question is what the aim of teaching IP was. This would be different with law students whom we want “to know” and different with technical faculty where it was a certain tool – in their case, was fragmentation not OK?

Laurent Manderieux shared Michal du Vall's view and repeated that it depends whether we seek knowledge or abilities. For the law students we want both, for the general university population we want the skills and abilities. Still, the fragmentation at the law faculty is an impediment for us to provide service to the whole IP community.

Claire Howell then made a comment that a practicing lawyer however when doing for example a due diligence on IP for a merger of companies, they cannot say they are specialists only in say copyright or patents and then ask someone else to do it in relation to trade marks, trade secrets and confidentiality, etc. They have to be able to do everything: in real life, lawyers must know everything. And they also must know the language of the business people.

Advisers and clients - a virtual reality

*Ruth Soetendorp, Professor of Intellectual Property Management, Bournemouth University,
UK
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Summary

First, Ruth Soetendorp introduced the team working on the project she was going to speak about: Claire Howell, Dr Tania Humphries-Smith, Chris McClening, Professor Jim Roach, herself, and Dr Lingling Wei. The project was now also run at Aston University, with a prospect of implementation at other universities as well.

The project is called the Advice Letter Project. It is a very simple idea: intellectual property students advise product designers and other creative students about their IP rights and in the past 5 years the work has been developed by law academics and engineering academics, and has migrated from Bournemouth to Aston university.

Ruth Soetendorp explained how the project worked: intellectual property law students in their final year have to (as a course assessment) produce an advice to final year product design (or other innovative, inventive, creative) students. The "creative" students are clients looking for IP advice.

At the end of this exercise the students from the law discipline will be able to elicit information from a client (the ability to write the advice in just what the client tells you, what they are interested in is hard to teach), analyse information received and apply appropriate intellectual property law to the information received, and advise the client of appropriate action.

For the non-lawyers (the 'creative' students) the learning outcomes are to prepare design documents for discussion with a professional adviser (intellectual property law takes these students to area of concepts which are not familiar; many of these students are excellent in their technology but not very good at articulating what they do), formulate questions to elicit best intellectual property advice and to apply advice received. Ruth Soetendorp then presented comments from people involved in the project to indicate what they had to say about it.

Subsequently Ruth Soetendorp explained how they began the project at Aston: by holding a Master-class which brings the two cohorts together, they are paired together, they meet face to face and exchange contact details and start the relationship which then continues through various means of communication. Some interesting authorities in the field are invited, including a University Patent Attorney who speaks about the realities of IPRs in the real world of patent attorney and client; what works well and what doesn't. Students are also told what is expected from them. Mixed groups of 4 pairs then discuss and present aims and objectives of the project, individual and group expectations. Also, at the end they exchange and sign non-disclosure (confidentiality) agreements.

At Bournemouth this year, the IP students were required to design an inquiry form with questions they would ask their clients. Then they were required to have two Diagnosis Sessions in which the lawyer would be asking the designer about what IP protection they would be interested in and discuss the exploitation relating to their project. Then they completed the form to be discussed at the diagnosis sessions, submitted the diagnosis form for assessment and used it to frame the Letter of Advice.

The DEC students are not assessed on how they behave as clients but they can contribute to 5% to IP law students' marks by giving some feedback on the advice they received. This opportunity to act as peer reviewers acted as an approval to be involved in the project by the DEC students; they described the students' advice professional, informative, friendly and helpful, valuable, and exceeding expectations.

As Ruth Soetendorp mentioned, the law students agreed that the project “gave them a chance to put their knowledge on intellectual property law into practice, and also not only benefit from the precise and accurate manner in which the law is taught to them, but also have the opportunity to practically apply this knowledge to truly understand and further appreciate its significance in the real world of commerce.”

Ruth Soetendorp then described the challenges (reconciling mis-matched student numbers in the two cohorts, communicate clearly which elements (for engineers) are optional and which are assessed, not all group members get involved) and risks (should more time be given to patent searching, more information about next stages of IP management was required, etc.) of the project. However, overall the responses have been positive.

In conclusion, Ruth Soetendorp quoted David Musker, a design lawyer involved in the project: “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.”

Questions and Comments

Pavel Koukal (Masaryk University in Brno, Czech Republic) asked whether both the cohorts of students were from the same university.

Ruth Soetendorp answered that they were, e.g. Bournemouth engineers and Bournemouth lawyers. However, it is possible for universities with no law faculty to cooperate with a technical university and the other way round.

IP curriculum development for cross - cultural and multidisciplinary groups, with particular reference to experiences with Brazil and China

Anselm Kamperman Sanders, Professor of Intellectual Property Law, Maastricht University

Dalindyebo Shabalala, Assistant Professor, Maastricht University, Netherlands

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Summary

Anselm Kamperman Sanders began by explaining that he and his colleague will speak about teaching IP at Maastricht University and about a programme they run, the Advanced Masters in Intellectual Property and Knowledge Management, and about their effort to export the curriculum to other countries and to teach that curriculum across disciplines, which promised a multilevel presentation.

First he listed the challenges they have faced through these efforts: curriculum design and delivery of the information, not only through the IPKM degree at Maastricht University but also their Euro-Asia Law and Business Masters across borders in Brazil, India and China (and others); the work with multidisciplinary groups and combining scientists/technologists with lawyers and lawyers with political scientists and economists and giving everyone a space in the curriculum – this all poses a challenge to the curriculum and how to structure it.

Dalindyebo Shabalala then explained that some of the challenge lies in the fact that Law is a highly regulated profession and there are different requirements, depending on jurisdiction, on who can take a particular course (so who has an access to the course you want to be teaching) and what requirements need to be met (patent and trade mark agents, etc.). Also, the course must be tailored to a wide range of background and knowledge of advanced students and professionals. The other challenge is in maintaining coherence in the face of diversity of experience of people in the room and their background, and inter-disciplinarity and different methodology (which varies with people coming from governmental agencies, policy makers, lawyers, and business people).

Anselm Kamperman Sanders continued explaining their baseline: when designing the IPKM programme two years ago, they wanted to create a curriculum that was capable of teaching across disciplines based however on one pedagogical methodology, a Problem-Based Learning (PBL) approach. This was the baseline taken when designing the curriculum offered outside the Maastricht University as well. This however presented very particular challenges in Asian countries.

Anselm Kamperman Sanders then described the programmes in Maastricht (LLM and MSc) and their characteristics, their common core and the use of Flying Faculty (specialist academics & practitioners from Netherlands (core Maastricht Professors), Belgium, Germany, France, China, India, US, Taiwan, and Geneva, etc. Maastricht University also provides special opportunities (Macao IP Programme: summer programme on International, European and Chinese IP Law; and Study Trips to the EPO, WIPO, WTO, OHIM, etc.).

Dalindyebo Shabalala then spoke about their basic pedagogical approach which is core to them – a Problem-Based Learning. It is a student-centred instructional strategy: students collaboratively solve problems and reflect on their experiences; group and peer work is crucial and required. Teachers (despite their temptation to lecture) take on the role as “facilitators” of learning and students are personally responsible for their academic education. Students are given problem and are left to solve it. They have to figure out how to address the problem, how much knowledge is in the group, what information is needed to solve it and where to obtain that information; they have to figure out the

course of action to be taken and to evaluate the process by presenting it and getting feedback from other students. The challenge is to make sure students do not end up running in the wrong direction.

This approach has been found very useful especially in multicultural groups, and producing the work jointly reduces the fear of being put on the spot. Also, by groups being fluid (changing each week for different assignments), free riding is prevented – no one wants to end up being banned from the group. PBL works very well for intellectual property but some lecturing still needs to be done.

Dalindyebo Shabalala continued explaining the advantages of Flying Faculty and of taking it out to different jurisdictions (costs) and Anselm Kamperman Sanders followed with special challenges they have experienced in China (English language is primary but translation of materials is sine qua non and materials need to be sent across ahead; time constraints with simultaneous interpretation; problem assignments (for PBL) need to be delivered before the course starts; physical presence of teachers is most effective, long distance delivery (ICT) is difficult and not sustainable, thus costs increase; a lot of policy discussion needs to be involved in the course) while not only delivering their course at China-Europe School of Law but also training judges, public prosecutors, etc.

The situation in Brazil, as described by Anselm Kamperman Sanders, is much simpler. Although there is still an issue of interpretation and translation, collaboration with Universidade Federale de Santa Catarina – Florianopolis secures delivering part of the IP curriculum in Brazil by this institution and some other aspects are dealt with distance learning. There has been a conclusion made that some of their staff needs to be trained to assist with doing domestic on-line delivery. Also, some of their PhD. Students are sent over to Maastricht for this purpose.

Dalindyebo Shabalala addressed the specific experience from India. The experience was different; there is a lot of demand and a lot of vision, much more collaborative approach, one can focus more on knowledge and less on policy. Also, modularity of the programme works really well, PBL works very well in this context.

Anselm Kamperman Sanders concluded that they have found that stakeholders' participation is key. This also explains the issue of trying to link not only the IP teaching but also IP research together and to link it with partner institutions abroad.

Questions and Comments

Peter Ganea appreciated very interesting programme for China and asked about the possibilities to grade the students for their group work – is it allowed according to Dutch law (as it would not be in Germany)?

Anselm Kamperman Sanders answered that it was possible; however the final grade is mainly on individual assessments.

Duncan Matthews followed with question related to quality control of the Flying Faculty – is it necessary and how is it done?

Anselm Kamperman Sanders answered that they had a quality control programme comprising various elements: asking students, sitting with teachers from time to time, checking the materials. In the second year there are already some teachers “in the ejection seat”. Dalindyebo added that since students pay a lot of money for their education they are very quick to make comments on the quality of teaching.

Session 4

New Approaches to IP Teaching

**Chair: Chris Ryan, Solicitor and Consultant, Nottingham
Trent University, UK**
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First, Chris Ryan, the chair of Session 4 announced that he would direct all the questions to all the speakers of the session after the end of the last presentation. Then he introduced all four speakers of the session and invited the first speaker of Session 4, Janice Denoncourt, to give her presentation:

Innovation in teaching trade mark attorneys

Janice Denoncourt, Senior Lecturer in Law, Nottingham Trent University, UK
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Summary

Janice Denoncourt introduced the new Professional Certificate in Trade Mark Practice, which is a skills-based structured pre-qualification framework for all intending TM attorneys in England and Wales. To become a professional TM attorney one must complete this special course.

Nottingham Trent Law School offers undergraduate courses, LLM courses, PhDs and also professional qualifications. They have developed their experience in training solicitors and barristers. A lot of that experience went into developing and designing this new course for trade mark specialists.

This is actually a very technical area and requires a lot of specialism. They have a lot of problem-based case-study skills as the ethos of the course and what they believe is a best practice in the intellectual property law education. Students learn by doing!

Janice Denoncourt also explained that in the UK, TM attorneys are a separate recognized legal profession, along with solicitors and barristers, and have a separate regulatory body. However, in the more recent development in the UK, TM attorneys became recognized as lawyers under the *Legal Services Act 2001*. Therefore skills of a trade mark attorney also need that level of professionalism; hence this course.

The course has been designed by Nottingham Law School, approved by the Institute of Trade Mark Attorneys (ITMA) and exclusively accredited in the UK by ITMA and the Intellectual Property Regulation Board (IPReg). So apart from being a university accredited course as such, it also provides a professional qualification.

The way the new “Professional Certificate in Trade Mark Practice” has been designed is quite unique in the world. No other course provides such a degree of skills-based learning. The profession recognises that TM attorneys are no longer simply registration agents. They do a lot more than register marks. The nature of the work now involves a wide range of activities which in the past may have been undertaken by other members of the legal profession. Modern TM Attorneys provide a full IP service; they need skills such as advocacy, interviewing skills, negotiation (licenses, royalties), case analysis (the strength of the case), advice on the exploitation of IPR (licensing programmes of the brands), and monitoring and management of those rights. Therefore, the training needs to be aligned.

The new skills-based qualification for the TM attorney profession sits alongside the former course that is offered by Queen Mary. Queen Mary in the UK is the required provider for the substantive trade mark law. So when students arrive to Nottingham Trent for their professional qualification, they have

done a course in IP and one can assume their knowledge of the statute and cases (and they have passed their exams to achieve that level). But the aim of the NTU course is to align TM attorneys with the solicitors and barristers in the UK.

The course has three main components. Students have to learn substantive law, they have to do a lot of case study hypothetical situations (to then apply the law as they go), and they have to complete a training diary. It is a cross over between the academic and the practitioner world. It develops both hard and soft skills.

The course is divided into three modules and occupies an 18 month, part-time cycle in its standard provision. In addition to being recognised by ITMA and IPREG it is also a university award bearing programme. Students are taught negotiation, advocacy, client care, trade mark searching, drafting (process and settlements), letter and advice skills, client interviewing, professional ethics and conduct.

Teaching and learning methods include interactive plenary sessions, facilitated group discussions, case study hypothetical situations, role play, student presentations, self-analysis techniques, tutor feedback. The teaching of these skills is designed around the principles of 'experiential learning'; majority of teaching is by simulation of realistic cases or transactions.

The skills are assessed by exams but also, wherever possible, assessments are set in a practical context: interviewing a client (presented by a tutor); performing a trade mark search; presenting a trade mark case before a mock Hearing Officer of the UKIPO's Trade Marks Registry.

Janice Denoncourt then described the case study hypotheticals which she helped to develop and where she drew on her experience as a TM attorney and as an academic. This led to a 'Charity Marathon', 'Reality TV Star', and a 'Yoghurt' trade mark case study hypotheticals.

Janice Denoncourt then described in great detail their experience with the Charity Marathon. Students receive their client instructions as if they were already acting as TM attorneys and "real" set of documents and scenarios, all the facts and logos they have to analyse. They deal with the problem from the very beginning to the end, they get assessed on every step, and they can make mistakes because it is good to make mistakes at this point so they can learn from them.

Questions and Comments

Duncan Matthews having experience from Queen Mary with dealing with regulatory bodies and authorities like Institute of Trade Mark Attorneys and Chartered Institute of Patent Attorneys asked Janice Denoncourt about the cooperation with ITMA and IPREG when designing the course, how much did they interact, did they have a free hand when designing the programme.

Janice Denoncourt answered that they intervened during the design of the programme and they also had own student member (student trainee attorney) as well as a senior practitioner who met with the team.

Some reflections on experiences with innovative assessment

Smita Kheria, Lecturer in Intellectual Property Law, University of Edinburgh, UK

Jane Cornwell, Lecturer in Intellectual Property Law, University of Edinburgh, UK

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Summary

Smita Kheria started with explanation that she and her colleague Jane Cornwell would speak about delivering three innovative assessments at Masters level taken at three different IP courses both in on-campus and online LLM programme. They each count for 10 – 20% of the overall mark the students receive. To give a bit of a context, Smita Kheria mentioned that these assessments are also used for students in other programmes, for example medical law or commercial law.

These assessments are a draft consultation response, a poster exercise, and a Wiki-based case study. These forms of innovative assessments are used because students have the opportunity to have their learning assessed in a range of ways and to receive feedback that will help them to continually improve.

When students are asked to draft a consultation response, a hypothetical consultation question is usually drawn. A contentious issue is usually used, students choosing any stakeholder within the topic. Usually it is a text of 2000 words.

The second case study (on which not much time will be spent today since Thorsten Lauterbach is giving his presentation on that topic) is a preparation of a poster summarising results of some research. Students can choose one of four set topics.

The final case study is an on-going case study offered on the Managing IP module (offered in the on-line LLM course), a case study scenario that runs through the whole of the module following evolving history of a small company as it identifies, protects, commercialises and fights over its intellectual property. Students do this in instalments over each week, working together online, with different groups each week and addressing different issues each week. It is moderated by a practitioner who would push them in the discussion. There are two forms of assessment in this module: firstly participation in the module itself (assessed individually for each student), and at the end of the course the students are also asked to write a short piece evaluating the case study (what they thought was good or bad and what they learned, and their expectations).

The first thing the speaker wanted to address was why to use these innovative forms of assessments. It promotes the 'real-world' skills. For example the consultation response comes close to writing an essay but the students find it easy to do since it reflects the discussion. Similarly, the poster gives them an opportunity to present ideas in a simple manner. Also, one of the principles of the Wiki online based case study (which is also used for example for the medical law students) is the fact that it allows different students with different strengths use their strengths to their own benefit but also to the benefit of other students following the course.

As the Wiki case study goes on through the semester it also allows student to act on feedback during the course of the process. Halfway through they are of course all given individual personal feedback on what they do well and could be done better. At the end of the course they are also invited to evaluate the case study and what they have learnt and they provide interesting observations.

Another issue Jane Cornwell addressed was what the challenges are for them, the teachers. One of them is justifying the choice of non-traditional methods of assessment. For the students to benefit and enjoy the assessment, they have to buy in the assessment. For example in case of the Wiki case study, some of the students express scepticism. Perhaps, one would expect students to be most nervous about the poster assessment (and in previous years this was questioned by them) but the format was well received.

Smita Kheria then explained that another issues to assess in terms of challenges for the staff are reliability and fairness of these innovative assessments (issue of setting the assignment instructions, freedom of approach and clarity of expectation, setting and applying the marking criteria, consistency and marking for non-traditional skills and dependency on group participation).

Jane Cornwell then summarised how the students performed in these assessments. Students were enthusiastic about most of the formats and they were very strongly responsiveness where they were given choice and also responsive to interim feedback. They also took every opportunity to discuss it with their classmates.

There were also challenges that were not so positive; with the poster exercise students sometimes underestimated the amount of work required. They did not always understand that 'different' does not mean less hard and 'simple' does not mean less work.

In conclusion, there are key lessons learned: these forms of assessment were important to complement ways of learning and teaching; there is a need to ensure clarity of expectation and to weigh time & cost effectiveness. Feedback is very important with these kinds of assessments. To summarise, the more "innovative" the assignment is, the more challenges it poses for all involved. But it is worth it because the results are very good.

Posters as a summative assessment tool in IP law – skills over substance?

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Summary

Thorsten introduced himself and explained his background at the Robert Gordon University in Aberdeen where he teaches law as part of business school.

To provide a bit of background on the situation in Scotland, Thorsten Lauterbach mentioned that there is a lot of debate on students' skills and what a graduate for the 21st Century should look like (what should be such student's research skills, academic knowledge, and communication skills, how reflective learning should be involved). There is also a discussion on the future of Legal Education & Training which involves discussion that this type of skills should be much more pronounced and explicit at the LLB stage.

Thorsten then spoke about the IP Law course in the undergraduate course where the poster assessment is used. It is taken by LLB (Hons) students but also BA (Hons) Law & Management students. The course has two assessment components: a "coursework" that weighs for 30% of the mark and an unseen exam (70% weighting).

When thinking about what the coursework should be, he did not want do the same, old essay assessment. He decided to introduce the posters exercise and see if it is a convenient summative assessment. He also wanted to develop skills that were not covered before, in particular communication skills. By preparing the posters also writing skills are further developed and furthermore it allows students to be creative.

After making the decision, the practical aspects came to the fore. There were issues that needed to be resolved. Without previous knowledge of designing a poster Thorsten had to make some effort and meet a few people, especially if it was about to become a summative assessment. He therefore had to ask for some assistance his colleagues from the University: with graphics and printing (and their costs), from the Department for the Enhancement of Teaching, Learning & Assessment who provided pedagogical support and offered to deliver formative feedback and secure peer review, and also from Aberdeen Business School and its Library who not only organised the final exhibition of the posters but also made arrangements in relation to publicity and funding.

Thorsten described events designed for students in relation to this assessment. He prepared an introductory session. For that he found a lot of materials in the Higher Education Academy repository: documents & You Tube clip. Then another 2-hour session on how to employ technology was organised and students were encouraged to come to a formative event where they produced drafts of the posters and got some peer review. Thorsten, other students, as well as the support staff all acted as peer reviewers.

Thorsten then showed a marking grid prepared for that assessment and also assessment criteria that were given to students beforehand.

Finally, the students had an exhibition in the school atrium in front of the library. Everyone from the school was there since it was held at the time before exams and people had to come to revise so it

provided a great deal of presentation of the works. It was also advertised through the university magazines. Moreover, it was launched on the World IP Day. So it received very good internal & external publicity (through the World IP Day website and the RGU website & magazine).

The students' questionnaires are yet to be seen and they may be full of surprises since they are anonymous but it was not seen as an easy option since a lot of different skills had to be employed.

By conclusion, Thorsten Lauterbach thought the assessment was a success, though there may be some improvements. Maybe some topics could be set a bit narrower or maybe students could be even allowed to choose individual topics. Perhaps the oral presentation could be moved from formative into the summative assessment realm. Question is whether to retain closed book exam as assessment component. Thorsten Lauterbach then showed the audience some examples of the posters.

Teaching patent law to UK law students: A technical problem in search of a pedagogical solution

Christopher Wadlow, Professor in Law, University of East Anglia, UK
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Summary

Christopher Wadlow admitted that while some of the participants had a problem to teach law to engineers, he had – in this particular case – a problem teaching law to lawyers. He then started explaining the fundamental difference between common law and civil law. While in civil law, case studies are invaluable to illustrate and exemplify legislation, and how it works in practice, in common law; cases decided by judges and by senior courts are more important than that in a sense that they are a source of law in their own right. They are a source of a binding precedent. A common law lawyer would start with them to a very much greater extent than (as a civil lawyer) just from the point of view of a pedagogical practice.

In the common law system of the USA, cases dominate in such an extent that law is taught as what is called a 'case book method'. In the UK, case books are less prevalent, but teaching is very much case-centred. As far as continental Europe is concerned, there is much less emphasis on individual decided cases, less interest in case facts, and there are many more decided cases in the field of intellectual property, in particular in patent law.

It may surprise people coming to the United Kingdom legal system from outside to discover how few decided cases there are on very important aspects of law. What Christopher Wadlow was going to talk about was a particular problem of patent claims and teaching the significance of patent claim interpretation to undergraduate lawyers on an LLB degree.

In all Europe, Article 69 EPC and its Protocol applies. In the UK, one has to teach Art 69 and Protocol firstly as incorporated into English law by the UK Patent Act but also as interpreted in most recent and/or most binding judicial decision. While in the rest of Europe, Art 69 means what it says, in the UK it means what the House of Lords says it says. This introduces a big complication.

Between 1982 and 2004, the cases one would refer the students to would be 'Catnic' and 'Improver'. From 2004 to present, a single case that one would refer the students to is 'Kirin Amgen v TKT'. Christopher Wadlow then explained the facts of those cases and some of the claims of the Amgen case.

The question was how the House of Lords got around the Amgen case. In 2004 Professor Michael D Yudkin, Professor of Biochemistry at Oxford University was appointed as scientific adviser to the House of Lords in connection with that case. His role was rather unusual. Yudkin gave a series of seminars to the five patents judges deciding this case.

So what is the problem in the most general terms? The answer is that if it takes one professor of biotechnology four two-hour seminars to explain the technology of Amgen to five Law Lords then how many hours does it take (or should it take) one professor of law to explain the case to a typical class of undergraduates? And this seems to be a problem Professor Wadlow felt unable to find solution to.

However, he introduced a few possible answers. One option would be to change Article 69 in order to make it more explicit. It would also be nice to hope to go back to 'simple' cases in superior courts which have the technology of *Catnic* or *Improver*. But the problem is that litigation at the House of Lords is so expensive that only financially important cases will ever go there (and financially important cases at the moment are biotechnology ones).

The ideal solution would, according to Christopher Wadlow, be scientifically literate lawyers and legally literate scientists. So Christopher Wadlow said he envied those having a solution of teaching scientists and lawyers in the same class so that they can pair up together and advise one another. Unfortunately, no one suggested that Christopher Wadlow could teach patent law to a class mixed of lawyers and biotechnology students. So for the time being, he could only hope for his students to meet biotechnologists who could explain it to them on the campus. He then closed with a quote: "Patent litigation is like the neurosurgery of litigation: it is hard scientifically and it is hard legally¹" and with an addition to that: "and it is hard to teach it"!

¹ 54 CASE W. RES. L. REV. 671, 682 (2004)

Questions and Comments to Session 4

Ruth Soetendorp had two comments. First was related to her experience with the mixture of students when in her Masters class there were students with various backgrounds and there was a student with biotech background who stood up and in two minutes she explained the scientific issues of the Kirin Amgen. So the four times two hours needed for the Law Lords were pro rata reduced to two minutes for an average student.

Her second comment related to a question "How little do you need to know in order to be able to dialogue intelligently with people from disciplines other than your own?" There has been a research on it which actually indicates quite short times.

Christopher Wadlow replied that his issue with explaining Kirin Amgen was actually how much to reduce it so that students would still understand it.

To this Ruth Soentendorp added that the point maybe is whether they need to identify the problem or whether they actually need to understand it. Maybe distillation is the trick.

Duncan Matthews then added that he always asks his students if they know the drug used in the case and there is always someone who would know. Christopher Wadlow added that he tried this with the Windsurfing case but unfortunately none of the students were surfers.

Anselm Kamperman Sanders asked in relation to teaching Article 69 whether Christopher Wadlow used a comparative approach, for example comparing UK and Germany or whether he chose more narrow approach.

The answer to that was that it depends on the class: LLB students are taught purely UK law whereas LLM students get global law.

Session 5

National Perspectives in IP Teaching

Chair: Stuart MacDonald, Professor of Information and Organisation, University of Sheffield, UK
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Challenges of Teaching IP: Experiences in Turkey

*Recep Varcin, Director, Center for the Study of Human Resources Management and Career
Counselling-IKDAM, Ankara University, Turkey*

*Busra Yalcin, Researcher, Career Counselling and Human Resources Development Association-
KARDER, Ankara University, Turkey*

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Summary

Recep Varcin first thanked the EIPTN for the invitation and also for organizing such an event. He then introduced himself.

He reminded the audience that the day before, the presentations were about teaching IP at universities. This, he said, was a micro-world. We should locate this micro-world within the larger one surrounding us. He would like to talk about the surrounding conditions under which we are teaching IP.

We live in a knowledge society and teaching IP is a product of the knowledge society. It is quite different from that of industrial society. There are several theoretical approaches to conceptualize these convictions. The first one is Mode 2, New Production of Knowledge, NPK². Another one is so called Triple Helix, TH³, which says that universities and public organizations, like patent offices, should work together. University is not an isolated place from the rest of the world. And finally, there is the System of Innovation Approach, SIA⁴. All of these three approaches tell us that public agencies, private sectors, universities, and non-governmental organizations (or civil society) should work together. Exploitation of IP and also teaching IP is not an exception.

Because of the knowledge society, university professors are not isolated from the rest of the world. The NGOs and private organizations expect them to do something. They should not only teach IP at universities but also in other places; work with European Patent Academy (as they do now), national patent offices, etc. They should also teach in areas where they have expertise. This is a critical issue. The position of university teachers is not such as to allow them to just limit their work to few hours of teaching at their university. They should go beyond their university place and work with other entities.

Recep Varcin explained that they have very centralised state planning, done through the State Planning Organisation. This planning system has something to say in every area, including teaching IP. In the ninth five-year development plan in Turkey (2007-2013) there is a Commission that is in charge of intellectual property rights – a specialised committee working on generating a national plan to promote teaching IP.

Recep Varcin then explained who Members of the Commission are and their roles are starting with the Minister of Culture who is responsible for intellectual property.

² Gibbons et al., 1994; Nowotny et al., 2001; 2003

³ Etzkowitz, 1996; 1998; Etzkowitz et al., 2000

⁴ Cooke, 1998; Lundvall ve Borrás, 1998; OECD, 1999

Examples of entities involved in IP followed, these being examples of a public agency (the Turkish Patent Institute), a university intellectual property research institute (FISAUM at Ankara University, NGOs (the Technology Development Foundation of Turkey and Innovation Association).

In order to generate the national plan, all the stakeholders involved in IP should be involved and cooperate. And that is what happened. In the light of the national plan, each such organization has the responsibility. For example the Turkish Patent Institute translated the EPO Patent Teaching Kit so that it is available in Turkish and available for universities, NGOs and other organizations. They are not only registering IP rights but also take care of public awareness of IP and to teach IP different sectors of society. Ankara University has a research centre on IP and provides services and training to different groups of people from different faculties. Technology Development Foundation of Turkey is also working on innovation and on teaching IP, on awareness and IP knowledge of the society. Innovation Association (similarly as other NGOs) consists of retired university teachers who continue working in this sector and they convey their knowledge to different segments of society.

Recep Varcin then summarized the result which is that one should expect success indicators; entities are also watching and monitoring the effort of IP teachers. And without going into the history, Recep Varcin explained that IP awareness is increasing; that is their success. But the success is relative since there are 150 universities in Turkey. They should keep working on that.

The result is that IP teaching is not under the monopoly of universities, or particularly law schools. Of course the role of law schools is significant but they share IP teaching also for example with engineering and science faculties.

IP teaching should therefore be everywhere (universities, NGOs, public organizations, private sectors etc.) because IP and its production is everywhere. Recep Varcin then concluded that the IP teachers' network should expand to include NGOs and other organizations.

Questions and Comments

Alison Firth asked in relation to the 5-year plan whether it was enough.

Recep Varcin answered that it may not be but in 2013 the plan will be expanded. To additional Alison Firth's question whether it was thus a rolling programme, the answer was affirmative.

In relation to the last slide (expansion of IP teachers' network), Duncan Matthews asked where, in Recep Varcin's view should the limit be set. The suggestion was that public sector (e.g. NGOs) could be part of the Network. But some of the NGOs are private, lobbying organisations. Would that be within or outside the definition?

The answer was that it should be within because they are also important part of promoting IP.

Then another question posed by Christopher Wadlow followed, asking whether practitioners were also involved in teaching at the University since it is important for students.

Recep Varcin agreed that it was important.

Approaches to industrial property studies at the Metropolitan University Prague

*Ladislav Jakl, Vice Rector, Head of Industrial Property Department and Director of
Industrial Property Institute, Metropolitan University, Prague, Czech Republic
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Summary

Professor Jakl first introduced himself, his working and academic career. He then continued introducing Metropolitan University and its programmes emphasizing the Industrial Property programmes: the Bachelors Programme which had been running since the academic year 2002/2003, the Masters Programme (2006/2007), and the Doctoral Programme (2010/2011).

The three-year Bachelors Programme in Legal Protection of Industrial Property received accreditation in 2002, the two-year Masters Programme in International and Regional Relations in Industrial Property received state accreditation in 2005 and in 2010 the three–five year Doctoral Programme in International and Regional Relations in Industrial Property received approval. Accreditation was received for both full-time as well as a long-distance form of learning. The distance learning course is very popular among students. The studies are financed by students' tuition fees.

Ladislav Jakl then introduced the curriculum of the three year (six term) Bachelors programme. 10 examined (core and optional) subjects are taught in the first year (e.g. fundamental subjects as legal and economics basics and history). In the second year students have vocational subjects, such as Business Law, Competition Law, Patent Law, Patent Proceedings, etc. The third year programme includes Protection of Inventions and Utility Designs abroad, Intellectual Property Litigation, Trademark and Designs Proceedings abroad, etc. The programme finishes with the Bachelors State Examination and the Bachelors Thesis defence.

The focus of the Masters programme is more theoretical and international, with subjects such as the Introduction to International Relations, the Institutional framework of European Integration, Professional English, IPRs in the Slovak Republic undertaken in the first year, and subjects focused on international economic relations undertaken in the second year. The programme finishes with the State examination and the Masters Dissertation defence.

The doctoral programme is designed for three to five years (it commenced last year). In the first year there are 3 compulsory subjects; in the second year students have 3 subjects out of 7 options. Ladislav Jakl also mentioned that Comparison of European and American Intellectual Property is taught in cooperation with lecturers from Chicago. Students finish with preparation and defence of the doctoral dissertation and they must also participate in the scientific and research activities of the University and publish in the field of intellectual property. The backgrounds of doctoral students is interesting: practicing lawyers, judges, patent and TM attorneys and former MU students. Professor Jakl mentioned that this mixture of students is good for the learning process.

Questions and Comments

Michal du Vall asked whether these studies were legal studies and, if not, what the difference from a law faculty was.

Ladislav Jakl answered that these studies were international relations studies focused on IP protection.

Recep Varcin asked what happens with the doctoral studies graduates, e.g. the judges, would they change their position.

Ladislav Jakl answered that this was a good question. Their aim was having new doctors to teach at their university, because at their university it is possible to teach only being a PhD doctor, a reader (docent) or a professor. He estimated that 60% of the potential graduates intend to teach at the Metropolitan University.

Giovanna Oddo then asked whether those judges or lawyers mentioned earlier were specialised in IP, were they general judges or with IP cases.

Ladislav Jakl replied that both of the judges were higher court judges specialised in IP, one of them specialised in industrial property cases.

Giovanna Oddo then asked whether there were also some practitioners teaching at the MU.

Ladislav Jakl answered that in the PhD course only professors and readers (docents) were allowed to teach; in the master degree there have to be at least 60% of professors and docents, in the bachelor degree it is 40%. The rest is hired from outside.

Zuzana Adamová asked how many internal IP experts taught at the MU.

Ladislav Jakl explained that there were about 30-40% of their teachers were specialists from the Industrial Property Office and some were Patent Attorneys.

Teaching intellectual property law in Slovakia

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Summary

Zuzana Adamová started her presentation with an explanation (suggested by her colleagues) that a salary of a university professor in Slovakia is approximately €800,-, which explains a lot about the IP teaching in Slovakia.

Zuzana Adamová explained she would like to say few words about IP teaching in Slovakia and about Slovakia's history, which a lot affects current IP teaching. Zuzana compared her pedagogical growth and progress with that of Slovakia itself.

Slovakia is a nation very excited about the future, taking the generation of IP and innovation seriously, academics progressing in the right direction, one step at a time. Students' interest in IP (national as well as international) is growing.

Zuzana Adamová spoke about the history of IP development since 1948, first in the former Czechoslovakia and then in the separated Slovakia, both during the era of occupation and after 1989 when IP law could immediately develop autonomously in a pedagogical sense. It was clear that the legal regulation of IP cannot be developed separately from international, European and global connections but also this cannot be done without the primary focus and the primary support being in terms of domestic intellectual property.

By the end of the 20th century the situation in Slovakia in the IP field had changed substantially; new subjects like Computer Law and Legal Informatics, Media Law, Competition law with focus on IP, International and European Copyright Law, European Patent Law, CTM Law, and others were taught or are have been prepared to be thought in the future.

In relation to students' interest in IP, Zuzana Adamová mentioned that after 40 years of communism and 20 years of the transformation process the situation in Slovakia cannot be compared with other EU countries, especially old EU Member States. But the situation has been changing slowly in a positive way; more and more students are interested in this subject, especially in current discussions on IP in the digital era, information technologies, computer law, community trademarks or others.

In 2007, Trnava University established the Intellectual Property Law Institute as the sole scientific and research institution in the field of IP. The aim was to create a partner institution for cooperation in this field. The Institute of Copyright Law, Industrial Property Rights and Competition Law of the Charles University represented by Prof. Kříž and his colleagues is the best example of the importance of the IP science and research as the basis for teaching and practice in post-communist countries.

At Trnava, as was described by Zuzana Adamová, they are looking for new tools and techniques for making IP and innovation interesting and relevant for students (e.g. preparation of an electronic case-law book with modular hypothetical cases). Importantly, in Zuzana Adamová's view, the academic community has a great cooperation with state offices, especially the Industrial Property Office and the

Antimonopoly Office, but also with research institutions, NGOs, national and foreign universities and many other institutions.

Also, the Institute tries to spread IP knowledge among many non-legal academic institutions, mostly technical. This applies not only to students but also to pedagogues, academic employees and university staff. There has been an expansion of Technology Transfer Offices at many universities. They focus on the creation and dissemination of an IP Culture in universities, raising awareness of the importance of IP, setting the strict IP rules at universities and encouraging respect of IP rules.

Focusing on the future, the Trnava Institute has many aspirations. However, Zuzana Adamová emphasised that, as a country in transition, Slovakia needs support, expertise and encouragement from the international community of experts, especially those stalwarts present at the EIPTN workshop, for the development of a new conception of IP, especially IP enforcement, and IP teaching in Slovakia. Their experience is needed as also definitely are events like this one.

The aim is to gain better support for IP scientific projects and for basic IP research and to get IP law to be a separate field of study within the PhD programme. They are also area also seeking better financial support and cooperation both internationally and globally.

Zuzana Adamová concluded that Slovakia is ready to make another step in improvement of IP teaching and improvement of IP awareness. For that they need support, encouragement, and inspiration.

Questions and Comments

In response to question of whether any course is taught in English Zuzana Adamová answered that not at the moment but there are some plans in this respect.

To Giovanna Oddo's question about whether Zuzana Adamová (or her colleagues) also teach IP in faculties other than law schools, the answer was that it is done only occasionally (e.g. a separate lecture for the Slovak Technical University and some lectures on technology transfers provided by the members of the Institute); however in all 6 law faculties in Slovakia IP law is taught.

Janis Bernats (Riga Stradins University, Latvia) asked about the cooperation with Creative Commons (mentioned in the presentation).

Zuzana Adamová explained that the Institute is a legal affiliate for the Creative Commons in Slovakia, however the situation is that Creative Commons are not in Slovakia yet since the Slovak Copyright Act requires every licence agreement to be executed in writing and it has not been possible to amend this provision so far – so the CC licenses cannot be provided yet. However, she hoped that, in few months it should be possible to change the relevant provision and then subsequently start to use the Creative Commons licences.

Session 6

Teaching IP and innovation

**Chair: Adoración Pérez Troya, Professor of Commercial
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Dialoguing on IP teaching innovation

Inmaculada González, Associate Professor, Universidad Católica de Valencia, Spain

Vicenç Ribas, Professor of Commercial Law, Universidad de Alcalá, Spain

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Summary

After the introduction of the speakers by the chair, explaining their background, the speakers thanked the organizers for the invitation and explained the focus of their presentation.

The speakers would like to show some general and basic concepts and explain how their approach towards teaching IP has progressed. Dividing the system of competences into knowledge, skills and attitudes they would like to focus the audience's attention to the relationship between IP specific knowledge and the basic skills of a legal expert.

Vicenç Ribas explained that changing the role from one way lecturing to a more creative innovation system has some challenges; they would speak about a problem solving conceptual analyses, critical thinking, managing information, communication skills and self assessment.

Inmaculada González explained that Vicenç Ribas suggested that in order to develop the relevant skills one should change the starting point. Instead of starting with a theoretical explanation one should start with a simple and understandable case. E.g. a statement: "The R&D department of a firm developed a new antibiotic suitable to fight the virus E. coli".

Vicenç Ribas said that taking into account that statement, the first question has to be asked: "Whose interests should we take into consideration?" In other words, we should ask: "What is the economic problem?". Only after that should we think about the legal problem?

Once the economic problem has been addressed, the legal problem can be dealt with, namely: "What legal rights do these subjects have in order to protect their interests?"

Inmaculada González continued that going back to the basic problem, one starts with subject identification and asks questions such as: "What are the interests of the firm?, what are the interests of scientists? and, moving to subsequent set of questions, how can scientists prevent the use of their knowledge? what are the means to protect the knowledge? what IP can be used for? what are the differences between them? and how can a scientist obtain recognition that he is the inventor?"

Vicenç Ribas continued by explaining that the best way to teach when students answer these questions by themselves and teachers facilitate discussion without giving them the answers. So how can students formulate these questions themselves and answer them? How can they do this without knowledge? They have to develop skills such as managing sources of legal knowledge, make analytical reasoning, employ critical thinking and finally be able to write, discuss and defend their work as they will do in the real world.

First, they have to manage the sources, which also means being able to identify the main concepts, that are required to carry out conceptual analysis. This involves describing and ordering concepts into categories, asking its nature and systematic matrix and trying to connect legislation, jurisprudence and

doctrine. If students know the subject and the interests involved, it is then possible to place them within the legal context.

With this basic knowledge the students can then go further and look at the interests of the subject involved beyond the legal frame (e.g. is there some interest that can be better protected and what solution is proposed: solving for example the controversy between the innovative pharmaceutical industry and generic pharmaceutical industry. Is the legal solution accurate?). This requires the students to employ critical thinking.

After that, sharing the work and its results falls in place. It can be presented in a formal written essay, using a structure and language focused on a specialized audience. This can be presented and discussed in class.

As Inmaculada González explained that, finally, the work should be assessed. And, as Venceç Ribas continued, the students have to revise their work by answering three questions: What have I learnt? How have I learnt it? How can I improve the process of learning? By this self assessment, the students as well as the teachers can see quite clearly the evolution of the work done by the students.

Questions and Comments

Ian Hartwell asked in relation to the last part of the presentation – the self assessment, whether it worked well. From both the teachers' and the students' perspective, did the students take the exercise seriously?

The answer by Venceç Ribas was affirmative, since the students were revising their own work, what they learnt and how. Also, the self assessment is part of the mark so they take it seriously. Venceç Ribas then said that this self-assessment of the students' own learning processes led to the best work they had done.

Alison Firth then asked whether peer review between the students took place.

Venceç Ribas said that peer review was not undertaken but admitted that it could be a useful tool and they may think about it for the future.

Connecting IP with business model innovation

Alberto Di Minin, Assistant Professor, Scuola Superiore Sant'Anna, Pisa, Italy
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Summary

Alberto Di Minin started with an explanation that he was neither a lawyer, nor a scientist, nor an engineer; his background was in management. He was going to speak about the idea of connecting IP teaching within business model innovation. His colleagues from Spain (in the previous presentation) were talking about connecting innovation, technology and IP in relation to young students, his target audience was different and thus presented a different challenge. Then he outlined the content of his presentation: outlining what his target audience was, addressing teaching how to appropriate innovation, how to inform managers about IP (by speaking the IP Language) how to organise a typical course, explaining what his experience was so far and asking a question what to do next.

Alberto Di Minin explained that his target audience was in the age range of 25 and 45, with various positions/occupation: graduate students, early career employees, up to middle management. They have no or very limited experience in IP but possess a solid technical/professional background; they are engineers, MBAs, scientists, entrepreneurs. And their expectations about IP are ranging from pure curiosity to anxiety.

The framework of teaching IP within innovation management starts with how to appropriate innovation (a large part of the management process) and how to make money from it. There are both external conditions and internal conditions to the appropriation of innovation. Alberto Di Minin's goal is not to make people become IP experts, his goal is to inform (future) managers about IP – for them to be aware of a problem and to know they need to knock on someone else's door to solve the problem. He wants to let them know that IP is something that matters to them and not only to their lawyers; and also that it matters to what is called Business Model Innovation.

Alberto Di Minin then introduced the structure of his Business Model Innovation Course. IP is behind the scenes in each of the components. The main method used is speaking the IP language. He wants to make participants familiar with the "sound" of a new language. He largely uses talks from IP managers (managers take it better if it comes from a colleague rather than a teacher) and integrates the Patent Teaching Kit (Protect your ideas) within slides. It provides a good structure, helps preventing the lecture from going off track. He also uses case studies and simulations and a lot of semi-structured discussion (approx 50%). Readings from academic management literature (and digest versions of research papers) are also important.

The usual framework of the course is an introduction to the IP protection system and patentability and a session on IP management and on IP strategy. Everything starts with a case study (e.g. Blackberry) and usually closes with a simulation of a transaction.

Experience so far is mainly from the Masters programme in Finmeccanica, Scuola Superiore Sant'Anna and company retreats.

In conclusion, Alberto Di Minin posed a question: Where do we go next? First of all, in his opinion, more case studies are desperately needed. Then, more actions such as Patent Teaching Kit are desirable

(e.g. an IP Course Design Manual). And, importantly, a platform to share teaching opportunities among colleagues is needed; so Alberto supports Duncan Matthews' initiatives.

Questions and Comments

Janice Denoncourt commented that with her past as an in-house counsel and IP lawyer she understands the issues involved with commercializing IP for a company. She also suggested that amongst the audience some good case studies they use. She suggested that participants at the workshop could prepare a publication of case studies so that they all can share and which benefit the Network can benefit from. She was not sure though how much support this suggestion would get.

Giovanna Oddo then responded with a comment that it was timely that this was being discussed since there is a plan in the European Patent Academy to develop a manual with case studies but, while they are happy to edit that, they need contributions.

Teaching patenting and licensing for science and engineering students at Turkish universities

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Summary

Özgür Kulak first outlined some of the research in the field she did previously, including a research project funded by the European Patent Office (EPO) called “A model country-level innovation performance tracking platform: A comparative study for the data availability and reliability of possible innovation indicators in Turkey and in Europe” in 2006. This showed some interesting indicators and resulted in some IP proposals. She also mentioned her research on “Turkey's Patent Market Position in Europe” conducted for the Proceedings of the Portland International Conference on Management of Engineering & Technology (PICMET) in İstanbul in 2006 and some of her more recent research presented at various conferences.

In Turkey, people now often realize that without IP institutions it is difficult to make progress. Özgür Kulak spoke about an office model for universities that has been developed and also about the situation in teaching patenting and licensing to science and engineering students and an urgent need for courses and programmes and IP teachers with technical background.

Özgür Kulak then spoke about a “Technology Licensing for Engineers” course she has been teaching. It focuses on the technical aspects of IP. Its objective is to introduce Intellectual Property Rights (IPRs) to engineering students for their future research and professional career. Law, engineering and management knowledge will be merged and will be practically applied as real IPR case studies throughout the course.

It is an elective undergraduate course taught by way of lectures, applications, case studies, and role playing and evaluated by way of homework and project assignments. Topics covered are Intellectual Property Rights, National and International Patent Procedures, Patent Law Essentials, Technology Development Strategy, Engineering and Science Prior Art, Filing a Patent Application, Inventor-Attorney-Examiner Communications, Intellectual Right Infringement, Patent Value Estimate and Patent Portfolio Strategy, Licensing and Startup Establishment, Macro Level Technology Management, IP Professions and Role Playing.

Özgür Kulak then evaluated outcomes of the course based on a questionnaire given to students at the end of the course. Only one out of thirteen students had any previous IP education and none of them had previous experience with filing a patent application. Twelve of the students felt competent in filing a patent application after taking the course in a sense that they could try and eight of them answered they would consider career in IP.

When evaluating IP professions preference, the result was that ten students would choose a career of R&D engineer, one would like to be a technology manager or technology analyst, three would prefer becoming patent examiners and two would choose a career as a patent representative.

The questionnaire also evaluated the contribution of the course to the IP level in Turkey and five students found this contribution moderate, eight of them found it good and no one answered that such contribution would be low.

The last topic on the questionnaire focused on what topics of IP are most needed for Engineers. The four most important topics in the students' view were Intellectual Property Rights, Filing a Patent Application, Patent Law Essentials and National and International Patents Procedures.

In addition, none of the students were aware of other engineering students taking this type of course in other universities.

Extension of the EIP TN and launch of its new website

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of the European Intellectual Property Teachers' Network
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Duncan Matthews started by expressing his gratitude to all the participants at the workshop and also welcomed participants attending the side events for Technology Transfer Officers and Road Map Coordinators.

He then explained that by the test site of the new EIPTN web site, he would like to begin a dialogue and obtain some feedback about the look and feel of the web site and also to begin a discussion on how to expand the Network and develop it further for the future.

First he showed home page and also explained that the final version will also show rotating images of well-known patented inventions, well-known marks or creative works and designs.

He then pointed out a circle in the corner of the site which will enable visitors to use the site as a portal for downloading materials such as those produced by the EPO (Patent Teaching Kit, the IP Curriculum, etc.). Initially these would be free resources provided on the web site: materials provided by the EPO but also other materials if their authors wanted to share them. To that Duncan Matthews added that he and the European Patent Academy were pleased by the number of downloads of the Patent Teaching Kit. By scrolling down the page shown, a user gets to other links providing further opportunities to download other types of teaching materials.

Duncan Matthews then commented on the scope of the Network as it was at that moment. It was focused on individuals – anyone who is involved in teaching in university context is eligible to join the Network. The Network does not have a membership fee and operates on the principle that it is free on the point of delivery. The idea was not to deter young people who are coming into the profession of teaching at the university (and are used to getting things free from the internet) by having a membership fee initially for them to access the Network and download resources.

To this, Giovanna Oddo added that maybe in the future it will be necessary to decide to imply a small membership fee, unless there is other source of funding to keep this Network lively.

Duncan Matthews' further comment on this was that there was an idea to get people hooked onto using the web site and finding the Network a useful resource rather than having to pay an initial fee to get access and only then to find out whether it was useful or not. Once it becomes an active and living resource, then in order to retain it sustainable financing could take place either through the membership fee or by expanding the funding base.

Duncan Matthews then returned to the idea of individuals joining the Network as opposed to other networks that join institutions. Thus even a visiting lecturer or a practitioner involved in teaching can join the Network.

The next point mentioned was that the Network has always been meant to have interdisciplinary focus; from the beginning there were not only lawyers but also medical scientists, computing scientists, business studies specialists, etc., even if in a small portion. And the aim is to further build this interdisciplinarity of the Network.

Duncan Matthews then stated that in terms of teaching and learning activities the Network has always recognised and valued the particular role the technology transfer offices played in universities.

Another aspect of the new web site is the building of a searchable expert database for the members of the Network.

There is also the possibility of case studies discussed previously within the EPA, as well as examples of best practice.

Also, as previously discussed with Alberto Di Minin, in business studies there is something called “TED talk” – 10-minute clips of lectures. The idea is that you are giving a talk of your life and you have 10 minutes in which to teach something about IP. So it was also thought that the new web site could include 10 minutes clips of people delivering teaching and learning activities to students.

In terms of the scope of the Network, to give an idea – there are 465 people listed in the database of the EIPTN. Even in the smallest European countries there people on the database already. And everybody on the database will be automatically registered and if they want to they can unsubscribe but it will be free to participate.

After that, the idea of the national portals map was presented. Sybille Skelly from the EPA suggested during the brainstorming meeting that it would be good not only to have an umbrella European Network in the way it now operates but also to build national networks. From the EIPTN portal by clicking at a particular country on the map, you would then be taken to a national network which would be the national equivalent of the European network but it would not be carried out by the EIPTN. EIPTN would collaborate with any country that would like to set up their national network.

To this Giovanna Oddo added that this would be used for example to prepare their teaching materials (as those by EPO) in their own language for example or to have discussions in their own language. For example universities would set up those web sites and it would be linked to the Network, which should remain European. It is helpful to have these resources of teaching materials in own language.

To this Duncan Matthews commented that while the Network was initially a UK initiative and then it became a European initiative, there was a discussion on having UK meetings and a UK web site which would inform about meetings organized for people from the UK. This would be funded separately. People want to access national information as well. There would be national offices and websites. There was also the possibility of having job opportunities and studentships listed on the web site.

The next page of the web site discussed was related to “activities”. There is a “workshops” option with a list of the annual EIPTN workshops and with pdf versions of all the presentations. One of the suggestions for the future is, in addition to the annual workshop, to have some type of moderated discussion forum.

So far each person who organised an annual EIPTN workshop is a member of the ad hoc organising committee. Thus the “who is who” section will initially have information about those who have organised workshops in the past. However, the committee is aware of the fact that while so far it worked on an informal basis, now the Network has reached the point when it has grown from a very small to an impressive number of people. Therefore, there is a need to formalize the relations and to set up a constitution in a very simple form. Claire Howell, as a company law specialist, has agreed to draft a simple constitution. The proposal is that the current organizing committee consisting of Claire Howell, Alison Firth, Adorazion Perez, Mariano Riccheri, Duncan Matthews and Petra Žikovská,

would act as an initial founding committee and then others would be encouraged to join the formal committee structure.

In addition to the discussion forum as living embodiment of the Network throughout the year outside the workshop events, there is an ongoing discussion about whether to build an expert database on the web site. There is anecdotal evidence that the individuals who meet each other at the workshop then start to network bilaterally throughout the year and invite each other to give guest lectures and cooperate in other ways and this has been routed through the Network in an informal sense. Thus the idea of the expert database is to build software where you could search by key words (e.g. TM, name of country, and name of a person) and also to refine the search to particular fields related to particular countries. The idea is to put together a network of people who could provide a teaching resource or who might have a common interest but in a particular country, etc.

Another issue where Duncan Matthews would welcome some feedback is a question whether the Network should be expanded beyond those who formally teach IP in a classroom setting, e.g. to involve experts from technology transfer offices. And if that is the case, should the name of the Network be changed to reflect that? What should name be? The name suggested is the Intellectual Property Teachers and Experts' Network (IPTEN).

Duncan Matthews then suggested stopping his talk at that point and opening discussion on the following topics: views on the look and feel of the web site, on the functionality of the web site (does it contain the right sort of information and provisions for searching the information?), expansion of the Network beyond people formally teaching intellectual property and the name change related to that, views on how in another ways expand the membership to encourage others to join the Network, and, finally, would it be useful at this point to have a constitution and more formally constituted executive committee? Duncan Matthews then reminded participants at the workshop that there is the possibility to comment on these matters in the feedback questionnaire distributed to the participants. There will also be an opportunity to provide feedback online.

Before commencing the discussion, Duncan Matthews offered the floor to Giovanna Oddo for comments. Giovanna Oddo then added that the expansion discussed involved not only the TTOs but also for example Patent Attorneys. Then she added that name change should be European Intellectual Property Teachers and Experts' Network (EIPTEN). Giovanna also suggested that the "activities" section could also include events taking place somewhere else. Also, it could be linked to the EPO IP Calendar.

Duncan thanked Giovanna for this comment and for reminding him this issue since this was something also previously discussed with his colleagues to be added there.

Before fully starting the discussion, Duncan Matthews also pointed out that there are already other networks that deal with intellectual property but the EIPTN is distinctive from others since EIPTN's focus is in Europe and only on teaching not also on research (European Intellectual Property Institutes Network, ATRIP, European Policy for Intellectual Property Organization).

Starting the discussion, a suggestion was made to provide links to web sites which provide for example case law, like IPKat. To that Duncan Matthews answered that there is a button ready for that.

Ruth Soetendorp then expressed a hope that it does not lose the intimacy and vibrancy of the gatherings. Then she asked whether there was a space for uploading materials of common interest at the discussion board (so that materials can be shared, for example marking grids). To that Duncan Matthews answered that this would go probably to the best practice section.

After that Giovanna Oddo added to the issue of formalization of the Network, that it may be useful to have a scientific committee that would have a say in whose papers should be chosen for the workshop. This committee could be elected on for example 1-year or 2-year basis so that there is a more formal set up in the future and also a guarantee of continuity (if the persons active in present for any reason want to stop). To that Duncan expressed his agreement and thanked for that comment and especially agreed with the need of continuity and also mentioned the need of transparency.

Giovanna Oddo added another comment on the need to expand, saying that the Network needs to expand also in terms of disciplines. Also, suggestions are welcome in relation to what other activities should be added on the web site, whether the set up is accepted, whether the time there is maximised, etc. Participants were encouraged by both Giovanna Oddo and Duncan Matthews to come forward with new ideas, with Duncan suggesting that this may also be done once the site is active and people have an opportunity to experience the web site first.

Alberto Di Minin then responded that he thought it would be useful to see more interaction, to use the space as a sort of “marketplace” where opportunities in teaching may be discussed; an offer and demand interaction. He mentioned the idea of database, which he found very interesting, and suggested to include in the searchable terms contact details. He also thought that setting up one-to-one meetings through this could be useful. As Duncan Matthews clarified, it would mean expanding the searchable terms on “opportunities”.

Duncan Matthews then concluded that he was looking forward to further discussion on this topic later that day during lunch time or at the side events organized by the EPA later that afternoon where members of the current committee would also be present but also through the evaluation forms or by subsequent emails sent later. He thanked everyone and handed the floor to Petra Žiková for closing remarks of the workshop.

Closing remarks

Petra Žikovská, Expert Assistant, Institute of Copyright Law, Industrial Property Rights and Competition Law, Faculty of Law, Charles University in Prague, Czech Republic
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Petra Žikovská closed with a short expression of gratitude. She thanked the EPO and Charles University which made the whole event possible. Then she thanked Duncan Matthews who had played a big part behind the scenes in organising the event, which had been appreciated so much by the participants. He was a great help and provided a lot of support. She then thanked her “dream team”, Kateřina Štechová and Leoš Bednář.

Petra then received a big thank you from the team and Duncan Matthews and received applause from the audience.

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