



# **“EUROPEAN INTELLECTUAL PROPERTY TEACHERS’ NETWORK WORKSHOP”**

**Aston Business School**

**24 - 25 JUNE 2007**

# **REPORT**

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Prepared on behalf of the European Patent Office.

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## Programme

### Sunday 24<sup>th</sup> June

<b>6.00</b>	Registration and Coffee	Aston
	Business School	
<b>7:00 for 7:30</b>	Pre-Conference Dinner	Aston
	Business School	

### Monday 25<sup>th</sup> June

<b>8.00</b>	Registration and Coffee	2 <sup>nd</sup> Floor
	Main Building	
		Aston
	University	

**All sessions will take place in Room 246 2<sup>nd</sup> Floor Main Building**

<b>9.00-9.15</b>	Welcome & introduction to the aims of the European Intellectual Property Teachers' Network <b>Claire Howell</b> ( <i>Aston Business School</i> ) & <b>Duncan Matthews</b> ( <i>Queen Mary, University of London</i> )
<b>9.15-9.45</b>	Keynote address – “Is the Intellectual Property System Fit for Purpose in an Era of Globalization, Digitalization and Increasing Economic Specialisation?” <b>Stephen Rowan</b> ( <i>Director of Industrial Property Policy Intellectual Property</i> )

*and Innovation Directorate, United Kingdom Intellectual Property Office)*

**9.45-11.15**

**Session 1 – Interdisciplinary IP Teaching**

“Mind the Gap: IP Education for Managers, Management Education for IP Professions” **Robert Pitkethly** (*University of Oxford*)

“The Necessity of Interdisciplinary IP Teaching” **Michael Kort** (*University of Augsburg*)

“Explaining the patent industry to business students; what should we tell the kids?” **Dr Kevin Scally** (*University College Cork*)

**11.15-11.30**

Coffee

**11.30-13.00**

**Session 2 - IP Teaching and Copyright**

“On Teaching the History of Intellectual Property and Why it Matters” **Ronan Deazley** (*University of Birmingham*)

“Human Rights and IP in a Teaching Context - Focus on Copyright Law” **Willem Grosheide** (*Utrecht University*)

“Teaching Copyleft and Creative Commons in a Copyright-riddled Academic World” **Maureen O’Sullivan** (*University of Galway*)

**13.00-14.00**

Lunch

- 14.00-14.15** Address – “IP teaching landscape in Europe” **Marielle Piana**  
(*European Patent Academy of the European Patent Office*)
- 14.15-15.45** **Session 3 – IP Teaching and Issue-Based Learning**  
“Applying the Case Method to Teach Management Issues of  
IP Based Companies” **Eva Nathusius** (*TUM Business School,  
Technische Universität München*)
- “Experience of Problem Based Learning in Two Taught  
Postgraduate Intellectual Property Units at the University of  
East Anglia” **Christopher Wadlow** (*University of East Anglia*)
- “Law into Technologists OK, Technology into Lawyers Won’t  
Go!” **Jo Stanley** (*Anglia Ruskin Cambridge*)
- 15.45-16.00** Tea
- 16.00-17.30** **Session 4 - Approaches to IP Teaching**  
“Teaching Intellectual Property in the United Kingdom:  
Lamentations of a Journeyman” **Akalemwa Ngenda** (*Eliot  
College, University of Kent*)
- “Teaching IP by ‘Virtual Means’” **Catherine Colston**  
(*University of Strathclyde*)
- “Collaboration between practitioners and academics: the  
importance of cooperation in IP Teaching” **Spyros Maniatis**  
(*Queen Mary, University of London*)

**17.30-17.45** Closing remarks & next steps for the European Intellectual  
Property Teachers' Network

## Welcome

Welcome and introduction to the aims of the European Intellectual Teachers' Network.

**Claire Howell** (Aston Business School) [c.f.howell@aston.ac.uk](mailto:c.f.howell@aston.ac.uk)

**Duncan Mathews** (Queen Mary, University of London)  
[d.n.matthew@qmul.ac.uk](mailto:d.n.matthew@qmul.ac.uk)

Claire Howell and Duncan Mathews offered a warm welcome to the participants of the European Intellectual Property Teachers' Network.

Duncan Mathews opened his address to the Network with an overview of the historical context in which the EIPTN was formed. The EIPTN has grown out of what was formally the United Kingdom Intellectual Property Teachers' Network, an event founded in 2000 by Professor Michael Blakeney of Queen Mary, University of London and Professor Peter Drahos also at Queen Mary.

Duncan Matthews and Claire Howell were delighted to note that several of the participants at the first conference held in 2000, were in attendance some seven years later and had continued to participate and support the initiative. Throughout its history as a UK event, and now as a European Network, the initiative has retained strong support from the UK Patent Office, now the UK Intellectual Property Office. The organizers extended their thanks to the European Patent Academy of the European Patent Office, for this year generously supporting the event.

Setting the scene for the forthcoming programme Duncan Matthews noted that this year, is the first year that the event has been able to expand to have a European dimension. Which is crucial both in terms of the objectives of the

event, and in terms of the dissemination of information on teaching innovation and best practice, not only the UK, but also in a European context.

In concluding the welcome address, Claire Howell reminded participants of the EIPTN's teaching focus. It is an initiative designed to inform teachers of IP, and it is the broad constituency and multi-disciplinary nature of the students of this discipline that demonstrates just how important Intellectual Property really is.

**Keynote Address**

**Steven Rowan**

## **Keynote address**

**“Is the Intellectual Property System Fit for Purpose in an era of Globalization, Digitalization and Increasing Economic Specialisation?”**

***Stephen Rowan***

(Director of Industrial property Policy Intellectual Property and Innovation Directorate, United Kingdom Intellectual Property Office)

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### **Summary**

Stephen Rowan welcomed participants to the event, and in opening his address noted that in order to answer the question ‘is the present intellectual property system fit for purpose’, it was necessary first, to establish what purpose the Intellectual Property system was intended to serve. It is only in this context that the specific challenges presented by globalization, technological change and economic specialisation can be accurately assessed.

The protection of intellectual objects is a concept with strong historical roots; the economic protection of Intellectual Property, primarily an Anglo Saxon formulation is one, which has transcended history. Our history as a race is riddled with the claim to ‘standing on the shoulders of giants’, this claim having particular resonance in the Gower Report.

It is imperative to see Intellectual Property in a broader context. Intellectual Property is a means to an end, not an end in itself. In short Stephen Rowan noted, Intellectual Property is not a Holly Grail, it must have a purpose, and as

such he identified the following policy goals underpinning the present system for the protection of Intellectual Property:

#### Policy goals

1. Economic
2. Societal
3. Cultural
4. Legal

The present system seeks to balance these competing interests, with the recognition of the importance, and need for individuals to be able to protect their ideas in more than a national context.

The second part of Stephen Rowan's presentation, addressed the following specific challenges facing the Intellectual Property system:

- Globalization
- Technological Change
- Economic Specialization

With reference to the first of these issues Stephen noted that knowledge, and the dissemination of knowledge are imperative to economic prosperity. This raises however, problems of consistency across borders and obvious balance of trade issues.

The second significant challenge facing the system is the accelerating rate of technological change, which is responsible for straining the system but also, this fast paced change often creates significant and novel problems for rights holders.

This is coupled with increasingly complex product composition, which has needed network innovation; not one individual can any longer undertake all the research necessary to make complex products such as, mobile phones,

digital cameras and MP3 players function properly. The result is a significant increase in cross licensing and a departure from the traditional pharmaceutical model of research and development. This collaborative, interactive, network orientated approach to product research and development has undoubtedly strained the present system.

Another important and interesting area of technological change is user lead innovation, users historically being fairly passive. The Internet has been the catalyst for user lead innovation, most notably in the peer-to-peer file sharing and the gaming fields. These industries have had to make significant changes to their business models in order to respond to these developments.

All of these technological developments have stretched the process. The Intellectual Property system is being called upon to protect concepts that were not conceptualized at the time; something that was designed to protect the Spinning Jenny is now understandably struggling to cope with nanotechnology and biotechnology. There are clearly questions here in relation to the correct scope of IP protection. Not only in relation to patents, but also in relation to the correct scope for the protection of Trade Marks, an important, yet often neglected issue.

Finally, Stephen Rowan pointed out the challenges presented by economic specialisation, and the reality that certain countries are making attempts to acquire a leading edge in the world, by developing highly specialized skills sets. Intellectual Property is one of the mechanisms, through which countries can acquire an advantage over their competitors.

The concluding parts of Stephen Rowan's presentation addressed the extent to which the present system is coping.

Stephen Rowan began by answering the question 'is the present system coping' in the affirmative, broadly speaking anyway. His conclusion is supported by the Gower Report, which concluded that the system is coping fairly well with globalization and fairly well with technological change. But the Report did make some important comments about the lengths to which the IP system should go to protect Intellectual Property and some of its conclusions were quite controversial.

Importantly, the Gower Report did find areas for improvement, themed particularly around instrument operation and governance. Making sure that industry understands Intellectual Property is crucial Stephen remarked, industry in the UK has traditionally been very poor at understanding Intellectual Property, its value and the importance of protecting it.

Stephen Rowan asked the following question "Where do we need to go now?" Examining this on a micro level and then at the macro level he concluded.

On Gower's implementation the Government has accepted the recommendations made to it, and we now have a timetable for implementation. There is of course a monumental task facing us in changing practices, procedures and the law, he explained. Yet, many of these developments are quite logical, work sharing practices for example with the US Patent Office, the European Patent Office and the Japanese Patent Office cutting down on duplication in respect to searches.

One of the most interesting areas, and a consultation that will come out after the summer recess concerns the package measures that we currently have to copyright exceptions. The consultation process will examine for example, the private copying exception, research provisions both on patents and copyright and also consider the arguments for updating the current educational exceptions.

On a macro level arguably the more interesting area, the Strategic Advisory Board on Intellectual Property is currently being set up. This body will advise Government on where it should be taking Intellectual Property. The members of the board will have a significant opportunity to shape the way in which policy is formulated in the UK.

Stephen Rowan's closing remark to the EIPTN, called upon them to consider how as teachers of intellectual property they could bring all of these aspects together?

## Questions

Alison Firth

*“You mentioned that you are talking to the Japanese Patent Office and the European Patent Office, is there any likelihood that there will be any technological specialisations as a result of that work sharing practice, a bit like the Plant Variety Office”.[AF]*

*“In this initial phase the answer is no, but you are quite right in what you say, there is certainly some suggestion of that nature particularly with respect to language issues. For example when the EPO met on the joint trilateral, the EPO was the smallest office, the Chinese Patent Office has now overtaken the EPO in terms of filing. So there is an obvious issue here around the ability to translate Chinese specifications and the ability to examine them. An obvious solution would seem to be to get the Chinese Patent Office to examine the Chinese applications. So we are looking at language issues as well as technological issues, but currently we are at a very early stage. This is a pilot phase looking at the extent to which we can use the existing searches”.*  
[SR]

Christopher Wadlow

*“What is the quality of the search that you expect from a Chinese Patent Office”?* [CW]

*“The issue for us obviously will be on quality, at the moment we are not at the stage of work sharing with the Chinese Patent Office. Some people have*

*expressed concerns about us job sharing with the US Patent Office! But the whole purpose is to make sure that we reduce costs for users whilst maintaining quality. This is something we should have been investigating a long time ago. One step at a time and very carefully”.[SR]*

Charlotte Waelde

*“What improvements can be made to enhance policy making?”[CW]*

*“There are several ways we can do this, for the first time we are employing our own economist. We are looking at areas where we can do some research on these bigger questions it’s a matter of working with AHRC and academic bodies to highlight areas of interest. It is something we need to focus on. We are actually going to be seconding individuals out to NGO’s and industry to work with them seeing the other side of the story, which will better inform our staff when advising”.[SR]*

## **Session 1 - Interdisciplinary IP Teaching**

**“Mind the Gap: IP Education for Managers, Management Education for  
IP Professions”**

***Robert Pitkethly***

(University of Oxford) [robert.pitkethly@sbs.ox.ac.uk](mailto:robert.pitkethly@sbs.ox.ac.uk)

**Summary**

Robert Pitkethly's opened his address to the EIPTN by stating that in essence there are two distinct types of Intellectual Property education and students that form the substance of his presentation. In the first place the teaching of Basic Intellectual Property Law and Management to managers, with a focus on provision to MBA students, and graduates in the natural sciences. Secondly, the teaching of what Robert titles, 'Basic Management Principles' to Intellectual Property professionals, with a particular focus here on Patent Attorneys.

Reaffirming a point made by the previous speaker Stephen Rowan, of the need for IP students to think across disciplines And not intending to sound churlish, Robert noted that the expectation that IP students should be able to think across disciplines, gives rise to a reasonable expectation that teachers of IP are able to do the same. Whilst no one would advocate the use of teachers who are not specialists in the area they are teaching, the indication is clearly towards closer and increased interdisciplinary collaboration.

Robert continued to highlight what he considered to be the rarity of Intellectual Property training for MBA students and graduate scientists 'the gap', Robert remarked, that what limited provision exists often appears to be delivered by a local Patent Attorney delivering a 'talk' on the basics of patent law. Such

provision rarely addressing the business aspects of managing Intellectual Property

The dangers inherent in this sort of 'after thought' provision, for Robert, are that it compounds the students' view of Intellectual Property as a highly specialist area, of limited day-to-day relevance.

Robert then went on to compare this sparse provision with the virtually non-existent provision of general management training for Intellectual Property Professionals, with the exception perhaps, of some post-qualification executive education provided by bodies such as the Licensing Executive Society. The model for this sort of training seems to be provision through 'on the job training.'

To this end, Robert concluded that there is a significant gap, in the provision of Intellectual Property training and education. This conclusion is supported by Robert's own empirical research, which indicates that smaller companies tend to be less aware of IP issues in general. Even with respect to larger companies there appears to be a low incidence of IP training to managers occurring.

There is therefore not only a need for Intellectual Property education, which is legally accurate and related to the business environment in which it is going to be used. But also and crucially, a more basic need to promote IP issues to companies, and for companies themselves to promote IP from within.

The remainder of the presentation focused on Oxford Business School's attempts to bridge this gap through the provision of a number of innovative courses aimed at meeting the needs of these separate groups of students. In the first instance traditional degree programmes were overviewed, including the: BA, MA, BCL, MJur and DPhil. This provision is supported through an

Intellectual Property law summer school, and an IP moot with numerous national and international universities competing.

Robert proceeded to overview Isis Innovation Ltd, which is the University of Oxford's wholly owned technology transfer company. Isis manages the University's intellectual property portfolio, working with University researchers assisting them in the identification of, the protecting of and the marketing of Intellectual Property technologies, through licensing and so forth.

[www.isis-innovation.com](http://www.isis-innovation.com)

The concluding part of this presentation examined OxSec 'Building a Business' course, a series of 8 evening lectures with a particular emphasis on the Intellectual Property component of the course. In addition to the provision of CPD courses.

In concluding his presentation to the Network, the speaker remarked; the gaps between the fields of Law, Economics and Management must be bridged if that is, the Intellectual Property system is to work well, This is not a task that can be achieved easily by individuals, this is the task of Multi-disciplinary groups.

## Questions & Comments

Fernando Barrio

*“Whether you consider that IP should form a core element of some or all degrees.” [FB]*

*“There is quite a good case for all science based students even at undergraduate level being given some information as a minimum on IP. The question is how do you motivate people to think about that, particularly those who have a negative impression of the IP system?”[RP]*

## **“The Necessity of Interdisciplinary IP Teaching”**

### ***Michael Kort***

(University of Augsburg) [michael.kort@jura.uni-augsburg.de](mailto:michael.kort@jura.uni-augsburg.de)

### **Summary**

Michael Kort opened his address to the EIPTN by expressing his approval of the European dimension to this year’s session. Providing the Network with a brief overview of the University of Augsburg, he noted that Intellectual Property is not merely the reserve of legal scholars; patents, copyright works and trademarks affect wide parts of our knowledge-based society.

He noted that that the diversity and complexity of the field is undeniable, and there certainly exist many areas within the discipline, which are virtually impenetrable to individuals with a non-legal background. Yet, this is not true of the discipline as a whole.

He commented, that the pervasive nature of Intellectual Property demands that teachers of IP develop innovative courses and modes of delivery, which enable those not fluent in the language of law to understand the necessity to protect their own Intellectual Property. Secondly and arguably more importantly he argued, to assist individuals to protect themselves against unintentional infringement of others IP rights.

Michael Kort, proceeded to overview the work of the MIPLC (Munich Intellectual Property Law Centre) an institution dedicated to interdisciplinary teaching. He outlined a number of innovative courses, which move beyond the core areas of Intellectual Property. These courses are delivered in partnership with Max Planck Institute for Intellectual Property, Competition

and Tax Law in Munich; University of Augsburg; The George Washington University Law School, Washington D.C; Technische Universität München.

The courses he explained are further supported through the use of distinguished visiting professors, international Judges, members of the bar, EPO, WIPO and Industry. Michael explained the delivery of these courses was founded on the Socratic method with an obligatory internship undertaken by all students.

In concluding his address to the Network Michael welcomed students' of the delegates to attend the six week summer programme at MIPLC in International Economic Law, the summer school is held in English. Michael expressed a desire for future collaboration between the MIPLC and the EIPTN.

## Questions & Comments

Julian Webb

*“To what extent is there an emphasis on trans-disciplinary that is law and economics being taught within the same modules?”[JW]*

*“There are some courses where some faculty members from different disciplines are teaching on the same module, I should also emphasise that single lecturers should address both aspects. Because students are from various disciplines this helps” [MK]*

**“Explaining the patent industry to business students; what should we tell the kids?”**

***Dr. Kevin Scally***

(University College Cork) [k.scally@ucc.ie](mailto:k.scally@ucc.ie)

**Summary**

Dr. Kevin Scally opened his address to the Network by noting the controversial nature of the content of his presentation, but it was he suggested, important to have controversy at such events, even if that controversy had been tempered.

The focus of this presentation was to identify some of the difficulties faced by teachers of Intellectual Property, in presenting the concept of a patent industry to business students. Dr. Scally noted that that some 20 or so years ago a business student, or entrepreneur, could afford to pay limited attention to Intellectual Property. Of course today, business students and entrepreneurs must be alert of the question of Intellectual Property and their need to ‘protect’ their ideas.

The question for Kevin and the Network he remarked, was how best to present information to business students about an industry (the Patent Industry), which from the students’ perspective profits from the risks that they are undertaking, and provides them essentially with a product which is of questionable value?

The orthodox view of Intellectual Property teaching is to base the subject on the philosophy of property rights and this is one of the initial difficulties identified by Kevin for teachers of IP; the conceptual difficulty experienced by the students, when asked to apply the term ‘property’ to a piece of paper from

the Patent Office, which essentially entitles the holder to pursue an infringer, at prohibitive expense.

There are numerous recourses available to promote the Orthodoxy, for example the Academy of the European Patent Office, states one of its goals as the promotion of education and training in IP, through co-operation with universities, the primary objective being, the dissemination and improvement of IP knowledge. The question for Kevin, is whether the university and teachers of IP, are being enlisted to promote an imperfect product to the patent industry's future potential customers?

Kevin went on to overview the growth in patent applications and the development of a global patents industry, offering explanations for the statistics. He then posed the mischievous question, whether these developments may well be part of the problem as far as business students and SME's are concerned? Elaborating on this point he suggested that there appears to be an increasing incentive for patent offices to lower the standard for examination. This he postulated presents lecturers, particularly on the subject of innovation, with a difficulty in presenting arguments, supporting the benefits of patent protection. This difficulty is further enhanced when it becomes clear to students that the protection afforded by a patent varies to a great degree according to the patent applicant's resources

A further problem for business students and entrepreneurs is that, under the present regime, individuals and small firms are at a significant disadvantage in enforcing their rights.

Kevin then went on to briefly overview a piece of research commissioned by the EU which suggested that the use of the patent system often left SMEs worse off than if it had not existed at all. Of course he remarked, occasionally you will hear about a case study where small business owner has had a

'happy experience' with the patent system, and the owner will recall that 'getting the patent was the best thing they had done.' However, the irresistible reality is that the experience an individual, or a company has with the patent system varies significantly depending on the resources of the applicant or applicant's company.

Kevin concluded his address to the EIPTN by postulating that business negative view of the industry students and small firms may in reality be perfectly justified in their neutral or negative view of the industry.

## **Session 2 - IP Teaching and Copyright**

“On Teaching the History of Intellectual Property and Why it Matters”

**Ronan Deazley**

(University of Birmingham) [r.deazley@bham.ac.uk](mailto:r.deazley@bham.ac.uk)

## **Summary**

Ronan Deazley opened his address to the EIPTN by considering the 1814 Copyright Act and what led the British Legislature to introduce a lifetime term for the first time within the UK regime at this particular juncture in time, timely Ronan remarked given the backlash that the Gower Report has created in this respect.

In considering the various discussions and debates, which led to the introduction of a lifetime interest, Ronan concluded that when Parliament ultimately introduced the copyright term, it had nothing to do with a discussion as to what the appropriate © term was, in short he remarked there was no considered legislative position with regard to the correct © term. Rather it was ‘all about being at the right place at the right time’.

Ronan than proceeded to ask the rather flippant question, ‘well who cares about any of this, when we are talking about IP and the global market place’? Noting that this question had been asked, in not so many words, some three years ago at the Symposium on IP, he remarked that one of the delegates present today responded to this question, by stating that both immediately before and after Eldridge, the courts, litigants and commentators seemed to rediscover the history in IP jurisprudence and argumentation.

For Ronan the objective in studying and teaching the history of IP is not to uncover any essential truths about the nature of the relationship between

Intellectual Property and information technology for example, or the about the intersection between national and international markets and public policy. Rather, through studying the history of IP, students are provided with a lens through which they can more accurately examine and contemplate our present situation.

The introduction of the lifetime interest was used by Ronan as platform for introducing a forthcoming online resource, *Primary Sources on Copyright (1450-1900)*, a collaborative research initiative involving the creation of a digital archive concerning the history of copyright in the first instance in five key jurisdictions France, Germany, Italy, the UK and the US. The project is AHRC funded, and the Director of the project is Professor Lionel Bentley based at Cambridge University. This project involves the selection of documents, their digitization, transcription, and translation.

In relation to the UK, Ronan explained that there are 50 key documents, which chart the historical path of copyright from 1450 to 1900. Each of these core documents comes with a contextual commentary, which seeks to defend and contextualise the selection of that particular document, there are additionally some 125 associated supporting documents. The end product will consist of around 4,000 pages of material available on a publicly accessible and free website.

Ronan noted that it was important to recognise that this site was not in any way 'the history of copyright' rather it was 'a history of copyright'.

The focus of the remainder of this presentation considered the value of teaching the history of Intellectual Property within mainstream university Intellectual Property courses.

Ronan noted that a strong motivator for incorporating the history of IP into curriculum design, might be that through re-connecting the present through the past, students are provided with the tools and the vocabulary to critically evaluate the modern legal regime. But students are also reminded of the potential and possibility for implementing change.

Ronan Deazley closed his address to the Network by welcoming suggestions and comments on the notional lists that would be posted on the website shortly.

[www.copyrighthistory.org](http://www.copyrighthistory.org)

## Questions & Comments

Claire Howell

*"It's very exciting that all of this history is being uncovered and made accessible to us."*[CH]

Kevin Scally

*"Did you stop in 1900 because of the copyright issues?"*[KS]

*Yes that was one of the issues and there was much discussion internally about what you could do without asking permission, and about pushing those limits, the powers that decided to stop there, ideally we would go up to about 1915, because there is an awful lot that happens after 1900. 1900 is a fairly good notional benchmark, it allows for Berne. In addition negotiating with these national archives can be problematic.* [RD]

Michael Kort

*Having previously run seminars on the history of copyright, it is clear that students have great difficulty in locating resources on the subject. This will be an invaluable resource. I agree that it is important not merely to educate to fit the market, however it is quite difficult to fit such a subject into a traditional IP course because of the obvious time constraints.*[ MK]

*"I couldn't agree more the issue of institutional squeeze is really a problem. Particularly given the rate at which IP is expanding and the*

*clear need to fold these new issues in, there is less and less time to teach these sorts of topics. It's very difficult in terms of institutional fit. Moreover students have a tendency to see such subjects as unnecessary to their requirements, they want to know what the law is today! But for me it's about engendering critical discourse.[RD]*

“Human Rights and IP in a Teaching Context-Focus on Copyright Law”

**Willem Grosheide**

(Utrecht University) [f.grosheide@law.uu.nl](mailto:f.grosheide@law.uu.nl)

## Summary

Professor Grosheide opened his address to the Network by thanking the Network for the opportunity to address them.

At the University of Utrecht a number of bachelor and masters IP courses including, a IP and Human Rights master course are offered, the provision of this course is supported by the research within the center which is dedicated to HR and IP. The basic starting point for this module is of course the basic HR documents [outlined on the slide]. Professor Grosheide noted that what is interesting about the documents outlined, is that none of these HR instruments refer to IP. This then raises two important questions:

1. How do we connect these documents to IP law? Because, what we find promoted today, is the notion that IP rights are Human Rights;
2. Secondly, if we agree that IP rights are indeed HR, is this assertion in itself problematic, as most IP rights within our modern society are vested in large corporations? In short can corporations have Human Rights?

Willem proposed two possible solutions to these issues, in the first place by distinguishing between fundamental and non-fundamental human rights, in the second by considering the constitutionalization of private law.

One of tasks that Professor Groscheide encourages the students to undertake, when considering whether or not IP rights are Human Rights, is a comparison between the characteristics of these rights. Of course such an approach presupposes the acceptance of IP rights as property rights. He remarked; we have to admit that IP rights are property rights, certainly in terms of the European Constitution and in terms of the case law, he referred particularly to the Budweiser case 2005.

Willem's concluding statement drew the Network's attention once again to the Intellectual Property, Human Rights Paradox; that is, how to find a legal basis in positive law for IP rights as HR, and if we succeed in this objective do we then create a separate problem from a traditional perspective, being that Human Rights are personal in nature, how do we then apply these rights to large corporations, which can then use those rights in trade, what is the impact here for traditional knowledge and biodiversity particularly?

Such a comparison he remarked exposes many differences, which may be problematic, these problems have not been resolved and this is something that should be done on a national and international basis.

## Questions & Comment

### Fernando Barrio

*You refer to the Budweiser case, and suggest that the ECHR stated that IP is a human right. I think what they said is that it was clearly a property right, which is subject to a right of enjoyment, but that is not the same as a not a human right per se. It is the enjoyment of the possession that is the human right not the possession itself. [FB]*

*That point leads to a complex legal debate, which takes us off our focus, which is teaching. [WG]*

### Christopher Wadlow

*I think its interesting that the historical intellectual movement that influenced human rights legislation was also responsible for influencing copyright legislation. [CW]*

*“There is no modern international legal instrument which refers to intellectual property as a human right” [WG]*

*“Perhaps that is a twentieth century anomaly, as opposed to something which is the result of fundamental development” [CW]*

*“An interesting question for Ronan’s history project”. [WG]*

*“I don’t believe that it is quite as clear cut as that, what was understood by IP then is quite different to what we understand as IP now. There was a very different theoretical framework in place”. [RD]*

Michael Kort

*“I think there is a problem here with this notion of first class and second class human rights, a notion that many would not be comfortable with”. [MK]*

**“Teaching Copyleft and Creative Commons in a copyright-riddled  
Academic World”**

***Maureen O’Sullivan***

(University of Galway) [maureen.osullivan@nuigalway.ie](mailto:maureen.osullivan@nuigalway.ie)

**Summary**

This presentation delivered by Maureen O’Sullivan addressed some of the practice challenges faced by the speaker delivering an intensive Intellectual Property course to undergraduate students in Ireland.

The core challenges identified by Maureen were as follows:

- Limited case law, what exists is pre 1963 and not relevant to the existing legislation.
- Voluminous legislation ;
- An expensive and weighty practitioner text book;
- A judge who has decided that copyright has got several sources, including the Constitution, the common law in addition to statute;
- A mixed group comprising of law, arts and commerce students;
- A late night lecture slot competing with Galway’s hitherto, unsurpassed nightlife.

Whilst Maureen noted the standard of students was very high there was a need to respond to these issues. Her response included the inclusion of philosophical approaches to Intellectual Property; the teaching of social

movements in copyright, such as Copyleft and Creative Commons; included to engender critical discourse within an otherwise dry module.

The speaker noted her deliberate departure from the university's practice of not providing students with full lecture notes through the VLE., and encouraged participants to download the materials prior to the lecture, thereby removing the Irish students cultural pre-occupation with transcribing the lecture. One of the distinct advantages of this approach Maureen noted, was the control she retained over the provision of information to non-attenders.

Maureen closed her address to the Network with a brief summary of Galway's proposed LL.M in Law, Technology and Governance. Welcoming contributions and comment from the participants in this regard.

## Questions

Tanya Aplin

*“Is it standard practice to teach that late into the day?” [TA]*

*“Yes it is at Galway” [MO]*

*“You say that you teach copyleft in your sociology of law class, do you incorporate any sociology into your IP class?” [TA]*

*“A little, but I have to be careful not to duplicate too much as many of the students take both options, I encourage them to perhaps take a dissertation in that area if they are interested, to avoid repetition.” [MO]*

Ronan Deazley

*“What is your institutions policy in terms of putting materials up on Black Board in terms of ownership of the materials?” [RD]*

*“There is nothing in the contract, I think perhaps if I was a scientist and there was the potential for patents there would be a stipulation in the contract, but also your legal academic community is much more mobile than the community in Ireland.” [MO]*

## Address

### “IP teaching landscape in Europe”

***Marielle Piana (on behalf of Giovanna Oddo).***

(European Patent Academy of the European Patent Office) [mpiana@epo.org](mailto:mpiana@epo.org)

### Summary

Marielle opened her address to the network with a brief overview of the work of the European Patent Academy within the EPO, with a focus on the work of the Academia Unit of the Academy.

The focus of this presentation was a Europe wide survey of 132 universities and its research findings. Of the universities surveyed 42 institutions didn't offer any Intellectual Property courses at all, with a collective total of 122 faculties not offering any courses within the field, although 56 wished to do so.

A key finding of this research was the non-compulsory nature of the provision of Intellectual Property within universities and their degree structures. In addition to the narrow construct of these courses focusing mainly or entirely on Trademarks, Copyright and Patents, with a minority addressing Management issues in Intellectual Property.

Marielle informed the Network of the Academia Unit's intention to broaden this indicative small-scale survey next year.

Marielle reiterated the core objective of the Academia Unit in coordinating and fostering training of this nature. Closing her address to the Network's participants she welcomed future harmonization and collaboration between the Network and the Academy.

## **Questions**

Michael Kort

*Your e-learning programmes are there plans to develop them and what will their focus be. [MK]*

*Yes, we are in the process of developing new e-learning tools, which will be updated on a monthly basis, from September onwards. [MP]*

## **Session 3 - IP Teaching and Issue Based Learning**

## **“Applying the Case Method to Teach Management Issues of IP Based Companies”**

***Eva Nathusius***

(TUM Business School, Technische Universitat Munchen)

[eva.nathusius@wi.tum.de](mailto:eva.nathusius@wi.tum.de)

### **Summary**

Eva Nathusius opened her presentation, by noting that she felt somewhat of an intruder, an intruder from two perspectives, in the first place she is not from the UK and secondly she is not a Lawyer. However, she remarked that she hoped to enhance the European dimension of the event.

Eva provided a brief introduction to the teaching environment in which she works, followed by an overview of the company and the subject of the case study, used by herself and colleagues to teach Intellectual Property Management Issues, within Intellectual Property based companies, Intending to conclude her address with some of the key objectives and observations she has made using this case method.

She postulated, that by using a ‘real’ case study as a platform, students are provided with a deep understanding of some of the management issues these companies are faced with, subsequently students are better equipped to problem solve and risk manage post graduation.

The case focuses on two strategic decisions.

1. First, the decision of a suitable commercialization strategy for intangible assets is discussed. Students learn to analyze the specific sources of value of such an Intellectual Property based company.
2. Secondly, the exit of an equity holder is considered by students,, with different exit options and their influence on the company and its value being explored.

Eva remarked, that initially the staff teaching on the module had intended to write a fictional case study with supporting materials, ultimately however, the teaching team felt that a 'real life' case study would provide added value, particularly if the co-operation and support of the company in question could be sought.

The presentation additionally considered alternative teaching approaches to the use of the case study, including problem-based-learning, discussion seminars and competition-based seminars.

The challenges presented by this mode of delivery were far exceeded by the benefit derived by the graduate students. Students were required to present their responses during an oral presentation (accounting for 10% of the final mark available for the module) and to submit a separate and extensive written presentation (accounting for 90% of the final mark available for the module).

In concluding her presentation to the Network, Eva Nathusius, admitted that the construction of such case studies is labour intensive, yet this mode of delivery is so powerful, both in terms of its ability to develop, and enhance critical skills, but additionally and importantly in the context of this event, its inherent suitability for teaching multi, and inter disciplinary subjects.

Eva invited comments from the Network as to how this mode of delivery could be further developed.

### **Questions & Comments**

Answered jointly with Christopher Wadlow

**“Experience of Problem Based Learning in Two Taught Postgraduate Intellectual Property Units at the University of East Anglia”**

***Christopher Wadlow***

(University of East Anglia) [c.wadlow@ed.ac.uk](mailto:c.wadlow@ed.ac.uk)

**Summary**

In opening his presentation to the EIPTN Christopher Wadlow admitted to a last minute change to the 'advertised slot,' in order to complement the previous presentation and with the hope of creating a critical contrast, Christopher discussed only one of the case examples.

Problem based learning is a curriculum design whereby students, learning together in groups use problem solving methods on pre-designed case studies. Christopher's role was to design a number of fictional cases, which would enable his students to discover relevant issues for further research and investigation. The substantive content of the course being learnt by the students, as and when it was applicable to the cases of which, there were three.

Christopher remarked that rather than using problems and dilemmas as an opportunity to apply the knowledge that they gained through lectures, this module used three case studies as a way of stimulating the students to explore the key concepts and skills of the discipline.

Working in small groups, they were able to bring together collective skill at acquiring, communicating and integrating information.

Of course Christopher admitted candidly that there were one or two issues with this mode of delivery, primarily the issue of 'free riders' and how to best

assess individual contributions in a group setting, Christopher welcomed suggestions from the Network on these issues.

The speaker noted that a significant proportion of the students within this group were foreign students, and as such he considered the extent to which cultural issues may deter these students from participating, in concluding his address he proposed, that there was little reason to suspect that overseas students were intimidated any more by this mode of delivery than say the Socratic method or traditional seminars in which it is easy without good classroom management for certain students to dominate.

## Questions & Comments

Julian Webb

*“Problem based learning is a really interesting mode of delivery, it gets to the heart of what a lot of higher education should be about which is problem solving and managing uncertainty”[JW]*

Spyros Maniatis

*What we did a QM in order to deal with evaluating students on a course in licensing interpretation of IP so delivered the course on the basis of continuous exercise. Firstly asking students to identify IP assets, then asking them to assess them, explore how they would be exploited and then evaluate them. And we were bringing in people from industry to discuss each of these aspects. Students were required to discuss these issues in small groups and prepare presentations that were not assessed. But we asked very similar questions in a closed book exam, and we found that weaker students benefited the most from this mode of delivery, as it required the students to be engaged for the duration of the course. [SM]*

*One thing we do is allow the students to choose their teams but of course there are always problems with free riders.[EN]*

Robert Pitkethly

*“What were the average ages of the students on the team, because I have noticed a real difference between the level of interaction between students and lecturers depending on the age of the students, undergraduates it can be*

*very difficult to get them to say anything and with for example MBA students it can be very difficult to stop them”.[RP]*

*The average age was 23, most will not have worked. [EN]*

*My students by contrast are LL.M Students and some of them will have worked. Some have fairly well developed commercial skills. [CW]*

Jillian Webb

*“One of the impressive things was that you stated that one of the groups actually came up with a better solution to the problem than the academic staff had. Was there or is there an opportunity for the students’ output to have an input into the company in question, given that this is a real case and company?”[JW]*

*“Yes, and the students are aware of this and the founder of the company actually sits in on the presentations at the end of the course, and the company gets all of the students material at the end of the course.”[EN]*

*“Massively motivating I would imagine for all of the students. [JW]*

## **“Law into Technologists OK, Technology into Lawyers Won’t Go!”**

***Jo Stanley***

(Anglia Ruskin Cambridge) [j.stanley@anglia.ac.uk](mailto:j.stanley@anglia.ac.uk)

### **Summary**

Dr. Jo Stanley’s presentation to the EIPTN drew on her comparative experiences teaching Intellectual Property law to two distinct groups of students, in the first instance a New Technologies module to LLM students, and for the first time this year, a final year module to undergraduate Computer Science students, under the banner of IT Law. Both modules containing essentially the same substantive material and the groups being of a comparative size containing 13 and 14 students respectively.

This comparative teaching experience enabled Jo Stanley to relay an interesting observation to the Network, which then formed the central tenant of her presentation. She observed that the ‘Computer Science students seemed to have tools in their repertoire that enable them to run legal arguments using logical operations, at least as competently as the LL.M students’.

Jo Stanley then went on to ponder the question whether a plausible explanation for the Computer Scientists’ relative success with this alien area, lay in their appreciation of technology, coupled with their coding skills, this enabling them to better appreciate the fine distinctions of software IP case law, certainly it would seem better than the LL.M students.

Dr Stanley concluded her presentation by proposing a question to the Network, 'could this observation, be at least in part explained by the LL.M students' resisting the technological detail, even at truly elementary levels?

## Questions & Comment

Alison Firth

*“Would the case study method be a way of allowing technology shy lawyers to come to grips with some of this?” [AF]*

*“Yes, I think perhaps it would. The difficulty however is that I only have 10 hours so the delivery is information dense.” [JS]*

Fernando Barrio

*“Why do you think that the lawyers chose the © question exclusively?” [FB]*

*“Perhaps because the technology aspect of patents was daunting, but in reality these were French lawyers and there could have been a variety of reasons why they were not attracted to the patents question” [JS]*

Christopher Wadlow

*“Of course patent law has been significantly influenced by people who have gone into patent law from a scientific background, that is much less true of © law. Perhaps people see patent lawyers thinking as inherently more scientific than © lawyers thinking.” [CW]*

## **Session 4 - Approaches to IP Teaching**

**“Teaching Intellectual Property in the United Kingdom: Lamentations of a Journeyman”**

***Akalemwa Ngenda***

(Eliot College, University of Kent) [An31@kent.ac.uk](mailto:An31@kent.ac.uk)

**Summary**

This presentation drew on Aklemwa Ngenda’s experience of teaching Intellectual Property law in the United Kingdom, the core focus being the assertion that an approach he terms the ‘tag-team’ approach, is the best way to teach non-specialized Intellectual Property courses. What followed was a personal and frank discussion of some of the emerging issues and difficulties experience by the speaker in teaching IP.

The favoured approach, or ‘tag team’ method, envisions more than one person teaching on the course, in a way that allows individual participants to concentrate on specific topics. This collaborative teaching involves different lawyers, differently specialized, teaching the course in context.

The benefits of this approach are fairly obvious, individuals’ specializations are further enhanced and time is freed up for further research, but also from the perspective of the new or inexperienced career academic this mode of delivery facilitates a greater degree of mentorship from the more experienced IP teachers.

An obvious draw back noted by Akalemwa here, was the students’ ability to identify points of disagreement between academic staff with regard to substantive material and its application. In terms of checks and balances this

democratic method, he concluded was positive rather than negative. A pragmatist however would solve this particular issue by ensuring no overlap between academics in the delivery of different subjects.

Inclusive learning strategies which can deal with student diversity issues are important particularly in the UK where the student population is perhaps more diverse than anywhere else. Previous speakers he noted have addressed this issue through the use of Problem based learning and the use of case studies. Akalemwa's approach has been to develop an innovative and effective mode of delivery based on a blend of different pedagogical cultures including the Socratic Law School method prominent in the US. This favoured approach makes use of 'designated contributor', students who are allocated subjects for discussion during seminars. Thus students know in advance that they will be asked questions, asked for their opinion on a particular case or article thereby maximizing face- to- face contact.

This approach Akalemwa suggests, is instrumental in facilitating capacity building, networking and promoting deeper and more inclusive learning. The lecturer's role in this mode of delivery is primarily facilitative and may be compared to that of a mentor, providing support rather than cross-examination, when necessary.

The concluding part of Akalemwa's paper focused on an issue that had particular resonance with the Network, the rise of consumerist attitudes regarding the provision of higher education amongst the student population. These attitudes Akalemwa noted, range from students exacting what they consider to be 'services' rightfully due to them from lecturers, to the expectation of one-on-one and frequently instantaneous contact, when it is inconvenient for them to attend lectures or office hours.

The network was invited to consider the extent to which such attitudes were a

direct result or otherwise of the introduction of fees and the increasing use of information and communication technology in education.

## Questions & Comment

### Claire Howell

*“I take on board what you are saying about students as consumers, ABS is run very much like a business and in the first year they are told categorically that they are not the consumer, they are the product, and they have no comeback to that. The position is that we are doing our best to produce a quality product, and we have quality control, in the form of exams and coursework and we will not allow you to graduate unless you meet the required standard. It seems to work!”*

### Fernando Barrio

*“How do you deal with claims that students are paying your wages? My approach to date has been rather dictatorial, that every time I enter the lecture theatre I loose £300 per hour, so in effect they owe me, and that seems to change the dynamics of the group”.[FB]*

*“There are some cultural issues here, when I was in practice I didn’t accept any such nonsense from students. Primarily it is a matter of offering a blend, I am the teacher I will play my role, but getting an education is their responsibility. My teaching philosophy is that knowledge is not handed down it is constructed.”[AN]*

Eva Nathusius

*"I really liked your idea of having designated speakers, it can be difficult sometimes to engage students. Do you have a system by which their contribution is reflected in their final grade?"[EN]*

*"Ideally this would be fitted into the assessment criteria, perhaps representing 10% of the final mark."[AN]*

Alison Firth

*Do you ever find that the students don't attend when they are designated speakers?[AF]*

*Yes, of course. There have been occasions when a designated speaker has not turned up, without warning, I have reassigned another topic and again they have not attended. This can of course be mitigated, by assigning students topics that they are interested in or areas that they select for themselves or perhaps are researching for their dissertation.  
[AN]*

## “Teaching IP by ‘Virtual Means’”

***Catherine Colsten***

(University of Strathclyde) [Catherine.colsten@strath.ac.uk](mailto:Catherine.colsten@strath.ac.uk)

### **Summary**

Catherine Colsten noted in her opening address to the network, that the class under discussion during this address was very much a work in progress. The motivation for demonstrating the module at the EIPTN was to seek comments and suggestions as to how the module and mode of delivery can be optimized and further developed.

The presentation focused on an undergraduate non-specialized, Intellectual Property module, which is delivered by Catherine on the Scottish Pass degree. This class has for the last two years been taught through a combination of ‘virtual means’ and more traditional seminar/workshops. Students who wish to pursue the subject further may then elect to take the Honours class in the fourth year.

Catherine explained, that the prime motivation for developing this mode of delivery was the desire to offer the class as an option to the evening part-time LL.B stream, but also remarked that like many staff she was not personally enthusiastic with regard to teaching late into the evening.

Catherine found particular resonance with Maureen O’Sullivan’s comments, although unlike Maureen who is well aware that she is competing with a vibrant nightlife in Galway, Catherine remarked, ‘I am competing with something in Stathclyde, I am not sure what however’! She also noted that both Eva and Christopher had pointed to the labour intensive nature of PBL,

rendering this an unsuitable mode of delivery for this large course of some 120 students.

Previous incarnations of the module were subject to very poor attendance and disappointing results, both clear indicators of the participants' lack of engagement with the subject.

Aware that the students were fluent in digital technology and mindful of the fact that they do have a number of demands on their time and attention Catherine has developed a basic IP module delivered by virtual means. In its first incarnation the virtual class was problem based and included a web-based written Q and A, and a set of problem solving exercises, this was then supplemented by traditional tutorials. The module was further developed for the second year following a rather tepid response from the student body regarding the innovation.

In its second year, web-casts of introductory substantive material were added to the existing online content, the web-casts comprising of audio and visual material. The material can be accessed online through the university's Virtual Learning Environment. Students can additionally request a CD with the content of the whole site, which overcomes downloading issues.

This woven approach to the mode of delivery gives students control over their learning, with the added virtue of flexibility and portability. Catherine's provision of 'drop in' sessions allows her to maintain contact with the students and makes the course much less remote than a course delivered entirely by these means.

In closing her address to the network Catherine remarked that the students seem to really appreciate the degree of autonomy they are being given, tutors on the module feeling overall that more significant contributions are being

made during tutorials. There is certainly an added hidden advantage to this mode of delivery, which is that it meets all of the disability requirements laid down by the university.

Catherine welcomed input from the EIPTN as to how to enhance this existing mode of delivery.

## Questions & Comments

Charlotte Waelde

*"It seems to me that your resources are incredibly costly in terms of time to create. Is this mode of delivery supported within your department?"[CW]*

*It has been relatively easy within the Law Department at Strathclyde to create these materials, largely because we started the initiative before the university really got going. We have a well resourced, learning technologies department and the software we have used has been written for Strathclyde. We have heavily invested in computer provision in the university, which is key. Set up costs are really quite high but I am optimistic that in time this mode of delivery will buy me research time. The opinion at Strathclyde is that the expenditure is worth it. [CC]*

Ronan Deazley

*It looks on the face of it an amazing resource but do you have concerns as to whether it is meeting the needs of the students? And of course your needs.[RD]*

*I think in this case it really does, this is a large group and at the start of the course I would be presented with 140 blank faces and by the end of the course I would be lucky if 10 were attending and it was getting embarrassing. This has allowed me to introduce the honours class, which is delivered in a traditional format with 3 hour seminars, in which we can really get our teeth into things, so in that respect it does meet my needs. This is a good mode of delivery for a basic generic IP course, it would not however allow me to obtain sufficient depth in an honours class. [CC]*

**“Collaboration between practitioners and academics: the importance of co-operation in IP Teaching”**

***Spyros Maniatis***

(Queen Mary, University of London) [s.m.maniatis@qmul.ac.uk](mailto:s.m.maniatis@qmul.ac.uk)

**Summary**

Professor Maniatis opened his address to the EIPTN with a brief overview of the development of Queen Mary’s Intellectual Property specialization. Intellectual Property has been taught at QM since the 1980’s, the original intention being to educate the Patent and Trademark professionals. It was Herschel Smith, one of the university’s benefactors, and a prolific inventor who was the catalyst for the development of these courses. Unhappy with the service he was obtaining with regard to his applications, he identified a number of obvious weaknesses within the practices of the patent profession, believing there to be only one solution, the bridging of the gap, through the teaching of Intellectual Property at universities.

In the beginning the courses were primarily focused on Patent Agents, then a general course on IP emerged, and this slowly developed into a number of specialist courses on Trademarks, Copyright and Patents, but from a truly comparative and international perspective. So, it was Herschel Smith Spyros recalled, who pioneered this specialization, and with it the inclusion of practitioners into the delivery of IP courses at QM.

One of the results of this development was that QM started to use co-teaching properly and other teaching staff, were involved in the delivery of IP modules as standard practice. Presently at the university there are a wide range of IP

courses available, including a general course on IP, a number of specialist courses which look at particular issues in Intellectual Property, Economics and IP, Competition and IP, Traditional Knowledge and IP for example.

To a certain extent Spyros Maniatis remarked, that the inclusion of practitioners in the delivery of courses at QM was inevitable, because of its history and the way in which their courses have developed.

The ethos at QM is characterised by a very close co-operation between teaching and research, but also between practitioners and academics. Knowledge in IP is disseminated through traditional academic journals, but it is also done in practice, through consultancy work and the involvement of NGO's, and international foundations and so on. At the same time there is a very close and vibrant interaction between practitioners and academics in terms of the delivery and design of courses. Practitioners are involved in most of the courses at QM, both in terms of the students learning and in terms of the staff teaching.

The co-operation between practitioners and academics works well, although there can also be some tensions. Professor Maniatis noted that teaching professionals can be extremely challenging, but very rewarding, those students who have not been corrupted by the study of law have a very clean and fresh approach to law, asking basic questions that challenge what they are being taught.

In drawing his presentation to a close Spyros underlined the importance of not allowing courses for professionals to become too narrow, it is important for academics to prevent these courses developing into what are essentially skills courses. Of course there is a related challenge here, which is persuading the practitioners that are involved in the delivery and design of courses, that students' need to have a broader perspective, they need to know about Competition law and other related areas for example.

To resolve these problems the academic has to do two things:

1. Firstly an individual involved in academics must listen to the learners (in this case, practitioners), to understand what they want, and what they want to achieve.
2. Secondly, an individual involved in academic must understand that when designing and organizing courses, it must be made clear to guest speakers what is wanted from them, failing to explain what is required may result in a very good presentation, but is ultimately not very relevant to what the learning aims and objectives were for the session.

In short it must be the individual who is involved in academics that maintains close overall control of the programme.

## Questions & Comments

Claire Howell

*“It is marvellous that you can have two esteemed professors and an ex judge delivering a module, I am sure that the finances of most departments would not stretch to this. [CH]*

*“ There are many practitioners that would like to gain some academic credibility, that they are prepared to do this for a nominal amount, you should try to find people who want to contribute to your module just for the sake of making a contribution”[SM]*

Robert Pitkethly

*“Do you feel that there is any tension between the academic construction of a course and the demands from the profession”? [RP]*

*“We have talked about students as consumers and it is worse with certain groups of students who consider themselves customers, where perhaps their firm has paid significant fees. This leads to an attitude that we need this information in this particular format in this particular time scale, we need to pass, because this is essential to our career. There is always tension, we are trying to resolve these tensions through dialogue, we need to tell them what is required and we need to listen to what they need, neither group knows it all we need to find common ground. Generally speaking the profession have not been too intrusive into the design of the programme, they are communicating ideas about changes. They are accepting however the separate roles. The role of the professionals who*

*teach is to teach, the role of the professionals who practice is to practice.*

[SM]

Julian Webb

*“Is this a model you would adopt throughout all courses?”[JW]*

*“Not all courses, we definitely do it for the certificates, we do on some LLM courses, trademarks and arbitration for example. On many courses we have co-teaching between academics, it depends if we have so many courses there is no one model, there is a degree of anarchy between academics as to how courses are taught, it is a case by case situation, it is fair to say however that there is more co-teaching at QM than other universities, we are spoiled because we are highly specialised in a particular area. [SM]*

## **Closing Remarks**

### ***Claire Howell***

(Aston Business School) [c.f.howell@aston.ac.uk](mailto:c.f.howell@aston.ac.uk)

### ***Duncan Matthews***

(Queen Mary, University of London) [d.n.matthews@qmul.ac.uk](mailto:d.n.matthews@qmul.ac.uk)

In drawing the conference to its close, Duncan Matthews thanked participants for their willingness to share their ideas and teaching experiences, and stressed how impressed he had been by delegates' honesty in sharing negative experiences in addition to best practices.

Duncan Matthews and Claire Howell raised the following points in conclusion for consideration by the Network:

- Is the network useful as a resource for exchanging ideas on innovation and best practice in IP teaching and learning activities?
- How can the network be built upon in the future?
- Should the multidisciplinary profile of the network be developed?
- Should the "European" coverage of the network be developed?
- Should ongoing networking mechanisms such as a dedicated website be available in addition to the annual workshop?

The future of the EIPTN is dependant upon it offering something useful to participants, and as such it is important to acknowledge existing gaps within the current provision, for example the international political economy of IP, the organizers expressing regret that this topic could not be incorporated into this year's intensive programme.

The EIPTN is not about formal structures and institutions, it is about people, about individuals, it is about teaching not research, and the organizers hope it is a complimentary adjunct to the many other varied initiatives open to IP professionals

### **Action Points**

#### Tanya Alpin

*The downside of having the conference at this time of year is the requirement for many of us to attend exam boards, but the big advantage is that it gives one an opportunity to reappraise ones teaching, in time for it to be incorporated for the next academic year. I support the European coverage*

#### Ronan Deazley

*"I think it's really important for the network to have an online presence".*

#### Maureen O'Sullivan

*"From the European perspective today it had been really crucial for me and certainly I would be very interested in an online site or a contacts list. IP in Ireland is a very new area".*

Rick Ball

*“An online resource would be extremely powerful tool perhaps with an online blog, where people could post ideas and access it”.*

Jo Stanley

*“I agree entirely, Spyros has suggested that perhaps we could start the website at QM as we have some support. I think its actually a very good point because one thing I think is useful and is one thing new academics and PhD students would benefit immensely from”.*

Julian Webb

*“Director of the UK Centre for Legal Education based at Warwick. Whilst I am not in a position to commit funding on the spot there is certainly scope for funding through the Higher Education Academy for multi-disciplinary subjects, there are many possibilities for specific pedagogic projects. At this stage there is scope for dialogue and the UKCLE is interested in supporting this sort of enterprise, we need more of it”.*

Alison Firth

*“In my view there is no conflict between the SLS IP section and the EIPTN, we are happy to spread the news through the IP section members, it is a very different event, allowing us to look at topics in a way that is not possible at SLS. I am glad SLS has an IP section but this is a distinct event”.*



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