WIPO/EC/ASEAN Sub-Regional Seminar on Training and Teaching of Intellectual Property, Kuala Lumper,Maylaysia July 6 to 8, 1995

Use of Databases, CD-ROM and Other Electronic Means in Training Courses at the Franklin Pierce Law Center

Introduction

Over the last ten years, the Franklin Pierce Law Center has begun to meet the challenge of the information age: information is power and intellectual property professionals need training in electronic data sources to be competent and competitive.

We have developed many techniques to train our community:

- We offer a specialized (and to the best of our knowledge unique) course titled Intellectual Property Research Tools and Strategies;
- Professors invite librarians and trainers from database vendors into their substantive classes to teach "information units" tied to the practical application of relevant data (for example, classes include Patent Prosecution, Trademarks and Unfair Competition, Business Law and The Global Economy and Legal Skills)
- Professors assign work products which require students to use database products (for example, the Intellectual Property Valuation class requiring the use of NEXIS financial databases)
- Professors teach cutting edge issues involving electronic information (for example, classes titled "Data Retention & Recovery in Law Firm and Business Settings" and "Computer Evidence")
- We arrange for database vendors to regularly offer topical training in all intellectual property areas
- We arrange for database vendors to provide equipment and student representatives who are available forty hours per week to promote, inter alia, the intellectual property application of their services
- We have begun to integrate presentations of electronic data into our institutes (for example, "Harnessing the Power of Online Licensing Applications" for the Advanced Licensing Institute, 1995)

- Computer tutors present substantive areas of intellectual property law and practice using text and graphics. The tutor software presents problems and questions to the user. The user chooses the answer believed to be correct. The tutor then provides the best answer in one or a series of screens. Twenty computer tutors have been produced by Professor Thomas G. Field, Jr. covering all areas of intellectual property. Some of the Field tutors have been distributed by the Center for Computer Assisted Legal Instruction and are available on the network America Online. Similarly, Professor William J. Murphy is currently working on tutors for inventors involved with the patenting process.
- Jon Cavicchi, J.D., the Intellectual Property Librarian and Research Lecturer has organized and developed the Law Center's Internet World Web Pages (www.fplc.edu) which incorporate substantive data prepared at the Law Center as well as an extensive collection of World Wide Web "pointers" to almost one hundred sites around the world offering intellectual property data. Our Web page is available globally as well as at public access terminals at the Law Center.
- Professors, lecturers, speakers and trainers use multimedia electronic means in training courses (for example, overhead projection, data panels, presentation software such as Microsoft Power Point, slides, videos, etc.)

Intellectual Property Tools and Research Strategies

At this time this paper will focus on the top item of our menu of training tools, not because we consider it the most important tool in the Law Center training of an intellectual property professional, but because it most directly addresses the topic of this presentation--use of databases, CD-ROM and other electronic means in training courses.

The clearest method of describing this course is to lay out the details: the "who, what, where, when and how" of this course.

Who?

This two credit course is has been taught by Jon Cavicchi, J.D., the Intellectual Property Librarian and Research Lecturer, to Law Center J.D., M.I.P and Summer Intellectual Property Institute students since 1993. Dr. Cavicchi is both an attorney and informational professional who has taken most of the courses required by the Law Center for the M.I.P. degree.

Dr. Cavicchi has been joined by a host of guest speakers and trainers from law firms and online and CD-ROM database vendors. The most recent syllabus is attached including details on outside participants.

What?

Intellectual Property Tools is a true skills training course. The basic goals are to teach:

- Current sources of intellectual property data
- Approaches to find new sources of intellectual property data
- How to critically evaluate intellectual property data to decide which access point to use

Themes of the course include:

- Change is constant
- Data is a commodity
- There are multiple access points to most intellectual property data
- Data must be made to inform to be useful
- The "information explosion" has led to "information anxiety"
- Researchers need approaches to evaluate the multiple access points
- How to decide who is the proper researcher–attorney, librarian, search company, paralegal, inventor, or a combination thereof
- The role of the Internet for intellectual property professionals
- The dilemma of authority control with the proliferation of electronic products
- Controlled language versus uncontrolled language searching--the Internet has led to the importance of electronic indexing tools.
- The importance of professional organizations as a source of data in all formats (ABA, AIPLA, LES, PLI, WIPO, etc...)

- Intellectual property looseleaf services in all formats as a consolidated source for primary and secondary legal information
- The importance of research systems in U.S. intellectual property legal research (for example West Publishing, WESTLAW/DIALOG, Lawyer's Cooperative Total Client Service Library and the family of database products offered in the Law Desk Set and on LEXIS/NEXIS
- Generic versus topical tools--that many times, intellectual property data is best found not by searching intellectual property specific sources, but by general sources containing a larger universe of data (for example, using the U.S. House of Representative Web pages for statutes and regulations in lieu of intellectual property Web pages produced by the Cornell Legal Information Institute which have been found not to have been updated to include certain recent amendments)

The course is divided into two parts. The first part covers integrated research of primary and secondary domestic, foreign, comparative and international legal sources in all formats. Advanced applications include the Internet World Wide Web and Gopher servers, topical databases in lieu of general databases, major U.S. producers of commercial intellectual property treatises (Matthew Bender, Clark Boardman Callaghan and The Bureau of National Affairs) in paper and electronic formats, as well as a growing collection of CD-ROM products containing statues, treaties, cases and administrative law materials.

Students are required to use the online and CD-ROM database products available in the Intellectual Property Library:

Online

In addition to offering electronic resources to research primary and secondary legal authorities, the Intellectual Property Library subscribes to numerous online services for nonlegal and law-related information research purposes such as patent, trademark, copyright searches and corporate and governmental intelligence.

The second part of the course cover applications of non-legal intellectual property database products for the intellectual property practitioner. Such applications are much wider than those traditionally practiced by legal professionals. Applications include:

Category 1: Intelligence, Reconnaissance & Strategy

Subject Searching

- To identify the development of a technology over time
- To identify new business opportunities and trends
- To protect intellectual property by monitoring new applications and industry data
- To review the state of the art before starting a new research project
- To review the state of the art before drafting a patent or trademark application
- To identify where ideas originate and what markets might be exploited

Category 2: Company or Inventor Searching

- To monitor the intellectual property of particular companies or individuals ("competitive intelligence")
- To seek out licensing opportunities
- To identify whether a company will be able to monopolize an industry with a new invention
- To block a competitor's progress--some disclosures may prevent competition gaining a monopoly

Category 3: "Family" Searching

- To identify the extent to which intellectual property is protected around the world
- To receive regular summaries of new patents in a specified subject area

Category 4: "Traditional" legal searching

- To monitor patent and trademark applications as they travel through patent offices
- To receive "litigation alerts" on patents and trademarks whose legal status may change because of actions by U.S. courts
- To perform different levels of prior art searches for purposes of prosecution or litigation

Category 5: Practical Drafting Strategies

- To download the patents in text format for assorted drafting duties

Where?

Classes are taught both in traditional classrooms, the Law Center Intellectual Property Library and the Law Center Online Learning Center. Print, CD-ROM and Internet resources are available in the Intellectual Property Library which is the site of hands on training in group and "one on one" sessions. LEXIS/NEXIS, WESTLAW and DIALOG training takes place in the Online Learning Center on twelve 486 speed dedicated PCs using modems and dial access. The Law Center community has unlimited access to LEXIS/NEXIS, WESTLAW and DIALOG. These services offer a plethora of intellectual property databases ranging from primary authority to patent, trademark and copyrights.

When?

The course is taught for three hours per class, three days per week in June and July. The course has also been taught during the Spring semester.

How?

Teaching methodologies include lecturing, interactive discussions, panels, data shows and demonstrations using computers and data panels, Internet training videos, and hands on training. A copy of the most recent syllabus shows speakers from LEXIS/NEXIS, DIALOG INFORMATION SYSTEMS, WESTLAW, ORBIT, MICROPATENT, Thomson and Thomson, the U.S. Patent Office as well as a Boston, Massachusetts, U.S. area law firm.

Methods of Student Evaluation

1. A "Pathfinder" which is a tool that has been used for decades in advanced legal research courses in U.S. law schools, requires students to integrate and evaluate the various paper and computerized tools and sources on a subject of their choice. The pathfinder counts for up to fifty points (50) of the grade.

2. A Product Evaluation or Research Report of one or more of the online or CD-ROM products. Students are required to critically evaluate when/which product would be indicated from an academic/theoretical perspective and from a business/cost perspective. Students must be creative and use numerous approaches to gain a thorough understanding of the products. For example:

- Apply the criteria outlined in *Factors on Database Use* compiled by Dr. Cavicchi;
- Read marketing and user materials located in my office;
- Phone the marketing representatives for each of the vendors under review;
- Phone practitioners, professional searchers, user groups and interest groups to discuss the products; and
- Read product reviews in paper and online.

The full resources of the Library (such as phones, faxes, terminals, copiers, etc.) are at the disposal of the students since the Law Center will offer these work products on the World Wide Web.

The product evaluation or research report counts for up to thirty five points (35) of the grade. A premium is given for thoroughness and creativity.

3. Class attendance and participation count for up to fifteen (15) points.

4. Designated Expert Teams—students are required, in teams, to be designated experts on cross examining one of the vendors on why intellectual property practitioners should use their product. The quality of the cross examination earns teams up to five (5) points.