Learning Technologies as Means and Subject of IP Law Teaching

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The growing IP audience

Engineers
Writers (publishers…)
Musicians (producers…)
Designers
Biologists
Businesspersons
Consumers
…everyone

Need to teach IP to

Engineers
Writers (publishers…)
Musicians (producers…)
Designers
Biologists
Businesspersons
Consumers
…everyone

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The use of learning technologies

Distance learning
Reinforcement
Supplement
Complement
University policy
Fashion
Snobbery
…others

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Learning technologies NOT good for

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Replacing teaching
Supplanting study
Avoiding books
Converting students
Defeating the main enemy…

…LACK of INTEREST

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Lack of interest in general

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Shorter attention spans
Multiple stimuli
Lack of academic background (in some places)
Boring subjects
Boring teachers

Lack of interest in learning law (and IP Law)

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Perception of complexity
Foreign to the subject
Task for lawyers (IP Lawyers)
No connection to their reality

NO RELATED TO THEM

Looking for connections (and the problems of)

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Not same subjects
Different specialities
Diversity of aims
All in the same class (and?)
All need to pass (sometimes)
All using the same VLE (bingo)

Are they using the VLE?* What for?*

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Students DO use VLE (heavily)

Reinforcement

Supplement

Complement

Revision

Seen as a right!

* research being carried out, likely to be finished by end of August

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VLEs @ LondonMet

Blackboard Vista (renamed Weblearn)
University/School policy (every module by 2008/2009)
Availability of training for staff
Use depending on individual teacher
Circulation of good practices
Student pressure

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The VLE for IP teaching

Establishing a VLE presence
The Web as support not replacement
Complement and supplement
Enhancing experience through interaction (and multimedia)

Focusing on the VLE as subject of study

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VLEs and patents

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The  patent (Patent Number 6,988,138)

The requirements for patentability

Comparing US and European law

Patent infringement and remedies

Impact of software patents in innovation

Task: if patent valid in US, can we use Moodle for distance learning and have US students? Who will be infringing? Liability of universities, students and carriers…

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VLEs and copyright

General principles and uploading
Rights over the class notes
The requirement of registration in some jurisdictions and distance learning
Using the work of others
Technological protection measures

Task: who owns class comments/blogs/wikis?

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VLEs and fair use

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Concept of fair use
Proposed exceptions in UK law
Using multimedia in VLEs
Podcasting and format shifting
The limits between VLE and open web

Task: legal issues with copying podcasts containing other people's works (allowed within the VLE via licence or excepted use)

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VLEs and licensing

The VLE licence
Licensing the content
Blanket licences
Cross-border licensing
Alternative licensing schemes

Task: analyse pros and contras of licensing classes with Creative Commons, ColorIuris o traditional forms

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VLE and international issues

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Teaching remotely to non IP friendly countries
IP jurisdictional issues with distance learning
TRIPS/TRIPS-Plus protection of class content
Cross-border enforcement
International private law and IP

Task: critically analyse the potential international reach of US Patent 6,988,138 under the light of TRIPS arts 10 & 27(1) and EPC art 52 (disregarding the fact that the patentee failed to disclose prior art)

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Summary

Not a silver bullet
Not a method
A simple technique
Use of learning technologies (as VLEs) could:
- facilitate teaching
- create the necessary connection between students and the subject