Teaching Intellectual Property in Spanish Universities: The experience of the Magister Lvcentinvs.

WIPO FORUM ON INTELLECTUAL PROPERTY AND SMEs FOR IP OFFICES AND RELEVANT INSTITUTIONS OF OECD AND EU ENLARGEMENT COUNTRIES.
OHIM, Alicante, May 28 2004.

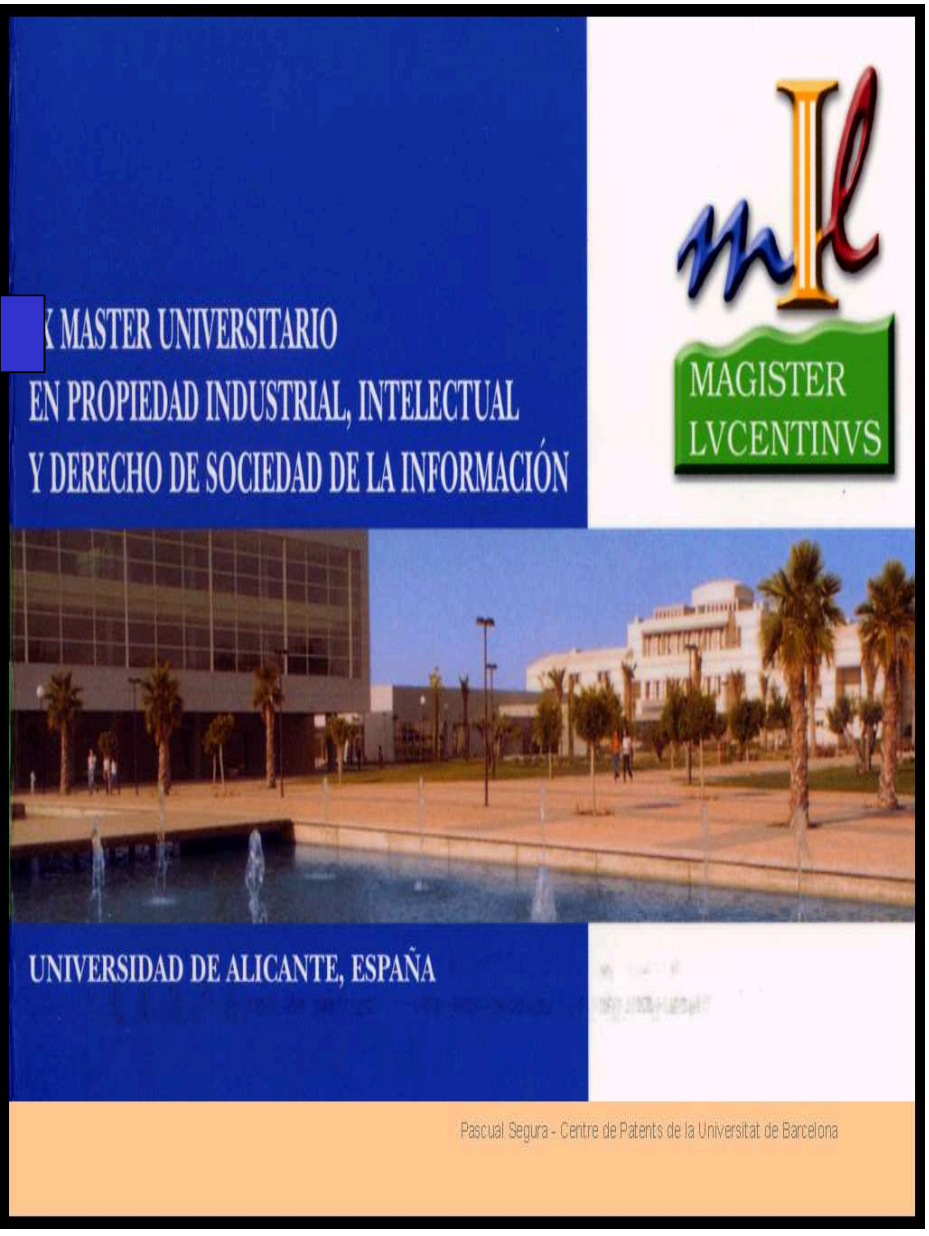
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I. Introduction: Intellectual Property Education in Spanish Universities

- Universities
  - ~~Undergraduate~~
  - Postgraduate
    - Specialization courses.
    - "Continuing Education"
    - Master of Intellectual Property (U. Alicante).



PRACTICE



· X Master of Intellectual Property and Information Society Law.

· University of Alicante

·One year, (750 hours)

·Bilingual course (English-Spanish)

· 40 students/year

·350 graduates from 32 countries.

·Alumni Association

(10 years, 250 members)

II. Objectives.

- Created in 1994 to:
  - Thrive Professional Capacity.
    - Spanish Integration in the EU.
    - Implementation of TRIPs in Latin America.
  - Allow profound studies of European Instruments of IP protection.
    - Expectations caused by Alicante's designation as seat of the OHIM.

Scope of Lvcentini's Careers.

- In the practice of IP.
  - IP Lawyers.
  - Industrial Property Agents.
  - Staff of patent and trademark offices and international organizations.
    - OHIM, WIPO and National Patent Offices.

Course objectives in consideration of career scopes.

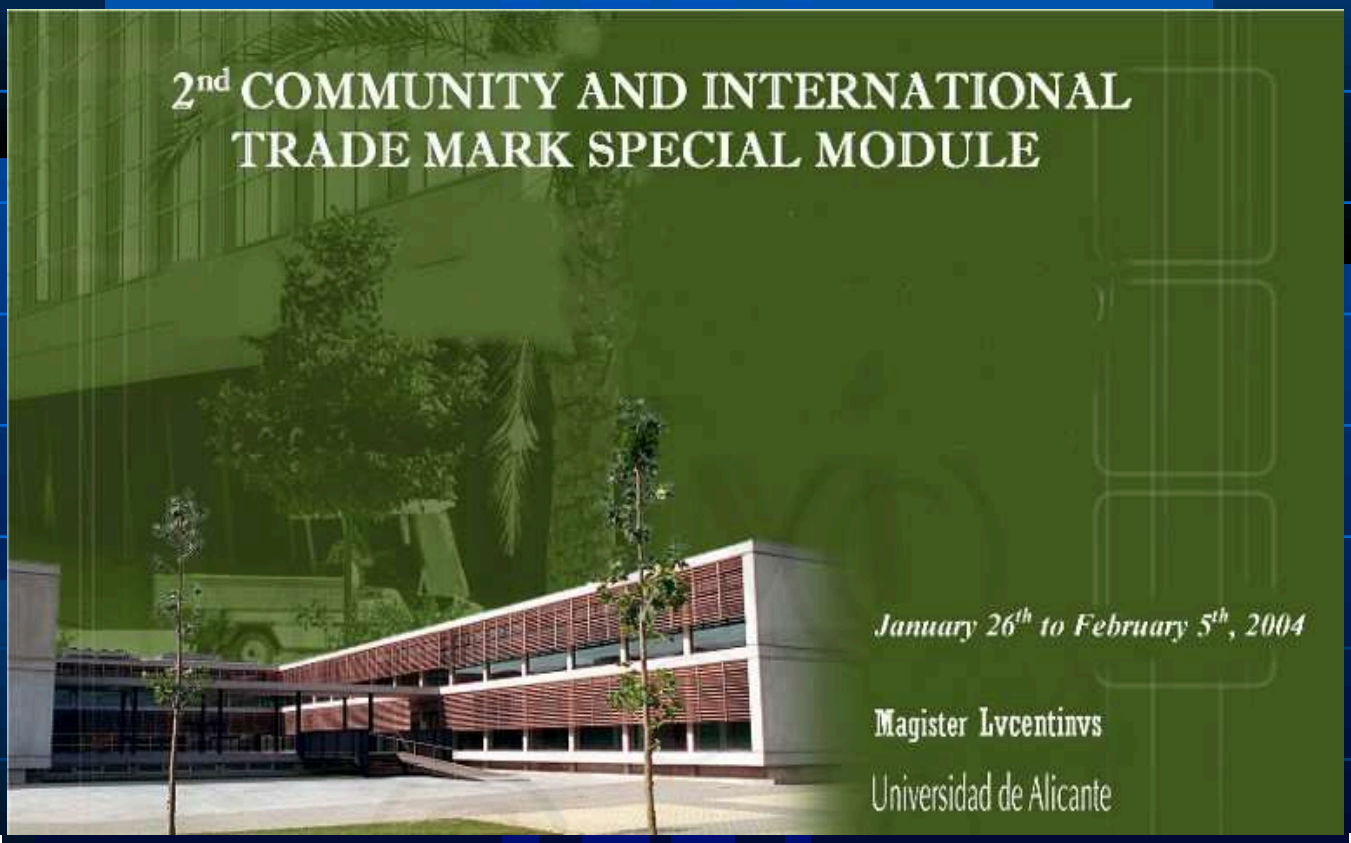
- Underpin knowledge on the nature and extent of Intellectual Property Rights, applicable legal standards and on how the law is applied.

- Build capacity on IPR prosecution and on processes of protection and enforcement.

III. Curriculum Structure.

- Introductory lectures.
- Specialized Modules:
  - Trademarks.
  - The Protection of Inventions.
  - Copyright.
  - Designs.
  - Unfair Competition and Advertisement Law.
  - Information Technologies and Intellectual Property,
  - Economic and Entrepreneurial Aspects of IP.
- Advanced Seminars:
  - Ex: “Community Trademarks and designs” “European Competition Law and IP related aspects”, and “IP Protection in Latin America”.

Example: An advanced seminar,



Example: A section within an advanced module, The CTM (60 hours – 2 weeks).

VII: The Community Trademark

-Introduction to the Community Trademark, OHIM.

-The CTM Application – Registration procedure and relevant substantive law related to the application. Absolute Grounds of Refusal.*

-Opposition: Procedure and relevant substantive law Introduction, opposition proceedings

-Opposition proceedings: substantive issues II marks with reputation, proof of use, agent, other signs*

-Duration, Renewal, Alteration and Transfer of the CTM*

-Surrender, Revocation and Invalidity of the CTM*

-Appeals and the Boards of Appeals

-The decisions of the Boards of Appeal

-CTM and the European Courts

-CTM Jurisprudence of the European Courts*

-Community Trademark Courts: proceedings, competence and applicable law.

-Effects on the CTM Regulation on the Laws of the Member States.

-Judicial Relief in the EU for Trademark Infringement.

-Trademark Litigation*

-Trademark Licenses*

* Including practical sessions.

Example: A section within an advanced module, Th TM (60 hours).

OPEN TO EXTERNAL PARTICIPANTS

VII: The Community T

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-The decisions of the

-CTM and the Europe

-CTM Jurisprudence of t

-Community Trademark

-Effects on the CTM

-Judicial Relief in the

-Trademark Litigation*

-Forum Shopping*

-2003= 15 Judges from Turkey

-2004 = 19 Industrial Property Agents, Lawyers, Industry (Poland, Hungary, Turkey, Croatia).

- 2005/2006= Aim: Different IP related fields and activities – new EU members, and candidate countries.

* Including practical sessions.

IV. Teaching and Learning at Magister Lvcentinvs: A symbiothic process.

- 90 *regular* lecturers (16 countries) chosen among the major experts in each subject.

Universities

Law firms

Industrial Property Agencies



Pat & TM Offices.

Industry

International Organizations

Teaching and Learning at Magister Lvcentinvs:
Creating Synergy !!

- 90 *regular* lecturers (16 countries) chosen among the major experts in each subject.

Universities

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Teaching and Learning at Magister Lvcentinvs:
Creating Synergy !!

You need partners and collaborators and
You need to manage it.

Universities

Law firms

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Industry

International Organizations

Advantages created through symbiosis .

- A wide variety of aspects of IP can be studied in depth.
- Specialized experts provide “1st class materials”.
- Exposure of students to different personal and institutional views and approaches.
- Flexibility to evolution of IP law.
- Adjusting the application of different teaching methods.

Advantages created through symbiosis .

- Information flows.
- Lecturers are a source of innovation.
  - 1st hand “market information”. Shaping the programme towards market needs.

- A dynamic paving the way towards:

Institutional Networking

V. Educational Networking in Europe.

- European Intellectual Property Institutes Network (EIPIN).
- QMIPRI (London), CEIPI (Strasbourg), NDS IP (Zurich), ML (Alicante), MIPLC (Munich), U. Utrecht.
  - Working in common in a European arena under a "quality trademark".
  - Exploiting mutual competitive "advantages".
  - Information flows → IP education innovation forum.
  - Favouring further networking.

Thank you for your attention.



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IV. Steering the Boat: Academic Management Resources

- 4 Academic "Coordinators"
  - Tutors and "guardians" of the coherence of the course.
- 2 Course Assistants.
  - Facilitate lecturer-student communication.
- Technical Means.
  - WEB DOCENTE, The Academic Intranet:
    Reducing teacher-student distance.
- Quality Control

WEB-DOCENTE (ML Academic Web)

- A framework for interaction.
  - Lecturers, students, coordinators.
  - Eliminates problems of asyncronism and distance.
  - Allows efficient, time-saving provision of class materials.
- Center for student resources
  - Syllabus
  - Materials
  - Agenda
  - Links
  - Course notices.

Quality Control.

- Relevant role of Alumni Association
- Quality is controled:
  - Lecture by lecture (communication skills, materials, relevancy of subject).
  - Specialized modules and advanced seminars (orientation, foreseen utility in practice).
  - Overall result.
  - On-the-job training (students, firms).

I. General Aspects of Intellectual Property

Introduction to Intellectual Property

History of Intellectual Property

Introduction to EU Law

The Paris and Berne Conventions.

The TRIPS Agreement.

VII: The Community Trademark (Module in English)

Introduction to the Community Trademark, OHIM.

The CTM Application – Registration procedure and relevant substantive law related to the application. Absolute Grounds of Refusal.

Opposition: Procedure and relevant substantive law Introduction, opposition proceedings

Opposition proceedings: substantive issues II marks with reputation, proof of use, agent, other signs

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Surrender, Revocation and Invalidity of the CTM

Appeals and the Boards of Appeals

The decisions of the Boards of Appeal

CTM and the European Courts

CTM Jurisprudence of the European Courts

I. General Aspects of Intellectual Property

Introduction to Intellectual Property

History of Intellectual Property

Introduction to EU Law

Paris Convention Union

The TRIPS Agreement.

WTO Dispute Resolution in Intellectual Property.

TRIPS Implementation in Developing Countries

"The TRIPS Agreement after Doha.