Problem Based Learning in an intellectual property LLM programme: Balancing skills and content

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Aston 2007

- I spoke about two PBL-based units in the IT-IP LLM programme at UEA
  - "Technology Transfer"
    - TT (2009/10) runs much as 2006/7, is 'skills' rather than 'content' oriented
  - "IP problems" => "Current Issues in IP"

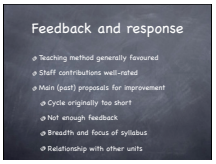
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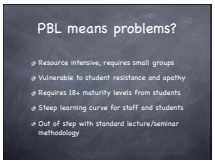
Old format (TT)

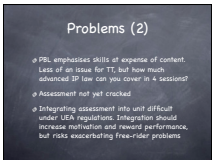
- 4-5 detailed factual, multi-issue scenarios examined over multi-week cycles
- Students assigned to teams, represent clients, prepare, perform exercise (e.g. 'beauty contest', negotiation, or moot); receive feedback at mid- and end-points

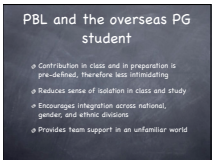
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The problems with PBL?









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The basic problems

- 'Skills' necessarily prevailed over range and content of legal issues covered
- PBL format received mixed, polarised, student feedback and in-class response
- PBL format demanding, and at variance with standard PGT pedagogy

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One solution

- A different kind of PBL, closer to classic Maastricht (as used in UEA medical school)
- More problems, quicker (one week) cycle, more legal content, less on specific skills
- Retains emphasis on learning-by-doing: introductory readings set, but groups do own research on set proposition

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New format

- 10 x "Current Issues in IP" in SEM 2
- Students put in teams of 4x3-4 (class 12+)
- Each team assigned proposition associated with issue for that week
- Each team gives presentation for ≈15 min (= 1hr), followed by freeform discussion

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Example issues

Geographical Indications

ISP Liability

TM Dilution and INTEL

The WTO US v China Decision

The ACTA

Access to Medicines

WIPO Internet Treaties

Employee Ownership of Inventions

Traditional Knowledge

Patent and Copyright Term

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Example: INTEL® x 4

1. "Frank Schechter was right: protection against non-confusing use is the 'rational basis' for trade mark protection."

2. "Felix Cohen was right: so-called 'dilution' has no rational basis, and must be defended on the basis of social utility."

3. "The INTEL decision is a proportionate and reasonable response to the problem of how far protection of a trade mark should extend beyond cases of confusion."

4. "INTEL is a well-meaning but inadequate response to the needs of trade mark owners in the 21st Century, and the justice of the case."

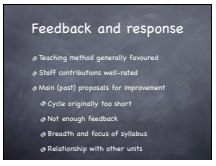
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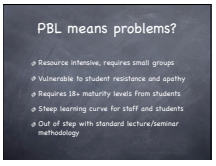
'I call that a seminar'

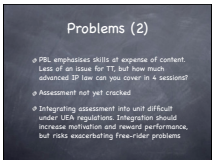
- Yes, but:
  - Preparation is team-based and focussed; more formalised, but less directed
  - Skills emphasis retained: legal research, teamwork, presentation, adoption of an assigned role, geopolitical awareness
  - Students learn with and from each other

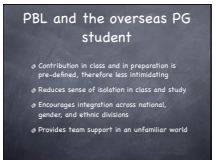
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Remember these problems?



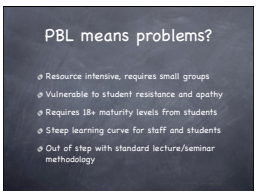






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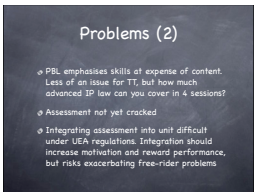
Problem and solution?



- Class size, teaching resources/techniques as for normal seminars
- Apathy/resistance not a problem in practice
- Modest learning curve
- Conventional free-choice c/w assessment

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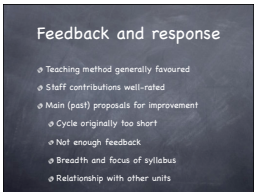
Problem and solution?



- Legal content and range as wide and varied as for conventional advanced/ in-depth seminars
- Important legal skills developed
- Classes functioned well w/o continuous assessment

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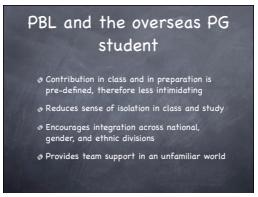
Student satisfaction?



- Very positive student response
- Absence of polarisation seen in TT unit (where students either very pro- or very con)

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Overseas students



- Retains previous advantages
- Shorter cycle beneficial
- Skills required are more straightforward than for TT (e.g. no mooting)
- Students really do seem to try to engage

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What's missing?

- Some more advanced skills not addressed: advocacy/mooting, negotiation, commercial awareness, evaluation of complex factual situations, issue-spotting, non-legal research, drafting and interpretation
- Continuing TT unit addresses these, but not suitable for all students

Open for questions

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