Teaching intellectual property (IP) English creatively

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The Japan Patent Office (JPO) is a global leader in the intellectual property (IP) system. In Japan, the prime minister heads the IP strategy headquarters, and transforming Japan into "a nation built on intellectual property" has become a national priority. In this paper, the importance of IP in Japan, the principles and methods of teaching IP and content-based instruction (CBI) are reviewed, and two different approaches to teaching "IP English" to Japanese adult learners and university students at Kanda University of International Studies (KUIS) in Japan are presented and discussed. The IP English lessons include 1) a business case study on the UK Intellectual Property Office (UKIPO) and 2) a teacher-led discussion on the Japanese and global IP systems. The instructor's impressions of how the approaches were received by the students point to one creative and effective way of teaching IP English that starts with a focus on the international expansion of Disneyland.

日本国特許庁は、知的財産（IP）制度において世界をリードする存在である。また、日本は、首相が知財戦略本部を率いており、日本を知財立国にすることを国家的優先課題としている。本論文では、日本におけるＩＰの重要性、　IP教育の原理と方法、CBIについて再考する。さらに、日本人成人学習者や神田外語大学の大学生を対象として実施した、「IP英語」教育の２つの異なる教授法が論述されている。当該「IP英語」では、1）英国知的財産庁のビジネスケーススタディ、2）日本のIP制度とグローバルIP制度に関する教師主導型のディスカッションが講座に取り込まれている。「ＩＰ英語」の教授法がいかに生徒に受け入れられたかの経験を通じ、講師は、ディズニーランドの国際展開の事例に焦点を当てることから始まる、創造的かつ効果的な教育方法を指摘している。

Background

Importance of IP in Japan

The intellectual property (IP) system has become increasingly important to Japan. The Japan Patent Office (JPO) is positioned as one of the global leaders in the IP system. The JPO together with the IP offices of the United States (USPTO) and Europe (EPO) constitute the Trilateral Offices. The JPO and the IP offices of China (SIPO) and Korea (KIPO) constitute the Asian Trilateral, and the IP offices in the two Trilateral-frameworks have become the IP5. The majority of patent applications in the world are filed with these IP offices, which collaborate to improve and promote the IP system.

In Japan, the prime minister heads the IP strategy headquarters, and transforming Japan into "a nation built on intellectual property" has become a national priority. The intellectual



creation cycle, which is the means by which Japan seeks to revitalize the economy, consists of three steps: 1) intellectual creation (R&D), 2) the acquisition of IP rights (patents), and 3) the utilization of IP rights (licensing, etc. resulting in profits, which are re-invested into R&D). The JPO, which is under the Ministry of Economy, Trade and Industry (METI), is in charge of the "industrial property rights" (patent rights, utility model rights, design rights, and trademarks) that are the driving force of the intellectual creation cycle. The JPO also provides seminars (for experts), explanatory meetings (for the general public), and textbooks in Japanese (for students). Copyright is managed by the Agency for Cultural Affairs in Japan.

IP English

In this paper, the term "IP English" is broadly defined to include anything related to IP in the English language, including the bulleted-list of topics below, and the communication skills related to those topics (e.g., meetings, discussion, presentation, negotiation, writing, reading, etc.):

- Categories of IP: Industrial property, etc.
- Protection of IP: Industrial property rights, copyright, related documents
- Major IP offices: Trilateral Offices, IP5, World Intellectual Property Organization (WIPO)
- Roles and practices of IP offices and professionals: Examination of patent applications, protection and administration of IP rights, promotion of the IP system, legal support and consultation
- Issues of IP offices: Backlog of patent applications pending examination, protecting IP while promoting innovation, harmonization of IP systems in different countries
- Collaboration for solving common problems: Patent examiner exchange program, Patent Prosecution Highway (PPH) system for accelerated examination, Japan Funds-in-Trust programs with WIPO, computerization of IP offices
- Laws and treaties: Patent Law Treaty (PLT), Patent Cooperation Treaty (PCT), Paris Convention for the Protection of Industrial Property, Japan Patent Law

IP materials in English

There is a wide range of materials in English available on the Internet that can be adapted to teach about IP and the IP system. Many outstanding materials can be found on the websites of the Trilateral Offices, the Trilateral Co-operation, and WIPO, which is the United Nations (UN) organization specializing in IP and based in Geneva with its WIPO Japan Office located at the United Nations University (UNU) in Tokyo. These materials include definitions and explanations about IP and the IP system, statistical data, reports about how common IP issues are being addressed through collaborative efforts, videos with captions, kids' pages, patent and trademark databases, books, training programs, etc. On the JPO website, *Messages from Modern Inventors to the Next Generation* is being published (in Japanese and English) as one of the projects to commemorate the JPO's 125th anniversary. In addition, other IP-related websites, news articles, journals, blogs, business case studies, and PowerPoint presentations can be accessed online through a Google search.

Teaching of IP

In a valuable handbook for teachers edited by WIPO experts and published by Cambridge University Press (2008) titled *Teaching of Intellectual Property: Principles and Methods*, which is "not intended to harmonize or standardize the way in which IP should be taught [but to] facilitate the process of IP teaching for each teacher and assist in efforts to prepare tailor-made

programs which best fit the needs of the targeted students" (p. 12), several points relevant to this paper are made and help to answer the following questions about the teaching of IP:

1. What types of university students should study IP?
   Students from a wide range of disciplines, including business, law, fine arts, engineering, the sciences, and journalism, could benefit from IP education (pp. 3-4).
2. What should university students be taught?
   The majority of universities with IP courses on their curricula (estimated to be 700 universities worldwide) offer only general IP programs primarily focused on the nature and extent of the rights which are protectable under IP law, and the impact and role of IP in the context of the knowledge-based, globalized economy (p. 5).
3. What should adult learners be taught?
   Specially designed teaching programs which enable business executives and other adult groups to obtain basic or additional IP skills as well as up-to-date knowledge about issues applicable to their business activities and career management, have all increased in response to the dynamic evolution of IP (p. 9).
4. What are some useful teaching techniques?
   In the case of general courses (i.e., basic, broadly focused courses which are designed to give an overview of the various fields of IP), it is important to stimulate the interest of students and allow them to understand better that IP is highly relevant to their daily life. As often is the case, strictly legal aspects of IP are not always easy to digest. An effective technique in an introductory course is to present specific facts concerning current topics involving IP, connecting those topics to how and in what ways they might manifest or impact the daily lives of the students, and hopefully interest the students a bit more (p. 10).
5. What are some recommended teaching methods?
   Different methods of IP education lend themselves to different situations:
   - » Law school – the traditional "case method" or "problem solving method"
   - » Business school – "case studies"
   - » Engineering or science programs – "patent documents" (useful materials) (p. 11).

Content-based instruction (CBI)

Content-driven and language-driven instruction

Met (1999) writes that there are various models of CBI that can be placed at points along a content and language integration spectrum with *content-driven* on one end of the spectrum and *language-driven* on the other end. The goals of the *adjunct model*, which is positioned in the center of the spectrum (but on the language-driven side), are for the students to learn "content material" while simultaneously acquiring "language proficiency." In the courses described in this paper, the goal was for students to learn both language and content, and the same instructor was responsible for teaching both during the same lesson. In other words, language and content were not taught separately in different classes.

Content and language specialist

In regard to the types of teachers most qualified to teach CBI courses, Met (1999) writes that the areas in which teachers should be "well prepared" in order to be successful are content knowledge, content pedagogy, understanding of language acquisition, language pedagogy, knowledge of materials development and selection, and understanding of student assessment.

Two approaches to teaching IP English to Japanese learners

Objectives of the approaches

Given the current and growing importance of IP in Japan and abroad, two different approaches were used in business English courses to teach about IP and the IP system in English to Japanese learners who were preparing themselves for the workplace. The objectives of the approaches were to enhance the students' knowledge of the field of IP (i.e., content) and the corresponding English vocabulary and expressions (i.e., language) required to discuss the content. In addition, the approaches were intended to make the content interesting and thereby motivate the students in their roles as learners of the English language.

Location

These courses were taught at the Kanda University of International Studies (KUIS) in Chiba, Japan.

Participants

The participants consisted of two separate groups of learners: adult learners and university students. A group of twenty, unemployed adult learners were receiving training at KUIS in a Government of Japan program that included a business English course conducted weekly over a period of several months. In contrast, four undergraduate students (three seniors and one sophomore) were enrolled in an elective, semester-long course with weekly meetings offered through the Career Education Center (CEC) of KUIS. These students studied business content and English through business case studies in English. The adult students and the university students were familiar with several business case studies in English. However, the students were all relatively unfamiliar with the IP system.

Materials and methods

Two different types of lessons were conducted to teach IP English. One involved a business case study. The other involved a teacher-led discussion. Each of these is described below.

UKIPO business case study

The materials used to teach IP English included a business case study about the UK Intellectual Property Office (UKIPO). The free, four-page business case study was retrieved from *The Times 100* website and titled *Intellectual Property and the External Environment*.

The business case study combines a detailed overview of the UKIPO, a description of four main categories of IP (patents, design rights, trademarks, and copyright), and a SLEPT analysis (which is used to examine the external factors affecting a business – social, legal, economic, political, technological) of the UKIPO. A glossary (on each page of the case study) includes definitions of the various categories of IP and the external factors in a SLEPT analysis.

The four questions listed at the end of the case study are as follows:

1. Explain the term "intellectual property" and describe its key benefits.
2. In what ways can intellectual property be protected?
3. Describe how SLEPT analysis can help businesses evaluate the external environment.
4. How is the IPO encouraging businesses to keep investing in research and development?

The students in the class of adult learners were asked to read the business case study before the lesson and to be prepared to discuss the contents in class. The adult learners were not assigned to teams but often worked together outside of class. In

order to consider the effectiveness of different approaches, the university students were given the business case study at the start of the lesson and took turns reading aloud the case study and asking questions about the content, engaging in discussion of the business case study throughout the class.

Teacher-led discussion of IP systems

In the teacher-led discussion of the Japanese IP system and the global IP system, no specific written materials were used. The discussion started with a class activity in which students were asked to market globally a new product. The questions and various scenarios presented to the students by the instructor verbally and on the board led to discussions of the following ideas:

1. The importance of IP protection
   - » What would happen if you began to sell this product in Japan?
   - » What would your company's competitors do?
   - » What would happen to your business?
2. The categories of IP
   - » What kind of protection would you need for your new product?
3. The JPO
   - » Where could you get patent protection?
4. Patent examination
   - » What are the steps in getting a patent?
5. Backlog of pending examinations
   - » How long would it take you to get a patent in Japan?
6. Different IP systems in each country
   - » Do you need a Japanese patent to get a patent in a foreign country?
   - » Could you use your Japanese patent in a foreign country?
7. Obtaining IP protection in a foreign country (Paris Route, PCT, PPH, WIPO)
   - » What are your options for obtaining a patent in a foreign country?
   - » What is the most cost effective way to do it?
   - » What is the fastest way to do it?
8. Strategic management of IP
   - » Would you want protection for your new product in one country or in many countries?
   - » What factors would affect your decision?
9. Trilateral Offices and the IP5
   - » Which countries receive the most patent applications?
   - » What are the major IP offices?
   - » How important is the JPO?
10. Overlapping (duplicated) applications filed with major IP offices, examination backlogs
    - » What problems do the major IP offices have in common?
11. Efforts to reduce patent pendency (examiner exchange, PPH, harmonization, outsourcing of prior art search)
    - » How would you advise the major IP offices to reduce their workload and eliminate their backlogs?
12. Intellectual creation cycle
    - » Why is the IP system important?
    - » What is the relationship between the IP system and economic development?
    - » What should be done to stimulate the intellectual creation cycle?
13. IP infringement (measures taken by the JPO, IP High Court, IP system/protection as part of FTAs)
    - » What is infringement?
    - » What should be done to protect companies in Japan against infringement?

- » What can the Government of Japan do to protect companies from infringement overseas?
- » What would you do to make Japanese people not want to purchase "fakes"?

14. IP and developing countries, JPO cooperation for developing countries (Japan Funds-in-Trust / WIPO)
    - » Do you think developing countries benefit more from a strong or weak IP system?
    - » What do you think the JPO should do to promote the IP system to developing countries?
15. Innovation and the IP system
    - » Do you think that the IP system helps or hurts innovation?
    - » How would you improve the IP system to promote innovation in the global environment today?

Expertise of instructor

The same instructor taught both of the lessons and is qualified as a content and language specialist. Some of the qualifications of the instructor include:

Education: PhD candidate in Linguistics (Professional Communication), graduate degrees in business administration (MBA) and international affairs (MPIA), undergraduate degree in English with graduate-level training in TESOL.

Professional experience: Part-time editor of communications in the International Affairs division of the JPO for more than six years; program developer, administrator and instructor of business English programs for company employees, government officials, and university students in Japan and the U.S. for 25 years; author of several ELT teacher's manuals for major publishers.

Instructor impressions

The goals of the students were to enhance their business English skills and prepare themselves for success in the workplace. The goals of the instructor were to ensure that the students learned about the IP field (i.e., content) and the corresponding English vocabulary and expressions (i.e., target language), engaged in conversation and discussion during the lesson, and were motivated throughout the lesson. The answers to the following questions were considered in determining whether the two lessons (1. business case study and 2. discussion of the IP system) could be labeled a success. These questions focused attention on how well the objectives of the students and the instructor had been achieved.

1. How well were the students able to learn and discuss the subject matter?
2. How much language were the students able to learn in the lesson?
3. How much did the content of the lesson prepare the students for success in the workplace?
4. During the lesson, how much time were students engaged in speaking activities?
5. How motivated were students about the subject matter and the corresponding activities?

The impressions of the instructor can be summarized as follows.

UKIPO business case study

Adult learners

The UKIPO business case study was exceptionally difficult for most of the students as it was filled with new vocabulary and concepts, which made the material a challenge to comprehend.

Many students had not finished reading the case study before the lesson and had many questions about the content. (The students had not had the same problem with other business case studies covered in class.)

University students

Similar to the adult learners, the university students also had questions about vocabulary and concepts in the UKIPO business case study. However, these questions could be immediately addressed in the classroom as there were few students, and the business case study was being read as a group with the instructor also participating in the reading activity.

Teacher-led discussion of IP systems

The discussions of the IP systems in class went relatively smoothly. The students had already been thinking about marketing a product globally so the discussions were more concrete in this regard, and the students were better able to grasp the concepts being presented. In addition, the instructor was able to use various materials in the classroom (such as an electronic dictionary) to teach terms such as "trademark," etc. as they emerged in the discussion. When a question required a more thoughtful response (e.g., What should be done to stimulate the intellectual creation cycle?), the students were asked to discuss the question with a partner (or partners) before responses were elicited by the instructor. The instructor could also closely monitor the students' use of the target language throughout the lesson. Finally, the instructor could tap into a sense of national pride by making students aware of the global ranking of the JPO.

Discussion and conclusions

In addition to the points mentioned in the previous section, two other factors made the UKIPO business case study particularly difficult for the students and possibly contributed to the success of the teacher-led discussion of the IP system. First, the UKIPO business case study lesson occurred before the IP system discussion. Second, it was difficult for students to understand and conduct a SLEPT analysis because of the detailed focus on the UKIPO. In contrast, a SLEPT analysis of the international expansion of Disneyland in a subsequent lesson was easy for the students to understand, and the content in particular was very motivating for the students (especially as KUIS is located a short distance from Tokyo Disneyland and Tokyo DisneySea, and all the students had visited the two theme parks).

The instructor's impressions of how these approaches were received by the students indicate that additional instructional "scaffolding" (Lajoie, 2005) was required, and in view of the success of a SLEPT analysis of Disneyland, one promising approach to teaching IP English in a business context to similar learners would involve the following steps:

1. Introduce the international expansion of Disneyland from Tokyo to Paris to Hong Kong to Shanghai in language that is easy for the students to understand. (Useful reference material comes from the related business case study in Daniels, Radebaugh, and Sullivan (2004), but the information needs to be updated.)
2. Have students consider the external factors that the Walt Disney Co. has faced using a SLEPT analysis. (These external factors can be expanded to become PESTLE, etc. This can be done as small group and class discussion.)
3. Ask students to consider the location of the next Disneyland, and lead an IP-related discussion in this regard. (Tokyo Disneyland was cited as being the most successful Disneyland

in the world in Daniels, Radebaugh, and Sullivan (2004), so for Japanese students, the discussion could begin with protecting the IP of Tokyo Disneyland and Tokyo DisneySea in Japan.)

4. Have students make team presentations or write individual or team reports about where the next Disneyland should be built. The presentation and/or report should take into account external factors, including IP protection, and include recommendations about any changes that should be made to the proposed Disneyland for success in the recommended location. (A class discussion about this topic and about how to write the report should be held before the students start the assignment.)
5. Based on the foundation of the Disneyland IP discussion and SLEPT analysis, go deeper into the topic of IP and the IP system with the UKIPO business case study in a subsequent lesson. (*The Times 100* website provides a free PowerPoint and audio slideshow that could be used by the instructor and/or students. In order to facilitate learning, the instructor should go over the case with the students in class sufficiently before asking the students to read the case study outside of class.)

In conclusion, due to the wide range of IP English content available and the rapidly changing global environment in which IP is used, there are limitless ways to teach IP English to meet the needs and goals of the students and instructor. The aforementioned approach that focuses initially on the international expansion of Disneyland is just one example of teaching IP English creatively.

Bio data

Kevin Knight develops curriculum and teaches in the Career Education Center and the Department of International Communication of Kanda University of International Studies. After completing graduate degrees in Pacific International Affairs (MPIA) and Business Administration (MBA) in the United States, he is pursuing a PhD in Linguistics (Professional Communication) with a focus on leadership development at Macquarie University in Australia.

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