TEACHING OF INDUSTRIAL PROPERTY IN FRANCE

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It was for the very reason that there was no organized, systematic teaching of industrial property in France that the Center for the International Study of Industrial Property (CEIPI) was set up in 1964.

The Center is a teaching and research department of Strasbourg University. It has a threefold function.

First it trains French industrial property experts. Courses are organized for periods of a year corresponding to the academic year. They culminate in an examination after which, if it is passed, a diploma is awarded.

This training, which is intended mainly for aspiring French experts, is imparted by the French Section, which nevertheless welcomes any foreign applicants who wish to take part.

Secondly, the Center offers an international teaching program which is provided by the International Section. The International Section is itself divided into three areas of teaching:

first there is a course of international teaching on the European patent, the Community patent, the PCT and Community competition law;

then there is a course on technology transfer and licensing which in turn has threefold character, covering commercial, legal and economic aspects.

finally the International Section works together with the World Intellectual Property Organization on organization of an introductory course on industrial property intended for government officials from developing countries.

The teaching at CEIPI is original in three respects. It derives this originality in particular from the international character of the participants and the teaching staff.

The teaching staff are French and foreign university graduates but also, indeed above all, French and foreign civil servants and practitioners.

The teaching is generally designed in the form of ex cathedra lectures, tutored work and case studies.

Alongside this teaching activity the Center has introduced a research activity concerned essentially with European patent law and technology transfer.

CEIPI is the only university institution in France that provides for the teaching of industrial property even though, since it was created, other ventures have been initiated to promote the teaching of industrial property.

For instance there is the Centre Paul Roubier, with headquarters in Lyons, which organizes short introductory and advanced courses in industrial property.

In addition, the Fondation Nationale pour le Droit de l'Entreprise works together with the Association des Spécialistes de Propriété Industrielle de l'Industrie in the organization of symposia on specific industrial property subjects.

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Examination experience has shown that the accumulation of so many subjects in an optional subjects group leads to a situation where at best only superficial knowledge of competition law can be expected. Students now learn practically nothing about patent law, designs law, copyright and trademark law; the examination guidelines for the study problem actually reduce the numbers of participants even where experiments could still be made with the organization of courses in these subject areas.

This situation gives cause for serious concern. Industrial Property and copyright are subjects of too great scientific and practical significance to be neglected. They play a particularly important part also in case law: Two of the present ten Civil Senates of the Federal Court are to all intents and purposes exclusively concerned with industrial property and copyright. In addition to them there is a Monopolies Senate. The legal disciplines involved are relatively recent; they need to be intensively and scientifically developed, as they are of high educational value. They are growing rapidly at both national and international levels. Subjects such as the Europeanization of patent and trademark law, the implications of patent protection for technological innovation, consumer protection under competition law, the improvement of the social status of inventors, the legal protection of industrial design work and the transfer of technology to developing countries are not only of great practical and topical significance: they are also ideally suited to the illustration, in teaching, the connection between legal questions and economic and social realities.

The shelving of the subjects mentioned is already responsible for a shortage of properly trained lawyers. This applies not only in administrative circles--one need only think of the staff requirements of the German and European Patent Offices--in the courts and in international organizations, but also in the economy itself and the specialized law profession. New recuits in such positions require a longer period of acclimatization, and there is no immediately apparent way in which the training no longer afforded by universities can be replaced by special supplementary courses.

Politicians and economists agree that Germany's future in the world economy is bound to reside more and more in the production and export of highly specialized goods and advanced technologies. This means however that action must be taken so that the proper legal protection is developed and implemented on both national and international levels. Until now Germany was a leader in intellectual property organizations. This was backed up by the teaching potential available in universities to deal with these subjects; if this potential disappears, the Federal Republic of Germany is bound to fall behind the international competition. Indeed it was in recognition of this supposed leading role that the Headquarters of the European Patent Office were located in the Federal Republic of Germany. It would be nonsensical and contrary to everything that is expected of Germany internationally if the teaching of the legal material associated with it were stopped at universities.

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