

European Union




# Handbook on IP Curricula and Teaching Materials

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The views expressed in this report do not necessarily reflect the views of the European Commission.

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# Introduction

## Development of National Curricula/Teaching Materials on IP for the National Education System

The most important factor for the success of an intellectual property system in a country is to establish an understanding of the public about the benefit of intellectual property at an early stage. Even though, most ASEAN countries have acceded to the WTO or are considering accession thereto, countries are still facing a number of problems pertaining to intellectual property. The most important one is the lack of knowledge, familiarity and understanding of the concept of intellectual property both in its utilisation among the general public and the private sector and its administration among the public offices.

It is evident from the facts above that the most urgent need for the development of intellectual property in ASEAN countries is the dissemination of knowledge and understanding of the system and its impact upon trade, industry, economic, social and cultural development.

It is therefore important to provide for an effective education in IP at relevant levels of education.

With an objective to educate the public, basic awareness seminars have been held in ASEAN countries since 1993 (under ECAP I) but it is now appropriate to build upon this by developing specialist IP education.

In 2004/2005, substantial efforts were undertaken in this regard where seven scholars from ASEAN countries spent four months at the Munich Intellectual Property Law Centre (MIPLC) based at the Max Planck Institute in Germany and two months at the Queen Mary Intellectual Property Research Institute in London.

During the ECAP II "EU-ASEAN Colloquium on a Common Postgraduate IP Curriculum and Syllabi Template for ASEAN Countries" held in Singapore on 17 to 18 August 2005, and the subsequent Regional ECAP II Committee meeting, it was decided that each country needs to develop its own IP curriculum to cater for national needs. It was further decided however, that an ASEAN Handbook on IP Teaching and Training be prepared as a resource to support the development of these curricula.

The research for this handbook was prepared during the course of an investigation of the national tertiary education requirements of Cambodia, Indonesia, Laos, Thailand and Vietnam with a view to drawing up national IP Curricula for those countries. Certain common curriculum requirements were identified in each country visited and these requirements are reflected in this handbook.

The first chapter of the Handbook is a paper prepared by the WIPO Academy on the teaching of IP. It discusses the following subjects:

- Why do we teach IP?
- To whom should IP be taught?
- What is the State of Teaching of Intellectual Property in Developing Countries?
- What subjects should be taught?
- What Types of IP Courses Should be Developed?
- What Types of Intellectual Property Programs Should be Developed?
- What are the Basic Pedagogical Methods?
- How should IP be taught?
- Intellectual Property Faculty
- With whom can we cooperate in respect to IP teaching?

The research for this handbook indicated that across ASEAN, as in other parts of the world, there is a demand for three types of IP courses Survey Courses, Specialized Courses, and Practice Courses. Survey Courses, which are typically offered to undergraduate law students and to non-law students at both the undergraduate and graduate level, are broadly focused courses, which are intended to give an overview of the various fields of IP law. Specialized courses focus in-depth on a single field of IP, such as "digital IP", "agriculture and IP", "international IP" or "IP policy". Practice Courses focus on registration and enforce of IP rights and are intended for patent and trademark attorneys and IP executives. It should also be noted that Advanced Seminars are also offered in some countries to students who have taken a specialized course in a particular field, and who require further specialization, for example "IP and alternative dispute resolution" and "licensing and technology transfer".

The above curriculum requirements mirror those in European and US universities.

Curricula are also sought by a number of ASEAN universities which wish to offer practice courses to IP professionals (patent and trademark agents).

The Handbook contains examples of each of these curricula, which of course, can be modified for national requirements.

The final section of the Handbook identifies Internet-based sources for IP materials, including international organizations, IP portals, IP websites and on-line bibliographies.

## 2. WIPO Academy, 'Teaching of Intellectual Property'

## http://www.wipo.int/academy/en/teaching/pedagogy/pdf/teachingip.pdf

Introduction

Teaching intellectual property (IP) now requires re-thinking, as circumstances surrounding IP have dynamically changed during the last decade. This paper addresses the following questions about IP teaching at the university level, as well as some thoughts on how IP teaching, and more broadly, how IP education, should be reviewed and delivered. Five fundamental questions will be asked: Why should we teach IP? To whom should IP be taught? What subjects should be taught? How should IP be taught? With whom can we cooperate in respect to IP teaching? In answering these questions, activities of the World Intellectual Property Organization (WIPO) will also be reviewed. Lastly, a concrete proposal of lending IP lecturers will be introduced for the purpose of promoting the international networking of universities which are, or will soon start, teaching IP.

Why do we teach IP?

First, it is most effective to discuss IP teaching in the context of the global strategy which the international IP community has adopted. WIPO has set its strategic goals for the next six years. Enhancement of the programs to nurture IP culture is one of those goals. The concept of "IP culture" can be briefly described as the environment and mindset of people which enable all stakeholders of IP to play their respective roles in realizing the potential benefits of IP as an effective tool for economic, social and cultural development. This dynamic IP culture should be founded not only on a solid, effective and balanced legal system of IP but also on the active, well-informed users of the IP system, augmented by government policies and strong support from all other stakeholders. Consequently, the development of human resources is a basic premise to the creation of the IP culture. IP teaching and education are particularly important for countries where the IP legal system has recently been modernized or revised to bring it into line with international standards; it is the skilled and well-informed human resources who will be able to actively use the IP system and manage IP rights as an economic assets for effective and measurable economic development and business success.
Second, the implication of IP has significantly changed, and as such, the requirements for IP teaching also need to change. A few decades ago, the subject of IP was regarded purely as one of merely legal rights. However, as economies have become increasingly based on knowledge and information rather than on conventional elements such as land and labor, IP has evolved and developed to where it now plays a crucial, valuable role in economic and cultural activities. IP is now referred to as economic and cultural assets, which have high value and mobility (i.e., IP can easily be exchanged or commercially transacted). New objectives emerging from the redefined role of IP should be reflected in the development of human resources, and as such, the teaching of IP should be updated and refined to reflect the foregoing developments.

To whom should IP be taught?

Who needs IP education? To answer this question, we need to know who is expected to use the IP system. To illustrate how IP is created and how IP is used as economic and cultural assets, a process of creating, exploiting and enforcing IP may be explained in a chart, showing a typical life cycle of IP creation, which is sometimes called IP value chain. There are four different and consecutive steps in the IP value chain. The first step consists of IP assets creation. This can be done either by importing technology from other countries, or by creating IP as a result of research or innovation at research institutes, universities or industry.

As the second step, this chain includes the protection of IP. Some types of IP, such as patents, require registration at government authorities for the protection of legal rights. The third step is commercial exploitation of IP. This step involves, for instance, the implementation of a project to manufacture goods protected by IP rights, and licensing of IP if the owner of IP is not interested in making his own production. The last step is the maintenance and management of IP. Certain IP rights can infringe other rights or vice versa; these types of situations need to be reviewed to decide whether it is worthwhile maintaining such rights, as their maintenance may require additional resources. If IP continues to be used, it may need marketing of goods in which IP is embodied. Such marketing efforts and brand making need to be enhanced through the strategic use of certain types of IP, such as trademarks, geographical indications and industrial designs. This continuous chain will create sustainable economic development with an accumulation of national knowledge and the enhancement of technological capacity. An effective IP value chain needs not only proactive support from the government and civil society, as well as academia, but also the mindset of innovators, entrepreneurs, inventors, authors, and performers who are actual creators of IP assets.

Accordingly, human resource development should incorporate and serve the different needs of the different targeted groups who are involved in the IP value chain. In many countries, universities teaching IP are expected to take the lead in human resources development. For example, professors of IP should be able to provide pertinent advice to current policy makers, and to train future policy makers through IP education. In this regard, IP teaching requires interdisciplinary and diversified aspects of IP bearing in mind that IP assets need strong support from economic, cultural and trade policies. The developers who actually generate IP assets and manage them are researchers, engineers and business managers of private companies as well as authors, performers and designers. IP education should customize the way IP is taught to convey the appropriate information and message to those groups. The maintenance and the management of IP assets sometimes require a working knowledge of IP enforcement including litigation and infringement of IP rights. In those countries where the IP legal system has recently been reinforced, this part of human resource development is relatively weak. Officials of customs offices, police and law enforcement authorities, as well as judges in the judicial system, are expected to keep up with the dynamic evolution of IP law and practice. IP education should be responsible for training the future teachers and lecturers of IP. An increasing number of universities has started to set up specialized and dedicated IP teaching courses, which are in addition to introductory courses. At the same time, those universities have introduced various elements arising from the recent evolution of IP, such as the economic, social and environmental aspects of IP as well as the international development of IP laws and practices.

What is the State of Teaching of Intellectual Property in Developing Countries?

While the number of universities and other institutions at which intellectual property law is taught has increased dramatically, the fact remains that in a number of developing countries, intellectual property law has not yet been introduced as a course in the curriculum or is only taught as part of a course on commercial and other laws. This is largely because of scarce resources. There are, nevertheless, a number of universities and other institutions in developing countries which have introduced intellectual property courses. They have also organized periodically, in cooperation with the government bodies and the legal profession, interested organizations, and with the assistance of WIPO, general introductory courses on intellectual property law. Moreover, in some developing countries, special courses, as well as workshops and seminars have been organized on particular subjects of intellectual property law, directed at university students, researchers from institutes, government officials, legal practitioners and businessmen, and even members of the public, having a particular interest in intellectual property law. Symposia and other meetings have also been organized, devoted to a review of intellectual property laws in the light of current economic, technological and social developments.

At the forefront of these developments in the teaching of intellectual property law have been university professors, administrators of universities and policy makers who have had foresight and have realized that intellectual property is not an abstract concept but that it is an indispensable instrument in achieving desired economic and cultural objectives.
WIPO has taken a number of initiatives in order to bring about an awareness of the programs of teaching and research in the field of intellectual property in various developing countries. These initiatives were designed to complement the activities of WIPO for the training of personnel, which are a part of WIPO's development cooperation activities.

What subjects should be taught?

The content of an IP course, and the way in which IP is taught, should be customized accordingly to address different needs. Looking at the most up to date curricula of selected universities, different needs have already been reflected in the IP teaching curricula; this customization has resulted in the awarding of different degrees at the end of the IP education. For example, in the United States of America, in addition to introductory courses on IP, a particular emphasis seems to have been placed on teaching copyright, as indicated in the statistics which show that 48 out of 50 top university law schools are teaching copyright. Almost all law schools have now placed stronger emphasis on IP, including the possibility of post-graduate degrees or doctorate degrees specializing in the area of IP. As evidence of that emphasis, as of April 2004, there were 17 universities which offered the LL.M degree dedicated to IP. Notwithstanding the positive developments mentioned, because many different components are integral to the modern IP courses, it is increasingly difficult to find, and continue to engage, sufficient numbers of teaching staff and lecturers. In America, about 75 per cent of IP professors are adjunct professors who are also practitioners, lawyers, and/or examiners from the United States Patent and Trademark Office (USPTO). Moreover, the contribution from

those who are actually involved in the daily business of managing IP assets has significantly enhanced the quality of the courses and produced up to date information in their lectures, resulting in a good combination of basic theories of IP and practical training through real world case studies.

To be noted with particular interest is an emerging trend in a number of universities in certain countries, wherein those universities have introduced an IP component in MBA and Management of Technology (MOT) degrees. For example, in Japan, the Government has taken strong initiatives to create MOT courses in universities. Following the overall national strategy of IP in Japan, policies were adopted and implemented to develop human resources who could maintain competence in high quality manufacturing and engineering situations. Universities in Japan are now in the process of reinforcing IP education with a view to developing more human resources capable of developing the management skills for technology projects with an active use of IP assets management. This trend has been observed in several other countries (for example, two Institutes of Technologies, in Switzerland, and at Queen Mary University of London in the United Kingdom, offer an MSc degree in Management of IP). In view of the expanded role of IP in knowledge-based economies and societies, it is increasingly important to teach IP to students who do not have legal background.

The concept of technology management has been evolving, from merely management of R&D in the 1960s, to corporate venturing in 2000s, according to a pioneer in this area and a cofounder of an MOT program. This evolution indicates that IP teaching should also be considered in the context of diversified requirements in running technology-related organizations in 2000s all the way up to Chief Executive Officers. Teaching of IP therefore, should not only cover legal aspects, but also technology management and business management with a view to making technology-based organizations more responsive to challenges in the knowledge-based economy.

To summarize emerging trends in the area of IP teaching, there are five points that are noteworthy: they are progressively sophisticated; there is growing demand; an interdisciplinary nature (law, business, technologies) is required; international alliances among educational institutions and universities are emerging; and partnerships with industry are also emerging. As regards the last point, it is to be noted that certain countries, like the People's Republic of China, have adopted proactive strategies and policies in order to create strategic partnerships with industry to create more effective IP courses in certain universities (for example, in April 2004, Philips, a Dutch electronics manufacturer, concluded an agreement to financially assist the People's University of China in an effort to enhance the level of awareness and national capacity with regard to IP education and human resources development in China).

To respond to these dynamic and emerging trends in IP education, in many countries, an increasing number of universities has tried to strengthen the teaching of IP. According to a preliminary survey by WIPO, these efforts are not enough in many developing countries where no university in a given country has an IP course. These statistics also indicate the difficulties facing not only those universities which have recently started to teach IP, but also other universities which are interested in, but not yet prepared for, setting up IP courses. Their problems lie in a shortage of teaching staff, a shortage of funds, and a lack

of demand (the number of students). However, the lack of demand is mainly attributable to the lack of promotion of IP education by government and educational institutions in that country. Possible solutions will be discussed later.

What Types of IP Courses Should be Developed?

Four types of intellectual property courses are typically taught at the university and law school level. These are Survey Courses, Specialized Courses, Advanced courses and Practice Courses.

Survey Courses are basic, broadly focused courses, which are intended to give an overview of the various fields of intellectual property law, with enough specific facts to interest students who might decide on a speciality in intellectual property. Survey courses, which may be titled, for example, "introduction to Intellectual Property" or "Patent, Copyright and Trademark Law", are popular with business and government students, who are looking for an economic perspective on the protection of the creations of individuals. The teaching of survey courses is especially suited for professors who are just starting to teach intellectual property— they may learn, along with the students, the breadth and the complexity of intellectual property protection. However, many experienced professors who specialize in intellectual property enjoy teaching survey courses because they find that the interaction with students from a wide range of backgrounds continually broadens their perspective.

Specialized courses focus in-depth on a single field of intellectual property. Specialized courses carry titles such as "introduction to patent law", "Copyright Law and Practice", "International Trademark Law", "Intellectual Property Licensing", "Unfair Competition", etc. These courses convey the particulars of the field of law under consideration, including a study of the statutes, regulations and procedures involved. Court interpretation of the law and judicial doctrines in common law countries, procedures for applying for and obtaining rights and procedures for enforcing rights are some of the topics which would be addressed. After finishing such a course, a student should be familiar with all the important doctrines of the field of law, and should have a good understanding of the most important standards for obtaining and enforcing rights.

Advanced Seminars are designed for students who have taken a specialized course in a particular field, and are prepared to learn more details about one or more particular aspects of that field. An example of an advanced seminar in the patent field might be a course which examines the history of the protection of an invention, from the time that a patent application is filed, through the process of examination and issuance of the patent by the Patent Office, and through all stages of enforcement of the patent through litigation in the courts. In this way, the student would learn the practical application of the principles of patent prosecution and litigation that were learned in a general form in the specialized patent course. Another type of advanced seminar might examine an aspect of intellectual property course. For example, a seminar on "Anti-trust Aspects of Intellectual Property Law" would fill in a gap that may have been left by the basic courses. Seminars can also give students the opportunity to prepare research papers on current issues for presentation to the rest of the class, or give the professor the chance to teach his/her own

particular specialty in depth, or to teach new and emerging fields such as biotechnology law or computer law.
Practice Courses focus on the actual steps that an attorney would take in practice to obtain and enforce intellectual property rights. Courses such as "Patent Office Practice", "Copyright Litigation" and "Trial Advocacy for Intellectual Property Attorneys" challenge students to do the very things that they will be asked to do in their legal practice. Practice courses are often best taught by practicing attorneys as Adjunct Professors, who will be teaching the things that they are currently doing in their daily work.

The task of selecting the proper type of course to include in an intellectual property curriculum will depend on the nature of the students, the faculty, and the type of degree program offered. Most university programs, when they decide to, incorporate intellectual property education, begin with a modest program, offering a survey class and one or two specialized classes. They gradually increase the number and complexity of courses as the level of student and faculty interest increases.

What Types of Intellectual Property Programs Should be Developed?

The range of students that would benefit from intellectual property education is broad. It includes students of business, law, the fine arts, engineering, the sciences, journalism, etc. Naturally, a broad range of teaching programs should include intellectual property in their curriculum. However, of the many types of programs that might include intellectual property, three stand out as most commonly including intellectual property courses. First, almost all business programs include some overview of the basics of intellectual property. It is important for students who hope to go into business or government to have a basic understanding of the role that intellectual property plays in the modern concepts of economics and trade. Recently, students of engineering and science need to understand the role of intellectual property, as technology management requires basic knowledge of IP assets management. Second, basic law degree programs offer intellectual property courses that give students a general understanding of the philosophy and application of intellectual property law. Even law students who do not intend to specialize in intellectual property should be familiar with the basic rights that are protected by intellectual property law. Third, specialized post-graduate (LL.M) programs typically provide a more comprehensive, specialized knowledge of the theory and practice of intellectual property law. Such programs are intended to supplement the often fragmentary knowledge that a practitioner acquires in his practice, by covering all the issues that are of importance to the protection of intellectual property.

Specialized intellectual property programs deal with three main aspects of intellectual property practice: the nature and extent of rights that are available to protect intellectual property; the process of obtaining and registering intellectual property rights (called "prosecution" where the filing and examination of an application is required), and the process of protecting and enforcing intellectual property rights once acquired, which can be done in the courts through civil "litigation", and by other, more conciliatory means.
Educational programs in business primarily focus on the first aspect—the nature and extent of the rights that are available to protect intellectual property. While such knowledge is only the starting place for an intellectual property practitioner, these are the

most important aspects for business decision-makers and government policy planners. These programs give a basic understanding of the types of creative and technological products and processes that are protectable, the forms of intellectual property protection that are designed to protect each type of intellectual creation, and the effectiveness of the protection available. The student gains an understanding of the ways in which protection of intellectual property can enhance economic competitiveness. This understanding is even more important for the business planner or the economist who is concerned with the long-term economic health of his company or his country than for the author, artist or inventor, who is primarily concerned with the practical aspects of obtaining protection.

In addition to business programs, all basic university training programs for lawyers include courses in commercial law and property law, as well as courses dealing with civil and criminal procedures. Such courses are an indispensable foundation for a basic understanding of the concepts that are reflected in intellectual property law. Professors teaching such courses, particularly those of commercial, economic or property law, often include sections on various types of intellectual property protection, especially those which are of interest to the business or economics student.

Some university law schools include one or several classes, or even a complete program of classes, designed for students who intend to become intellectual property practitioners. These classes are designed to give future specialists a broad, if not deep, comprehension of the range of possible forms of intellectual property available. Such classes are valuable for the student who intends to help authors and inventors protect their works under national or foreign law, and for the student who, as a business attorney, will advise his client, the company, on this aspect of law which will have great importance for its viability and growth.

Students who enter a post-graduate specialized program in intellectual property (for instance an LL.M degree program) will typically be intellectual property practitioners who are interested in deepening their understanding of the legal foundation of intellectual property law, and of increasing their skills in the acquisition and enforcement of intellectual property rights. Often, practitioners from one country will enroll in an LL.M. program in another country in order to gain a better understanding of the intellectual property laws in that country. Such programs go into great depth on the theoretical underpinnings of the law of intellectual property. But being designed for practitioners whose daily work consists of the acquisition and protection of intellectual property rights, such programs will also include practical classes taught by experienced practitioners, covering actual techniques of prosecution of applications for intellectual property rights and litigation to enforce those rights.

What are the Basic Pedagogical Methods?

In the legal field, there are two different basic approaches in teaching that are often used. These are the case method of teaching, and the problem method of teaching.

*The Case Method of Teaching*. The teaching materials which are widely used in the law schools of universities of the United States of America and the United Kingdom are based on the principles of the common law, with its overlay of statutes and administrative

regulations and interpretive judicial decisions. The teaching of that law is usually approached through the traditional "case method" of teaching, which may not be practiced in other countries for a variety of reasons. Some of those reasons are attributable to the fact that the nature of the legal system in the various countries in the European continent, which influences a number of countries in French-speaking Africa and in Latin America, and to a certain extent in Asia, does not lend itself to this method of teaching. The use of such teaching materials requires that the course be constructed on the basis of those principles of common law, statutes, regulations and judicial decisions which arose from the legal system in the developing country concerned.

*The Problem Method of Teaching*. An alternative approach to the case method is gaining popularity even in the common law countries. Under the problem method approach, a professor will describe a particular set of circumstances which raise interesting legal problems. The students will be asked to apply the relevant principles of law to analyze and solve the problem. This requires of the student not only knowledge of the law, but also effort in thinking through all of the aspects of the circumstances and applying the law to achieve a just result. The general feeling among specialists who have looked into the question of teaching methods is that it might be possible, in the international context, to present samples or models of situations reflecting intellectual property questions and how those situations are treated under the various legal systems.

Recently, *e-learning or the distance learning method* has been frequently used as an effective self-learning tool.

Related to this is the *encouragement of student involvement*. A highly effective educational tool is to encourage practical student involvement outside the classroom. Many law schools or universities allow student participation on publications such as law reviews or journals. Many of these journals specialize in aspects of intellectual property law, and most would welcome contributions in the field. Some schools also hold conferences on various topics of intellectual property. Participation, by attending or assisting in the organization of these conferences, can provide a student with a different perspective. Finally, where the educational system allows students to engage in practical employment during law school, they may work part-time for judges, lawyers or government agencies involved with intellectual property.

How should IP be taught?

Many methods of teaching IP are available and should be chosen in accordance with objectives and target groups. The WIPO Worldwide Academy has accumulated vast experience and lessons learned in advising a number of universities throughout the world, and as a result of the first six years of its activities, THE ACADEMY has come up with a list of suggested approaches in respect to IP teaching. General advice of the Academy in this regard includes: clear identification of target groups to whom IP will be taught; clear definitions of goals and objectives in accordance with target groups; system designed courses on IP including the overall curriculum, taking into account the experience of other universities (particularly those which have similar target groups and objectives); selection and acquisition of the right content and documents for IP teaching (the Academy offers a suggested list of teaching material and documents in appropriate

languages); customization of IP courses with the possibility of taking full advantage of information technologies and the Internet; and partnerships with other universities and stakeholders, including practitioners and industry. During the past few years, several universities have established strategic alliances (not only in the same country but also cross-border partnerships) leading to the exchange of lecturers and students, and the sharing of useful information. Some universities have agreed on the mutual recognition of degrees.

In designing IP courses, various methods of teaching could be adopted, such as conventional classroom style lectures as well as distance learning for introductory courses, and more interactive sessions for advanced and specialized courses. For example, mock trials are particularly useful in understanding the enforcement of certain aspects of IP rights, and the way disputes of IP rights can be resolved in practical terms. In the age of information technologies, the distance learning program is particularly useful for training large numbers of students in a limited time period with minimal costs of operation. In fact, this is one of the new tools that the ACADEMY has introduced, and it has successfully trained about 10,000 students in seven different languages during 2003 alone. Participants are not only students but also government officials, businessmen from the private sector and people in academia. THE ACADEMY's distance learning program is open to anybody in the world, subject to the limited number of participants accepted in each session. To overcome difficulties facing universities in developing countries with limited financial and human resources, one possible solution is to use distance learning modules made available on the Internet. In addition to this direct service provided by the ACADEMY, there are other ACADEMY services offering advice or the provision of tools to universities, such as assistance in developing a meaningful curriculum, and identifying selected reference and other materials for IP teaching.

Intellectual Property Faculty

The quality of an intellectual property educational program will depend in large part on the level of experience and interest of the faculty. There are a number of full-time university faculty members in most countries who have made their speciality the study of one or more aspects of intellectual property. However, many universities do not have such specialists, and the education of students in intellectual property depends on professors who take a side interest in the field in addition to their main speciality.
Basic intellectual property courses in a law school curriculum are best taught by full-time law professors who can dedicate the time needed to counsel and guide students through the program and into the speciality in which they have the most ability. Ex-practitioners who become full-time professors have the advantage of their experience in the specialized job market of intellectual property law, and often acquire their counseling skills quickly. Experienced law professors have the advantage of understanding law education and the needs of law students. However, to engage full-time professors is not easy in countries where the number of practitioners and IP professionals is small.

An interim source of qualified teachers that may effectively fill the vacuum left by the lack of full-time intellectual property professors consists of practicing attorneys who are willing to give part of their time to teach intellectual property courses. Often called "Adjunct Professors", these instructors provide an effective and economical way of

building a comprehensive and high-quality intellectual property program. This is a symbiotic process—it brings the benefit of many different qualified experts to a university program, providing a breadth of expertise that would not be available in a few individuals, at a fraction of the cost and gives to the practitioners the prestige of being affiliated with a law school program, the motivation to keep abreast of new developments in the law, plus the stimulus and inspiration that comes from teaching fresh minds who engage in re-thinking old problems.

With whom can we cooperate in respect to IP teaching?

IP teaching and education are now common goals for many universities, which share many similar problems. Cooperation among those universities is necessary. One possible first step towards enhanced cooperation is to establish regional or subregional networks of universities, with a view to helping each other by lending lecturers and sharing useful information and resources. Networking could start with a mere exchange of information on the basis of a list of universities joining this initiative, and could be further expanded to strategic partnerships. Certain universities have moved to such stronger and strategic partnerships. WIPO stands by to assist those universities in creating networks of like-minded universities and educational institutions, not only in the region concerned, but also facilitating liaison and international cooperation between regional networks of universities so that there would be a global network of universities teaching IP.
In 1981, WIPO established a group called ATRIP (Advancement of Teaching and Research of IP) with a view to strengthening international cooperation among professors who teach IP (http://www.atrip.org/). Although this is not an institutional network among universities, members of this group, which currently exceed 300 professors, are extremely keen on international cooperation on an individual basis. ATRIP has an annual conference to exchange views on pedagogic aspects of IP as well as the organization and management of IP courses. ATRIP welcomes new members and the possible enlargement and enhancement of activities that ATRIP could undertake and achieve in response to growing demand for IP education in many countries.

One specific type of assistance envisaged in the use of existing and future networking of universities could be an exchange program of lecturers giving intensive courses on IP for limited period of time (for example, from one to three weeks), with a view to supplementing and assisting universities which have difficulties in engaging sufficient numbers of lecturers. In certain countries, there are more than 100 universities where IP is taught in legal and engineering faculties. With the possibility of funds established by a sponsoring organization, it would be possible for those universities to make a lecturer available for intensive courses to be delivered in universities which make a request for such assistance. These host universities could be requested to provide administrative and logistical support for such visiting professors. This model of international cooperation may not be new; however, a global network of universities and professors teaching IP would facilitate the enhancement of international cooperation and collaboration. Professors teaching in different countries are also learning about different legal systems which may be of interest to those professors. It would be a win-win situation for all parties participating in this model of international cooperation.

Conclusion

To conclude, taking note of recent trends characterized by the term "interdisciplinary," WIPO suggests greater international cooperation in the area of IP teaching, especially in response to the growing need for IP teaching in every country. The WIPO Worldwide Academy wishes to be the nucleus of such international cooperation and networking. Universities and other institutions will continue to contribute to the training of the persons who will be the legislators, judges, administrative officials, legal practitioners, and even the teachers and researchers, of tomorrow. Research institutes will continue to contribute to the analysis of the intellectual property system and make suggestions for its improvement. Greater support must be given to research institutes, so that a constant evaluation of the functioning of the law governing the fields of intellectual property can take place, lending support to the teaching process and serving as a foundation for legislators, judges and administrative officials to review the prevailing policies, principles and practices.

Universities and technical institutes must receive appropriate guidance so that technological achievements are more widely known and disseminated, not only to other researchers, but applied in industry. In this way they can be better used, and can best justify the time, skills and other resources expended on them.
Finally, the process of intellectual property teaching and research can only be effective if sufficient resources are committed to them and to the effective organization of educational and research programs. To fulfill those requirements, government and various sectors of the economy, as well as the educational community, must work together. Each must also offer to join their counterparts in other countries to identify interests in common, so that the mutual assistance through international cooperation can function. The World Intellectual Property Organization (WIPO) and the Academy stand ready to help governments and the educational and research community in the tasks of evaluating, selecting and applying the system of intellectual property law teaching and research that best reaches their goal: WIPO will assist government and industry to meet the needs of the public, and also assist educational and research institutions in their roles as independent institutions in pursuit of learning and scientific investigation.

# 3 SURVEY COURSES

## Introduction to Intellectual Property for Undergraduate Law Students

### Course Description

This course introduces students to the sources of intellectual property law: international, regional and national and to the principal categories of intellectual property: patents, industrial designs, trademarks, geographical indications, copyright and neighbouring rights.

### Course Objectives

The course aims at providing the student with an understanding of the origins and content of intellectual property law. At the end of the course the student is expected to be able to:

(i) explain the evolution of the national intellectual property system
(ii) describe the role of patent law in protecting innovations
(iii) distinguishing industrial designs from other forms of intellectual property
(iv) explain the role of trademarks in marketing
(v) contrast trademarks with geographical indications
(vi) identify the role of copyright in protecting cultural creativity.

### Course Status

Compulsory

### Teaching and Learning Method

Lectures

### Schedule

Course Credit: 3 credits

Hour/week: The course is designed for 15 weeks/semester

Academic Year: Second year or later

### Syllabus

### PART I Sources of Intellectual Property Law

1. International
1.1 Conventions and Treaties
1.2 Determinations of Courts and Tribunals

2. Regional Agreements

3. National
3.1 Legislation
3.2 Determinations of Courts and Tribunals

4. Secondary Sources

**PART II Patents**

**1. Patentability**

1 Patentable inventions
2 Novelty
3 Inventive step
4 Industrial application
5 Priority date
6 Disclosure of matter, etc., between earlier and later application

**2. Applications**

1 Making of application
2 Date of filing application
3 Publication of application

**3. Examination and search**

1 Search
2 Substantive examination and grant or refusal of patent

**4. Employees' inventions**

1 Right to employees' inventions
2 Compensation of employees for certain inventions
3 Amount of compensation

**5. Licences of right and compulsory licences**

1 Patentee's application for entry in register that licences are available as of right
2 Compulsory licences: general
3 Compulsory licences: WTO proprietors

**6. Infringement**

1 Meaning of infringement
2 Proceedings for infringement of patent
3 Restrictions on recovery of damages for infringement
4 Relief for infringement of partially valid patent

**7. International applications for patents**

1 Effects of international application for patent
2 Adaptation of provisions in relation to international application

**Part III Industrial Designs**

**1. Registrable designs and proceedings for registration**

1 Registration of designs
1.2 Substantive grounds for refusal of registration
1.3 Requirement of novelty and individual character
1.3 Designs dictated by their technical function
1.4 Designs contrary to public policy or morality
2 Proprietorship of designs
3 Applications for registration
3.1 Determination of applications for registration
3.2 Modification of applications for registration
3.3 Date of registration of designs
3.4 Appeals in relation to applications for registration

**2. Effect of registration, &c**

1 Right given by registration
2 Infringements of rights in registered designs
3 Duration of right in registered design
4 Exemption of innocent infringer from liability for damages
5 Cancellation of registration
6 Grounds for invalidity of registration

**Part IV Trademarks and Geographical Indications**

**1. Registrable Marks**

1 Function of trademarks
2 Types of registrable trademarks

**2. Grounds for refusal of registration**

1 Absolute grounds for refusal of registration
2 Specially protected emblems

**3. Effects of registered trademark**

1 Infringement of registered trademark
2 Limits on effect of registered trademark
3 Exhaustion of rights conferred by registered trademark
4 Registration subject to disclaimer or limitation

**4. Infringements**

1 Identical marks
2 Similar marks
3. Well known marks

**5. Application for registered trademark**

1 Application for registration
2 Classification of trademarks
4 Examination of application
2 Publication, opposition proceedings and observations
3 Withdrawal, restriction or amendment of application
4 Registration

**7. Surrender, revocation and invalidity**

1 Revocation of registration
2 Grounds for invalidity of registration

**8. Geographical Indications**

1. Contrasted with trademarks
2. Deceptive Geographical Indications
3. Special protection for wines and spirits
4. Application to agricultural products and handicrafts.

**Part V Copyright and Neighbouring Rights**

**1. Subsistence of copyright**

1 Copyright and copyright works
2 Rights subsisting in copyright works

**2. Types of works**

1 Literary, dramatic and musical works
2 Databases

3 Artistic works
4 Sound recordings
5 Films
6 Broadcasts
7 Published editions

**3. Authorship and ownership of copyright**

1 Authorship of work
2 Works of joint authorship
3 First ownership of copyright

**4. Duration of copyright**

1 Duration of copyright in literary, dramatic, musical or artistic works
2 Duration of copyright in sound recordings
3 Duration of copyright in films
4 Duration of copyright in broadcasts
5 Duration of copyright in typography arrangements of published editions

**5. Infringement**

1 Copying
2 Distribution of copies to the public
3 Rental or lending of work to the public
4 Performance, showing or playing of work in public
5 Communication to the public

**6. Secondary infringement**

1 Importing infringing copy
2 Possessing or dealing with infringing copy
3 Providing means for making infringing copies
4 Permitting use of premises for infringing performance

**7. Permitted Acts**

1 Making temporary copies
2 Research and private study
3 Criticism, review and news reporting
4 Incidental inclusion of copyright material

**8. Moral Rights**

1 Right to be identified as author or director
2. Right to object to derogatory treatment of work
3. False attribution of work

4. Right to privacy of certain photographs and films

**9. Dealings**

1 Assignment and licences
2 Prospective ownership of copyright
3 Exclusive licences

**10. Performers Rights**

**1. Economic Rights**

1 Consent required for recording etc of live performance
2 Consent required for copying of recording
3 Consent required for issue of copies to the public
4 Consent required for rental or lending of copies to public
5 Consent required for making available to the public
6 Right to equitable remuneration for exploitation of sound recording
7 Infringement of performer's rights by use of recording made without consent
8 Infringement of performer's rights by importing, possessing or dealing with illicit recording

**2. Rights of person having recording rights**

1 Exclusive recording contracts and persons having recording rights
2 Consent required for recording of performance subject to exclusive contract
3 Infringement of recording rights by use of recording made without consent
4 Infringement of recording rights by importing, possessing or dealing with illicit recording

**11. Performers' property rights**

1 Performers' property rights
2 Assignment and licences
3 Prospective ownership of a performer's property rights
4 Exclusive licences
5 Infringement actionable by rights owner
6 Provisions as to damages in infringement action
7 Undertaking to take licence of right in infringement proceedings
8 Rights and remedies for exclusive licensee
9 Exercise of concurrent rights

## Introduction to Intellectual Property for Non- Law Students

### Course Description

This course introduces non-law students to the function of intellectual property law: and to the principal categories of intellectual property: patents, trademarks, geographical indications, copyright and neighbouring rights.

### Course Objectives

The course aims at providing the student with an understanding of the functions and content of intellectual property law. At the end of the course the student is expected to be able to:

(vii) explain the theories of intellectual property protection
(viii) describe the role of patent law in protecting innovations
(ix) explain the role of trademarks
(x) identify the role of copyright in protecting culture and research.

### Course Status

Compulsory

### Teaching and Learning Method

Lectures

### Schedule

Course Credit: 2credits

Hour/week: The course is designed for 15 weeks/semester

Academic Year: Second year or later

### Syllabus

### PART I Patents

### 1. Theories of Patent Protection

1. Incentive thesis
2. Reward thesis
3. Disclosure thesis

### 2. Patentable Inventions

1. Invention vs Discovery
2. Technical solution to problem
3. patentability of scientific theories?
4. Patentability of genetic materials
5. Patentability of chemical substances
6. Electronic and Software Patents

**3. Tests for Patentability**

1 Novelty
2 Inventive step
3 Industrial application

**4. Exclusions from patentability**

1. Medical treatments
2. 'Ordre Public and Morality'

**5. Registration Process**

1 Making of application
2 Date of filing application
3. Examination and search

**6. Employees' inventions**

1 Right to employees' inventions
2 Compensation of employees for certain inventions
3 Amount of compensation

**7. Licences of right and compulsory licences**

1 Patentee's application for entry in register that licences are available as of right
2 Compulsory licences: general
3 Compulsory licences: WTO proprietors

**8. Infringement**

1 Meaning of infringement
2 Proceedings for infringement of patent
3 Restrictions on recovery of damages for infringement
4 Relief for infringement of partially valid patent

## Specialised Courses

## International Intellectual Property Law

### Course Description

This course aims to introduce candidates to the key institutions of the international intellectual property system; the basic principles of international intellectual property law; the economic and legal theories that underpin the making of, and justification for international intellectual property law; to be examined within the context of contemporary socio-economic problems such as the delivery of affordable medicines to developing countries.

### Course Objectives

On completion of this course students should be able to:

1. Recognize the contemporary significance, distinct nature and functions of intellectual property in the global economy.
2. Explain the evolution of the international intellectual property system, and its relationship to national systems.
3. Describe the basic structure, institutions, principles and sources of international intellectual property law and the fundamental legal principles concerned in the protection of intellectual property as they pertain to copyright, patents, trade marks (including domain names).
4. Evaluate WTO Member States' compliance with the Agreement on the Trade Related Aspects of Intellectual Property as it applies to both industrialized and emerging economies.
5. Evaluate key substantive and procedural issues concerning the settlement of intellectual property disputes within the World Trade Organization (WTO).
6. Assess the operation of, and interrelationship between the primary International Intellectual Property Institutions of the World Trade Organization and the World Intellectual Property Organization.
7. Critically consider the interface and potential linkage between intellectual property and (a) the principles and concepts of environmental protection; and (b) socio-economic rights within the body of human rights law.
8. Identify, discuss and explore hypotheses for accommodating the economic, social and political dimensions of international intellectual property protection, in particular the legal problems posed by the scope of property rights in information and the patenting of biogenetic inventions.
9. Develop research, writing and advocacy skills in international intellectual property law.

### Course Status

Optional

### Teaching and Learning Method

Lectures and discussion seminars

**Schedule**

Course Credit: 3 credits

Hour/week: The course is designed for 15 weeks/semester

Academic Year: postgraduate

**Syllabus**

**Class 1 Sources of International Intellectual Property Law**

- International Conventions and Treaties
- Decisions of International Courts and Tribunals
- Secondary Authorities

**Class 2 The Constitutional Structure of International IP**

- International institutions: the World Trade Organization, the World Intellectual Property Organization, the World Bank; the United Nations Human Rights Commission, the World Health Organization and the International Labour Organization;
- Role of non-governmental organizations including transnational corporations; trade associations, human rights, environmental and consumer groups.
- Global administration of IPRs and the integration of patent and trade mark offices.

**Class 3 The Global Regulation of IPRs**

- Evolution and significance of the World Trade Organization Agreement on the Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement;
- Global implementation of TRIPS in industrialized and transitional economies.

**Class 4 The Information Revolution**

- Impact of the digital information revolution and economic globalization on the protection of intellectual property;
- Intellectual property as a trade issue;
- Development of global civil society;

- Intellectual property and issues of global public policy.

**Class 5 Software and economic development**

- Program copyright
- Digital rights management, self-help measures and unilateral action;
- Software patents;
- Trade secret protection;
- Database protection;
- Open source software.

**Class 6 IPRs, Economic Development, Human Rights and the Environment**

- Access to essential medicines in developing countries after the Doha Declaration on TRIPS and Public Health;
- Famous trademarks, transnational outsourcing, child labour and sweatshop production;
- Biopiracy, biodiversity and the legal protection of plant genetic resources;
- Genetically modified foods, transgenic crops and agri-business.

**Class 7 Intellectual property, freedom of expression and misuse of rights**

- Copyright, music and royalty income;
- Online file-sharing and peer to peer business models;
- Trademark and domain names conflicts;
- Patents for Internet business methods.

**Class 8 Electronic commerce and consumer protection**

- Clickwrap licensing, contractual validity and implied warranties;
- WTO, OECD and EU initiatives.

**Class 9 Geographical Indications**

- TRIPS requirements
- Extended protection for wines and spirits
- Possible extension to agricultural products and handicrafts

**Class 10 Access to Genetic Resources**

- Convention on Biological Diversity
- TRIPS Article 27.3(b)
- Farmers Rights
- Traditional Knowledge
- 'Biopiracy'.

**Class 11 Technology Transfer and IP**

- 'Turn-key' arrangements, joint ventures, licenses, collaboration agreements, technical consultancies, know-how agreements.
- History, economics and politics of technology transfers.
- Legal protection for technology, including intellectual property rights and contact.
- Regulation of restrictive licensing agreements (TRIPS Agreement Article 40))
- Technology transfer codes in developing countries (Eg Andean Pact countries, China, Philippines, Vietnam)

**Class 12 IP under Bilateral Free Trade Agreements (FTAs) and Bilateral Investment Treaties (BITs)**

- Origins of FTAs and BITs
- The content of FTAs and BITs
- Significance of BITs: MFN provisions of TRIPS
- Regional treaties: ASEAN, NAFTA

**Class 13 IP Enforcement**

- Incidence of counterfeiting and piracy and relevance to TRIPS
- Judicial enforcement of IPRs
- Border control of IPRs
- Criminal enforcement of IPRs

**Class 14 Traditional Cultural Expression (TCE)**

- Definition of TCE
- Problems with existing IP protection of TCEs
- Proposals for sui generis protection

**Intellectual Property and Agriculture**

## Course Description

This course aims to introduce students to the application of intellectual property law to agriculture. Students will examine: developments in plant breeding and agricultural biotechnology; the international, European and national sources of intellectual property law applying to agriculture; international, regional and national institutions responsible for the administration of agricultural IP; plant variety protection; plant patenting; geographical indications; traditional agricultural knowledge.

## Course Objectives

On completion of this unit, students should be able to:

1 Identify and describe (IP) assets produced in the field of agriculture.

2 Compare basic IP instruments used to protect agricultural assets.

3 Describe the dynamic nature of agricultural assets and protection modes.

4 Explain the relevance of IP protection for agricultural innovations.

5 Explain the application of International IP Treaties and Agreements to agriculture.

6 Explain the application of plant variety protection laws to agricultural innovation.

7 Explain the application of patent laws to agricultural innovation

8 Explain the protection of geographical indications and agriculture.

9 Compare the provisions contained in the Convention on Biological Diversity and the International Treaty on Plant Genetic Resources for Food and Agriculture.

10 Outline the issues involved in establishing IP protection mechanisms in the area of traditional and indigenous knowledge

## Course Status

Optional

## Teaching and Learning Method

Lectures and discussion seminars

## Schedule

Course Credit: 3 credits

Hour/week: The course is designed for 15 weeks/semester

Academic Year: postgraduate

## Syllabus

### Class 1 Agricultural Biotechnology and Intellectual Property

- Identification and description of intellectual property assets produced in agriculture
- Basic instruments used to protect biotechnology-associated intellectual assets.

**Class 2 - 3 Role of IP in Protecting Agriculture**

- Plant Variety Rights Protection
- Patents
- Trademarks
- Industrial Designs
- Copyright
- Confidential Information

**Class 4 International Treaties and Agreements**

The Paris Convention for the Protection of Industrial Property.

The Patent Cooperation Treaty

The Patent Law Treaty

The Berne Convention for the Protection of Literary and Artistic Works

Lisbon Agreement for the Protection of Appellations of Origin and their International Registration

Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure

Madrid Agreement Concerning the International Registration of Marks (1891) Protocol (1989)

The UPOV Convention, 1961, 1978, 1991.

TRIPS

**Class 5 The roles of various international organisations.**

- WTO
- WIPO
- FAO
- CGIAR
- UPOV
- CoP, CBD

**Class 6 The Convention on Biological Diversity and the International Treaty on Plant Genetic Resources For Food and Agriculture**

- *In and ex -situ* conservation of genetic resources
- " Access to Genetic Resources"
- "Access to and Transfer of Biotechnology"

- Benefit Sharing
- "Availability of Plant Genetic Resources"

**Class 7 Protection of Source Countries**

- International debate concerning access to biological resources
- International proposals for the protection of source materials
- Contract solutions

**Class 6 Plant Variety Protection**

- Registrability of varieties
- Registration process
- Rights conferred by registration
- Derived varieties
- Exceptions (seed-saving, research)

**Class 7 Patenting**

- Patentable innovations
- Novelty
- Inventive step
- Industrial application
- Identification of source countries of genetic materials
- Research exception

**Class 8 Geographical Indications**

- Appellations of origin and indications of source
- Relationship with trade mark protection
- Misleading or deceptive indications
- TRIPS Agreement
- Multilateral Register
- TRIPS Disputes

**Class 9 Farmers Rights**

- Origins (relationship with traditional knowledge)
- Conservation of Plant Genetic Resources
- National Legislation (OAU Model Law, India, Philippines, Andean Pact)

**Class 10 Dealings in Agricultural Biotechnology**

- Material transfer agreements
- Licensing
- Brown bag licences

**Class 11. Enforcement of IP Rights**

- Judicial enforcement
- Administrative enforcement

**Class 12-14 Case studies of agricultural types**

## Practice Courses

## Specialist Course for Intellectual Property Practitioners

### Course Description

The course is intended for trainee patent and trade mark attorneys coming from the disciplines of science and engineering.

The course consists of instruction in the following subjects:

- Basic principles of law
- Copyright and Designs
- Law of Trade Marks and Unfair Competition
- Patent Law

### Course Objectives

The course aims at providing the intending IP practitioner with an understanding of the legal system and the content of intellectual property law. At the end of the course the student is expected to be able to:

1. describe the structure and organization of the national legal system
2. describe the content of the principal categories of law
3. describe the content of the principal categories of intellectual property law
4. analyse the system for the registration and enforcement of patents
5. analyse the system for the registration and enforcement of trademarks and industrial designs
6. identify the role of copyright in protecting research and innovation.

### Course Status

Compulsory

### Teaching and Learning Method

Lectures, tutorials and workshops

### Schedule

Hour/week: The course is designed for 12 weeks/semester

Academic Year: Postgraduate

### Syllabus

Class 1 Legal Institutions

- Sources of Law
- Parliament
- Courts
- Interpreting statutes
- Reading cases

Class 2 Contract

- Formation of a contract
- Terms
- Parties
- Consent
- Performance/Breach
- Termination
- Remedies

Class 3 Property

- The nature of 'property'
- Property Classifications
- Legal & Equitable Interests

Class 4 Wrongs (tort/delict)

- Types of wrong
- Negligence
- Strict Liability

Class 5 IP Remedies

- Damages
- Account of Profits
- Injunctions, incl. Freezing Injunctions
- Search Orders
- Criminal Proceedings
- Alternative Dispute Resolution (Mediation and Arbitration)

Class 6 Trademarks 1
Historical and theoretical basis of protection
International and national protection

Class 7 Trademarks 2
Subject matter of protection and registration

Class 8  Trademarks 3
Maintenance of trade mark rights

Class 9  Trademarks 4

Trade mark infringement

Class 9 Trademarks 5

Protection of well-known marks

Class 10 Trademarks 6

Counterfeiting and criminal offences

Class 11  Patents 1

Introduction and overview of patent law

Class 12  Patents 2

Novelty and inventive step

Class 13  Patents 3

Exceptions to patentability

Class 14  Patents 4

Infringement

Class 15  Patents 5

Anatomy of a patent: abstract, claims, drawings

Class 16  Patents 6

PCT Filing and Prosecution

Class 17  Patents 7

Ownership and Employees' Inventions

Class 18 Patents 8

Patent Searching

Class 18 Patents 9

Patent Interpretation

Class 19 Patents 10

Introduction. to Biological Patenting

Class 20 Patents 11

Introduction. to Chemical Patenting

Class 21 Patents 12

Business methods, computers & electronics

Class 22-24 Patents Drafting Workshops

Mechanical, chemical, electronics and biological inventions

Class 25 Copyright 1

Introduction. to Copyright

Class 26 Copyright 2

Subject matter of protection

Class 27 Copyright 3

Ownership and dealings

Class 28 Copyright 4

Infringement and defences

Class 29 Copyright 5

International aspects

Class 30  Confidential Information

Trade secrets, test data
Class 31  Industrial Designs

Registrable designs, international system

Class 32  Competition law

Technology transfer, licensing.

## Specialist Course for Trademark Agents

### Course Description

The course is intended for trainee trademark agentss coming from law and non-law disciplines.

The course consists of instruction in the following subjects:

- Basic principles of law
- Law of Trade Marks and Unfair Competition
- Copyright and Designs

### Course Objectives

The course aims at providing the intending trademark practitioner with an understanding of the legal system and the content of intellectual property law relevant to that practice. At the end of the course the student is expected to be able to:

1. describe the structure and organization of the national legal system
2. describe the content of the principal categories of law
3. describe the content of the principal categories of intellectual property law
4. analyse the system for the registration and enforcement of trademarks, geographical indications and industrial designs

### Course Status

Compulsory

### Teaching and Learning Method

Lectures, Tutorials and workshops

### Schedule

Hour/week: The course is designed for 12 weeks/semester

Academic Year: Postgraduate

### Syllabus

Class 1 Legal Institutions

- Sources of Law
- Parliament
- Courts

- Interpreting statutes
- Reading cases

Class 2 Contract

- Formation of a contract
- Terms
- Parties
- Consent
- Performance/Breach
- Termination
- Remedies

Class 3 Property

- The nature of 'property'
- Property Classifications
- Legal & Equitable Interests

Class 4 Wrongs (tort/delict)

- Types of wrong
- Negligence
- Strict Liability

Class 5 IP Remedies

- Damages
- Account of Profits
- Injunctions, incl. Freezing Injunctions
- Search Orders
- Criminal Proceedings
- Alternative Dispute Resolution (Mediation and Arbitration)

Class 6 Introduction to Trademarks

Includes: -

- Definition of trade mark and what can be registered with reference to:
- "capable of distinguishing"
- "capable of being represented graphically"
- Colours and combinations of colours
- Shapes
- Geographical names

- Slogans
- Specially protected emblems
- Contrary to public policy/deceptive
- Internet related marks

Class 7 Advanced Trade Mark Searching Theory and Practice

- Clearance of marks for use and registration
- Trade mark searches
- Company name searches
- Common law searches
- Domain name searches
- Limitations of searches
- "earlier trade marks"
- Approaching the Search Question

Class 8 Trade Marks Office Practice, Oppositions, Observations

Application Procedure

- Eligible applicants
- Use or intended use
- Classification
- Convention priority
- Series marks
- Certification and Collective Marks
- Limitations and Disclaimers
- Division, Merger of Applications/Registrations
- Evidence of Use
- Observations

Class 9 Opposition

- Grounds for opposition
- Counterstatement
- Amendments
- Procedure
- Deadlines
- Cooling-off period
- Evidence
- Costs
- Appeals

Class 10 Revocation and Invalidity; Registrable Transactions, Maintenance, Formalities

*Revocation and Invalidity*

- Grounds
- Bad faith
- Procedure
- Deadlines
- Burden of proof, evidence
- Consequences of revocation and invalidity
- Defences

*Registrable transactions*

- Assignments
- Mergers
- Licences
- Security interest

*Others*

- Death
- Disappearance
- Bankruptcy
- Liquidation

*Maintenance/Formalities*

- Renewal procedures
- Amendment of trade mark
- Fees
- Applications/registrations open to public inspection

*Rectification*

Class 11 Unregistered Marks

- Protectable reputation; goodwill
- Geographic scope of reputation
- Deception and confusion
- Damage
- Effect of trade mark registration
- Character merchandising
- Remedies
- Relationship with infringement

Class 12 Trade Mark Infringement

- Use in the course of trade
- Use in relation to goods or services
- Identical marks
- Resembling marks
- Likelihood of confusion
- Comparative advertising
- Defences to Infringement

Class 13 Well-known Marks, Parallel Importation, Domain Names

*Well-known Marks*

- Establishing reputation

*Parallel Importation*

- Doctrine of exhaustion
- Implied consent
- Repackaging

*Domain Names*

- Registration
- Interaction with trade marks through the Cases
- ICANN's dispute resolution policy
- WIPO's dispute resolution policy

Class 14 International Conventions and Treaties

- Madrid Arrangement for the International Registration of Marks
- Madrid Protocol for the International Registration of Marks
- Paris Convention
- Trade Mark Law Treaty
- WTO Agreement on Trade-Related Aspects of Intellectual Property Rights

Class 15 International Trade Marks

*Application procedure*

- Eligible applicants
- Basis of application
- Office of origin
- Language
- Representation
- Contracting parties
- WIPO

*Classification*

*Convention Priority*

*Procedure*

- Substantive requirements
- Examination by WIPO
- Examination by contracting parties
- Irregularities
- Grounds for refusal
- Remedying defects and irregularities
- Publication
- Registration
- Duration and renewal
- Opposition
- Time limits

*Maintenance/Formalities*

- Dependence and independence
- Central attack
- Ceasing of effect
- Transformation
- Replacement
- Change of name or address
- Correction of errors
- Subsequent designations
- Limitation, renunciation and cancellation
- Transfers/Licences
- Fees and Forms

Class 15 Trade Mark Litigation

*National Litigation*

- Procedure of courts of first instance
- Procedure of appeal courts

## Specialist Course for IP Judges

### Course Description

This course aims to introduce IP judges to IP concepts and to the judicial enforcement of IPRs. Students will be introduced to: the sources of IP laws, the principal categories of IP and to the way in which IP rights are enforced in the civil and criminal courts.

### Course Objectives

On completion of this unit, students should be able to:

1. Identify the national, regional and international sources of IP laws.
2. Identify the principal categories of IP.
3. Identify the role of the judiciary and litigating parties in IP cases.
4. Contrast civil enforcement with criminal and administrative enforcement.
5. Note the role of alternative dispute resolution.

### Course Status

Optional

### Teaching and Learning Method

Lectures and discussion seminars

### Schedule

Course Credit: 3 credits

Hour/week: The course is presented in 24 days

### Syllabus

### Day 1 Introduction and sources of law

- Introduction to the course
- National Legal System
- sources of law -legislature
- sources of law – case law the role of precedent (where relevant)
- Categories of Civil law
- Criminal Law
- Administrative law

### Day 2 Civil Procedure

- The Court system
- Civil Procedure
- Evidence
- Introduction to the Comparative Legal Systems

**Day 3**

International Sources of Industrial Property Law

(i) The Paris Convention
(ii) WTO TRIPs Agreement
(iii) Patent Conventions (PCT, PLT, Strasbourg Convention, Budapest Treaty)
(iv) Trade Mark Conventions (Madrid Treaty and Protocol, TLT, Nice and Vienna Conventions, Nairobi Treaty)

**Day 4**

International Sources of Industrial Property Law (continued)

(v) Industrial designs (Hague Agreement)
(vi) Geographical Indications (Madrid Agreement, Lisbon Agreement)

International Sources of Copyright Law

(i) Berne Convention
(ii) Berne Convention and UCC
(iii) Rome, Phonograms and Satellites Conventions

**Day 4**

International Sources of Digital Copyright and Neighbouring Rights
(WIPO Copyright Treaty, WIPO Performers and Phonograms Treaty)
Plant Variety Protection (UPOV) (Michael Blakeney)
New areas of international IP (traditional cultural expression, traditional knowledge)
Regional sources of IP
(EC, NAFTA, ASEAN, APEC, SADC, Eurasian and Central European Unions)

**Day 5 Introduction to Patents Law**

Invention
Novelty
Inventive Step

**Day 6 Introduction to Patents Law**

Industrial Application

Exceptions from Patentability

**Day 6** **Patents**

Petty Patents/Utility Models

Infringement

**Day 7** Trade Marks

Registrable signs – names and device marks

Registrable signs – shapes and smells

Distinctive marks

Exceptions from Registration

**Day 8** **Trade Marks Office Procedure** I

Application Procedure

Oppositions

- Grounds for opposition
- Counterstatement
- Amendments
- Procedure
- Deadlines
- Cooling-off period
- Evidence
- Costs
- Appeals

**Day 9** **Trade Marks Office Procedure** II

Revocation and Invalidity

- Grounds
- Bad faith
- Procedure
- Deadlines
- Burden of proof, evidence
- Consequences of revocation and invalidity
- Defences

Registrable transactions

- Assignments
- Mergers
- Licences
- Security interest

Others

- Death
- Disappearance
- Bankruptcy
- Liquidation

Maintenance/Formalities

- Renewal procedures
- Amendment of trade mark
- Fees
- Applications/registrations open to public inspection

Rectification

**Class 10 Infringement**

Use in the course of trade
Use in relation to goods or services
Identical marks
Resembling marks
Likelihood of confusion
Comparative advertising
Transitional provisions

**Class 11 Defences to Infringement**

Acquiescence
Consent
Invalid registration
Use of own name and address
Indications concerning characteristics or purpose of goods or services
Miscellaneous
Privilege

**Class 12 Dealings in Trademarks**

Assignments
Licensing
Franchising

**Class 13 Parallel Importation**

Doctrine of exhaustion
Implied consent
EU practice
Repackaging

**Class 14 Well Known Marks and Dilution**

TRIPS Agreement
WIPO Joint Resolution
Indicia of renown
Dilution (blurring and tarnishment).

**Class 15 Domain Names**

Registration
Interaction with trademarks
dispute resolution policy of national registry
WIPO's dispute resolution policy

**Class 16 Court Procedure and Remedies, Counterfeiting, Criminal Proceedings**

Letter before action
Threats
Court procedure and forms of evidence
Legal and equitable remedies
Disclosure
Injunctions
Search orders
Freezing injunctions
Damages and costs
Settlement of disputes
Costs

**Class 17 Criminal Enforcement of trademarks**

**Class 18 Copyright I**

Subject Matter of Protection
Ownership of Rights and Employee Issues

**Class 19 Copyright II**

Rights Conferred and Infringing Acts
Defences and Limitations

**Class 20 Copyright III**

Moral Rights - Common Law
Moral Rights - Civil Law
Films & Sound Recordings

Performers Rights

**Class 21**

Collective Management of Copyright (Uma Suthersanen)

Digital issues
Anti-Circumvention Devices and Digital rights management

**Class 22 Industrial Designs**

Registrable designs
Infringement
Defences
Artistic Copyright Law

**Class 23 Semi-conductor chips and databases**

Background to s/c protection issues
TRIPS
US Legislation
EU s/c chip protection
Data Rights
The WIPO draft treaty on databases 1996

**Class 24 Intellectual Property in Court**

Evidence
Trade Marks in Court: Survey Evidence
Expert witnesses
Court orders

## Miscellaneous Courses

# Course Catalog

## *General Courses*

### DL-001 Primer on Intellectual Property

**Summary:** Covers briefly the fundamental aspects of intellectual property
**Tutored:** No **Duration:** 3 hours **Cost:** Free of Charge **Next Session:** Open

### DL-101 General Course on Intellectual Property

**Summary:** This course covers the main areas of intellectual property, namely copyright, related rights, patents, trademarks, geographical indications, industrial design, plant breeders' rights, unfair competition and international registration systems.

**Tutored:** No **Duration:** 50 hours **Cost:** Free of Charge **Next Session:** March 1 to April 15, 2007 (Enrollment will be available from December 1, 2006 to January 31, 2007) **Course Administrator**: DL101e.academy@wipo.int

### DL-201E Copyright and Related Rights

**Summary:** This advanced course covers the basic principles of international Copyright Law, international treaties, and recent developments and trends in the area of international copyright. It also covers the role of WIPO in the worldwide protection of copyright.

**Tutored:** Yes **Duration:** 100 hours **Cost:** Fee List **Next Session:** May 1 to July 10, 2007 (Enrollment in 2007) **Course Administrator**: DL201e.academy@wip.int

### DL-202E Electronic Commerce and Intellectual Property

**Summary:** This course is structured in three levels. Level one provides a foundation for understanding the basic concepts involved with E-commerce and IP. Level two covers the IP aspects of E-commerce in three main areas: Copyright, Trademarks and Patents. At level three, various sub-topics in each of the above areas are addressed in greater detail.

**Tutored:** Yes **Duration:** 50 hours **Cost:** Fee List **Next Session:** May 4 to June 17, 2006 (Enrollment in 2007) **Course Administrator**: DL202e.academy@wipo.int

### DL-204E Biotechnology and Intellectual Property

**Summary:** This advanced course aims to illustrate how you can use the current IP system to protect and commercialize your biotechnological invention. After completing the study of this course, you should be able to develop a sound knowledge of the different legal instruments related to protection of your biotechnology invention and execute a strategy for commercializing your invention.

**Tutored:** Yes **Duration:** 100 hours **Cost:** Fee List **Next Session:** May 7 to July 16, 2007 (Enrollment in 2007) **Course Administrator**: DL204e.academy@wipo.int

### DL-205E Introduction to the UPOV System of Plant Variety Protection under the UPOV Convention

**Summary:** The objective of this joint WIPO/UPOV course is to provide a comprehensive introduction to the UPOV system of plant variety protection under the International Convention for the Protection of New Varieties of Plants. The course comprises 11 modules containing comprehensive explanations, diagrams, self-assessment questions and end of module tests to guide participants.

**Tutored:** Yes **Duration:** 26 hours **Cost:** Fee List **Next Session:** September 18 to October 22, 2006 (Enrollment from July 25 to August 25, 2006) **Course Administrator**: DL205e.academy@upov.int

# WIPO/Turin University (Italy)

| COURSE | INTENSIVE POST-GRADUATE SPECIALIZATION COURSE ON INTELLECTUAL PROPERTY |
|---|---|
| **Module I** | **Introduction to Intellectual Property (Weeks 1 and 2)**<br><br>• Basic Concept & Overview – The Dichotomy Between Industrial Property and Copyright and Related Rights<br>• IPR in the Global Economy<br>• IP, Monopoly & Competition<br>• The Theory of Price under Competition, Oligopoly and Monopoly<br>• Allocative Efficiency, Pareto-Optimality and the Pricing Mechanism<br>• Economic Analysis of Law and IPRs<br>• IPR and Rival Economic Paradigms<br>• The Role of International Organizations in the Shaping of IPRs<br>• Multilateral Organizations<br>  • WIPO<br>  • WTO<br>• Regional Institutions<br>  • The European Union<br>  • APEC, NAFTA, Mercosur etc<br>  •<br>• Sources and Principles of International IPR<br>• Territoriality, Reciprocity, National Treatment, Most Favored Nation principles in the International IPR Conventions<br>• The Legal Status of International IPR Conventions<br>• The Doctrine of Direct Effect<br>• Private International Law Issues in Intellectual Property Contracts |
| **Module II** | **Patents (Weeks 3 and 4)**<br><br>• History, Philosophy, and Economics of Patent Law<br>• The Patent Application<br>• Process of Obtaining Patent Rights<br>• Proprietary Scope of the Patent Right<br>• Disclosure Requirements |

- Novelty
- Inventive Step or Non-Obviousness
- Utility
- Patentable Subject Matter
- Scope of Exclusive Rights
- Enforcement of the Patent Right
- Term of Protection
- Trade Secrets
- *The option between Patenting and Trade Secret Protection: A Case Study*
- Defenses to Claim of Infringement
- Some Controversial Issues
- **The Role of Patent Agents and Attorneys**
- Patents and Utility Models
- Plant Varieties
    - Protection of New Plant Varieties
    - Subject Matter
    - Scope of Protection
- Pharmaceutical Patents
- The Case of Biotechnological Patents
- *Tutorial: patent protection within universities*
- The SPLT
- Patent Application
- Scope of Exclusive Rights
- Term of Protection
- International Patent Classification (IPC)
- Functions and Services Offered by Industrial Property Offices and Patent Information and Documentation Centers
- The Patent Cooperation Treaty (PCT) and its advantages

**Module III** **Trademarks (Weeks 5 and 6)**

- History and Evolution
- The Functions of Trademark Law
- Criteria of Protectability – Tridimensional Trademarks
- The Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to the Madrid Agreement Concerning

the International Registration of Marks; Regulations

- International Registration of Trademarks
- The Protection of Geographical Indications
    - At National Level
    - At International Level
- Acquisition of Trademarks
- Registration Procedure
- Term of Protection - Renewal
- Requirements of Use and Other Requirements Termination
- Right Conferred – Exceptions
- Protection of Famous and Well Known Marks
- Parallel Imports
- Trademark Licensing and Assignment
- Trademark Infringement
- Enforcement
- Remedies Cross-border Injunctions
- The Role of Marks in Industry and Trade
- *Study visit to the intellectual property or legal department of a multi-national company*

**Module IV Copyright and Related Rights (Week 7)**

- The World of Copyright: an Overview of Copyright Law Including its History, Philosophy, Recent Developments and its Significance in the Intellectual Property Regime
- Subject Matter of Protection, Term of Copyright Requirements for Protection with Special Reference to Originality in Copyright Law
- Ownership, Assignment and Licensing of Copyright including Copyright in Employer-Employee Settings, Copyright in Commissioned Works and Journalists' Copyright
- Protection of Moral Rights
- Protection of Indigenous Peoples' Traditional Knowledge and Cultural Expressions (Expressions of Folklore)
- Fair Use and Fair Dealing Privileges
- Infringement of Copyright and Related Rights and Remedies

- Collective Management of Copyright and Related Rights
- International Protection of Copyright and Related Rights
    - The Berne Convention
    - The TRIPS Agreement
    - The Rome Convention
    - The WIPO Copyright Treaty (WCT)
    - The WIPO Performances and Phonograms Treaty (WPPT)

**Module V** **Antitrust and Unfair Competition (Week 8)**

- Introduction to Antitrust
- The Goals of Antitrust: Allocative Efficiency and Fairness. U.S., EU and International Legislation
- The Prohibition of Restrictive Practices
- The Prohibition of Monopolization and of Abuse of a Dominant Position
- The Antitrust Scrutiny of Refusal to Deal in Intellectual Property and Price Discrimination in Licensing
- *Case study*
- Individual Trademark Licensing
- *Tutorial: Antitrust and Unfair Competition*
- Protection Against Unfair Competition:
    - Need for Protection
    - Legal Basis for Protection
    - The Acts of Unfair Competition
    - Sanctions

**Module VI** **Transfer of Technology (Week 9)**

- Merchandising of IPRs:
    - Merchandising of Copyright
    - Personality Merchandising
    - Trademark Merchandising
    - Events Merchandising
- Preparation of Agreements
- Legal Arrangements for the Transfer of Technology
    - Assignment
    - Licensing

- Franchising
- Preparation of Agreements
- Negotiation of Licensing Agreements
- The Role of Mandatory Provisions
- Remuneration
  - Direct Compensation
  - Indirect Compensation
- The Role of Intellectual Property in Promoting Technological Development
- Purchasing Right on line: Practical Issues

**Module VII** **Layout-Designs of Integrated Circuits, Industrial Designs, Software and Data Bases (Week 10)**

- The Dichotomy between Intellectual Creations and Functional Creations in the International Conventions
- Layout Designs (Topographies) of Integrated Circuits: Definition of Subject Matter of Protection
- Policy Considerations for Protecting Layout-Designs
  - Scope of Protection
  - International Protection
  - The Washington Treaty
- Software and Data Bases: Copyright and *Sui Generis* Protection for Functional Innovation
- Tutorial: software licenses

**Module VIII** **Intellectual Property Litigation and Dispute Settlement (Week 11)**

- International Jurisdictional Issues in Infringement Actions: Forum Shopping, Cross-Border Remedies and Cyberspace
- Remedies. Measures at the Borders: TRIPS, EU and Domestic Legislation
- Arbitration and Alternative Dispute Settlement Resolutions
- Relevant Provisions regarding Dispute Prevention and Settlement in the TRIPS Agreement
- Services of the WIPO Arbitration and Mediation Center: International Center for the Resolution of Intellectual Property Disputes

- WIPO Arbitration Rules
- WIPO Mediation Rules
- Domain Names Disputes: WIPO Rules and Domestic Jurisdictions
- Tutorial: case study on domain names

**Module IX** **Emerging and Global Intellectual Property Issues (Week 12)**

- Overview of the Impact of New Technologies on the Protection, Exercise and Enforcement of IPRs
- Intellectual Property Issues in:
  - i. Internet
  - ii. Domain Names
  - iii. Use of Trademark on the Internet
  - iv. E-commerce
- Protecting Copyright and Related Rights in the Digital Environment:
  - i. The WIPO Copyright Treaty (WCT)
  - ii. The WIPO Performances and Phonograms Treaty (WPPT)
- Attempts to Use Intellectual Property Laws for the Protection of :
  - i. Traditional Knowledge
  - ii. Biodiversity
  - iii. Biotechnology
  - iv. Expressions of Folklore
- Comparative Economic Analysis of Law: A Tool for IPR Research

| | |
|---|---|
| **Exam** | **Exam and Presentation of Research Papers (Week 13)** |

# 7. On-line Resources

## 1. Legislation

### Collection of Laws for Electronic Access (CLEA)

http://www.wipo.int/clea/en/index.jsp

The Collection of Laws for Electronic Access (CLEA) is an electronic database providing easy access to intellectual property legislation from a wide range of countries and regions as well as to treaties on intellectual property. It is an invaluable information resource made available by WIPO free of charge to all interested parties, including researchers, legal professionals, policy-makers, students and administrators.

## 2. Documents of International Organizations

International Organizations

http://www.wipo.int/
http://www.wto.org/
http://www.european-patent-office.org/
http://oami.europa.eu/

## 3. Internet Portals

AHRC Research Centre for Studies in IP and IT Law

International legal portal specializing in industrial and intellectual property law in the University of Edinburgh www.law.ed.ac.uk/ahrb/links/index.asp?c=3&ref=14 - 25k

### IP - General Links

Ag-IP News Agency for the Middle East - The ag-IP-news Agency, a member of the Talal Abu-Ghazaleh Organization, the largest Arab group of professional service firms, is a pilot project that has been solely established to cover intellectual property news, events and activities. The creation of this website was motivated by the efforts of the Intellectual Property society to enhance and promote IP awareness around the world and in the Arab countries.

ATRIP Association for the Advancement of Teaching and Research in Intellectual Property - The general objective of the Association is to contribute to the advancement of teaching and research in the field of the law of intellectual property.

Cambridge University Intellectual Property Unit -

Centre for Intellectual Property Law - Utrecht University - The Centre for Intellectual Property Law (Centrum voor Intellectueel Eigendomsrecht - CIER) has been in existence since 1986.CIER forms part of the Private Law Section of Utrecht University's Faculty of Law .

Centre for Intellectual Property, Media and Technology - New Centre located at Brunel University.

Consumer Project on Technology - Intellectual Property Rights -

Creative Export - The aim of Creative Export is to provide UK creative businesses with a portal to information that will support them in the development of export strategies, enhancing their creativity, economic competitiveness and international collaboration.

George Washington Intellectual Property and Technology Law - IP & IT website of the George Washington University Law School

Institut de recherche en propriete intellectuelle Henri Desbois - The institut for research on intellectual property ( IRPI) provides information on intellectual property law (patent, trademark, copyright) and includes forums, related articles and comprehensive links

Intellectual Property Law Server -

Intellectual Property Lawyers Association -

IP Justice - IP Justice is a grass-roots membership based civil liberties organization that promotes balanced intellectual property law.

IP Wales - IP Wales' aim is to provide business support to small/medium enterprises (SMEs) and develop their business through the use of patents, trademarks, industrial designs, copyright, database rights, know-how and licensing agreements. IP Wales aims to provide companies with the knowledge and financial means to protect and commercially exploit these Intellectual Property (IP) rights.

IP Watchdog - Personal site dedicated to providing a free Internet resource for Intellectual Property Law, Internet Law and Antitrust Law.

IPI (Intellectual Property Institute - UK) - The mission of the Intellectual Property Institute is to promote awareness and understanding of intellectual property law and its contribution to economic and social welfare, through high quality, independent research: to provide knowledge and expertise for industry, policy makers, professionals and the general public, in order to foster a legal, social and regulatory climate which supports an innovation-based economy.

IPKAT Intellectual Property Weblog - It is a blog run by IP enthusiasts Jeremy Phillips and Ilanah Simon from London.

IPR Helpdesk - The main objective of the IPR-Helpdesk is to assist potential and current contractors taking part in Community funded research and technological development projects on intellectual property rights (IPR) issues. The IPR-Helpdesk advises also on Community diffusion and protection rules and other issues relating to IPR in international research projects.

ITI Scotland - Intermediary Technology Institutes (ITIs) have been created to stimulate greater entrepreneurial dynamism in Scotland. The ITIs have been established in three key areas: Life Sciences, Energy and Communications Technologies & Digital Media (Techmedia).

Jacob Burns Law Library: IP on the Internet - Links to selected web sites on IP

Japan Patent Office -

Keeping science open: the effects of intellectual property policy on the conduct of science - Report from the Royal Society (April 2003). Science relies on the free and rapid exchange of ideas and information. Intellectual Property Rights (IPRs) can protect creative work and investment in all areas, but may also restrict this exchange. This report considers whether the progress of science has been affected by the interpretation and use of IP policies, and makes recommendations for improvement.

LawBore's IP section - The law student's guide to the web

List of references from National Courts to the ECJ on Intellectual Property Rights -

Managing Information -

Max-Planck Institute - Max PlanckInstitute f. Patent, Copyright and Competition Law

Munich Intellectual Property Law Center - The MIPLC awards a LL.M. in Intellectual Property.

Murgitroyd & Company - British Patent and Trademark Attorneys -

Office for Harmonization in the Internal Market -

Oxford Intellectual Property Research Centre -

Portal of the University of Alicante on Intellectual Property & Information Society - www.uaipit.com is an international legal portal specializing in industrial and intellectual property law promoted by the professors of the Area of International Private Law of the Law Faculty of the University of Alicante.

Queen Mary Intellectual Property Research Institute (University of London) -

RCLIP - Research Center for the Legal System of Intellectual Property in English and Japanese

Scholarly Electronic Publishing Bibliography - This bibliography presents selected English-language articles, books, and other printed and electronic sources that are useful in understanding scholarly electronic publishing efforts on the Internet. Most sources have been published between 1990 and the present; however, a limited number of key sources published prior to 1990 are also included. Where possible, links are provided to sources that are freely available on the Internet.

The Economics of Patents and Copyright - Online book on the economics of patents and copyright (2004).

The Economics of Patents and Copyright - Free online book.

The Economy of Ideas - Selling Wine Without Bottles on the Global Net

UAIPIT - International Portal of the University of Alicante on Intellectual Property & Information Society

UK Government Intellectual Property -

UK Government's IP webpage -

UK Patent Office - The Patent Office is the UK body that is responsible for Copyright, Designs, Patents and Trademarks.

UNESCO's Documentary Resource on Public Domain -

US Patent and Trademark Office - This is the only official Web site of the United States Patent and Trademark Office, a Performance-Based Organization of the Government of the United States of America, and an Agency of the U. S. Department of Commerce

## IP Menu

http://www.ipmenu.com/

### Country IP Resources

AU, CA, CN, DE, EP, FR, GB, JP, NZ, RU, US, WO, Others ....

### IP News Resources

Daily IP News, News, Journal, Office Journals ,
Opinion, Newsgroups ....

### Patent Resources

Multiple Countries, Single Countries, Subject Specific, Classification Resources

### IP Firms

IP Firms by Country Listing, IP Firms by US
State Listing

### Trademark Resources

Multiple Countries, Single Countries, Subject Specific, Classification Resources

### IP Investigation Services

Global, Australia, New Zealand, General Services [New]

### Design Resources

Multiple Countries, Single Countries, Classification Resources

### Patent Attorneys

Global, AU, BG, CA, CZ, GB, EP, FR, HU, IT, MY, US, Others

### Domain Name Resources

.com, .org, .net, .com.au, .com.de, .co.nz, .co.uk,
all other domains

### IP Organisations

Organisations, Associations, User Groups
Newsgroups ....

### Plant Rights Resources

UPOV, AU, CA, EP, FR, DE, NZ, RU, US, Other Plant Variety Resources

### Inventor Organisations

International Organisations, National Organisations

### Company Resources

Global Company Information, AU, CA, NZ, UK,
US, Other Countries

### IP Conference Calendar

Conferences by Date - 2006, 2007, 2008
Archive

### IP Legal Resources

Global IP Case Law, AU, CA, DE, EP, FR, NZ,

### Copyright Resources

Global Copyright Resources, AU, CA,

NZ, PT, SE, UK, US, Other Countries

SG, UK, US, ZA Other Countries

**Technology Resources**
Agriculture, Biotechnology, Chemistry, Engineering,Pharmaceuticals, Physics, Software

**IP Software Resources**
Analysis, Drafting, Filing, Management, Miscellaneous

**IP Blogs**
Patent Blogs, Trademark Blogs Design Blogs, Copyright Blogs, General IP Blogs

**IP Drafting Resources**
Drafting Overview, Drafting Companies, Drafting Software

**IP Training Resources**
General Information, AU, CA, EP, GB, HK, HU, MY, SG, US, WO, Others

**IP Licensing/Auctions**
IP Auctions, IP Sales, IP Licensing, IP Commercialisation

**IP Employment Resources**
POF Employment, IP Employment, IP Career Information ....

**IP Financial Resources**
IP Renewals and Annuities, IP Insurance

**IP Translation Resources**
IP Translation Services., Translation Software, Alta Vista Translations ....

**Database Networks**
AvantIQ, Dialog, IPR-Helpdesk, MicroPatent, Questel-Orbit, STN, Others

**Search Engines**
Subject Specific, Email Search, Newsgroup Search

**Document Delivery**
Patents, Trademarks, Designs, Standards, Company, Others

**Directory Resources**
National Libraries, Specialist Libraries, Dictionaries/ Translation, Thesaurus

**Intellectual property resources on the Internet**

http://www.oppedahl.com/resources/

**Intellectual property law server**

http://www.intelproplaw.com/

New York University School of Law Library

http://www.law.nyu.edu/library/intprop.html

**CASRIP ((University of Washington School of Law, Center for Advanced Study and Research on Intellectual Property) http://www.law.washington.edu/casrip/**

- CASRIP Home Page The Copyright Website
- Harvard Journal of Law and Technology Web Site
- ILT Guide to Copyright Institute for Learning Technologies, Columbia University
- Intellectual Property Provisions of GATT
- NAFTA and GATT - Intellectual Property Issues
- Trade-Related Aspects of Intellectual Property Rights

- Protection of Intellectual Property
- The House ofRepresentatives - Internet Law Library - Intellectual property
- IntellectualProperty and the National Information Infrastructure (Report of the Information Infrastructure Task Force Working Group on Intellectual Property Rights)
- The Intellectual Property Mall Page (Franklin Pierce Law Center)
- International Trade Law Homepage
- NetRights Intellectual Property Web Sites (Excellent, comprehensive site!)
- Opposing Copyright Extension Website
- Patent, Trademark and Copyright Archive (EFF)
- Questel-Orbit Patent and Trademark Resources
- US National Information Infrastructure Virtual Library
- Virtual Magistrate A specialized, on-line arbitration and fact-finding system for disputes involving users of on-line systems and system operators.

**Hieros Gamos**

http://www.hg.org/intell.html

## Intellectual Property Law

**Websites**

- ABA Section of Intellectual Property Law
- ABA Section of Science and Technology
- American Intellectual Property Law Association (AIPLA)
- Australian Intellectual Property Law Locus
- Bacal's Legal Sites
- Basic Guide and Index for Patents, Trademarks, and Copyrights Information
- Bioinformatics Law Resources
- BiotechIP.com
- CataLaw : Intellectual
- Computers and the law
- Copyright and Fair Use
- Copyright, Trademark and Entertainment Law
- CorporateIntelligence.com
- Digital Millennium Copyright Act Status & Analysis
- Edgeoff.com
- Einet Galaxy Intellectual Property
- Franklin Pierce Intellectual IP Mall
- Franklin Pierce Law Center Intellectual Property Mall
- Free Patents
- Frequently Asked Questions (FAQ) List
- Fryer Institute on Intellectual Property Law
- Gaming Intellectual Property Web Site
- History of the United States Patent Office
- History Timeline
- InfoLaw Web - Places
- Intellectual Property Policy Archive (EFF)
- Intellectual Property Information Mall
- Intellectual Property and Technology Law Letter
- Intellectual Property Data Collections
- Intellectual Property from The 'Lectric Law Library.
- Intellectual Property Law

- Intellectual Property Law Information Server
- Intellectual Property Law Primer for Multimedia and Web Developers
- Intellectual Property Owners
- Intellectual Property: Copyrights, Trademarks & Patents
- Intellectual Property: Moral, Legal, and International Dilemmas
- Inventors Insider Internet TV Show
- IP MENU - Global Intellectual Property Resource Website
- Juris Diction
- Kuesterlaw - Technology Law Resource
- Ladas & Parry - Intellectual Property
- Law in the Information Society
- League for Programming Freedom
- Legal Information Institute at Cornell Law School
- Multimedia Law
- Professor Bell's Intellectual Property Page
- Recording Industry Association of America (RIAA)
- Researching International Intellectual
- Spinoza Intellectual Property Law Webscape
- Techlawonline.com
- The Napster Debate And Music Distribution Via The Internet
- Thomson & Thomson
- Trade Secrets Home Page
- U.S. Intellectual Property for Non-Lawyers
- U.S. Patent and Trademark Office Kids Pages

## Patent Law

### Patent Law

- Cornell - Legal Information Institute - Patent
- United States Code - Title 35 - Patent Act - Updated Through July 1996
- The Patent Page
- General Information Concerning Patents [USPTO]
- U.S. Patent Process
- Oppedahl & Larson LLP Patent Law Web Server
- Law and Science
- Lemelson Patents Litigation Information
- Lemelson Patents Online

### Patent Database

- PatentData.com
- General Information Concerning Patents [USPTO]
- U.S. Patent and Trademark Office Patent Databases
- U.S. Patent Classes by Title

### Patent Websites

- 123patent.com
- American Bar Association - Short Description on the Patent Process
- American Bar Association - Comprehensive Information on Patents
- American Patent & Trademark Law Center
- BNA Intellectual Property
- Basic U.S. Patent, Trademark & Copyright

- Community of Science - Search U.S. Patents
- DNA Patent Database
- Express Search Inventor Information
- A Guide to Filing a Utility Patent Application
- Houston Inventors Association
- How to Order the Latest MPEP
- Index to Manual of Classification of Patents
- Intellectual Property
- International Patent Information Award
- Internet Patent News
- Internet Patent News Service
- Inventor World
- MicroPatent
- National Association of Patent Practitioners
- Optipat - U.S. Patent Search
- Patent Cafe Intellectual Property Mega Resource
- Patent Crib Sheet
- Patent FAQ
- Patent Gopher
- Patent Law Web Server
- PatentLawLinks.com
- PIPERS Virtual Intellectual Property Library
- QPAT-US
- Questel/Orbit
- Software Patent Institute Software Patent Institute Source Translation Optimization Patent Web Site
- United States Patent and Trademark Office - Frequently Asked Questions about Patents
- United States Patent and Trademark Office - General Information Concerning Patents
- United States Patent and Trademark Office - Specific Information About Patents
- University of Texas - Patent Searching Tutorial
- VRN Patent Entry

### Patent Database

- U.S. Patent Office Full Text Database -Free
  Get The Patent.com
- SurfIP.com
- Fullerene Patent Database
- STO's Internet Patent Search System
- CASWEB - Chemical Patents Plus!
- MicroPatent COS US Patent Database
- DNA Patent Database
- U.S. Dept. of Agriculture Biotech Patents
- Questel Orbit Patent Database
- Derwent
- IFI Claims Databases
- Dialog
- Databases: Patent Grant and Patent Application

## Copyright Law

### Copyright Law

- Cornell - Legal Information Institute
- Stanford Copyright and Fair Use Site

- United States Copyright Office
- General information about copyrights
- Copyright Society of the United States of America - Intellectual Property Government Sites

**Copyright Websites**

- BSA - Business Software Alliance (BSA)
- CastorLaw.com
- Changes in Laws Governing Protection of IP Rights Around World
- Compleat World Copyright Website
- Copyright and Ethical Use
- Copyright and Fair Use
- Copyright and Intellectual Property Resources
- Copyright Clearance Center (CCC)
- Copyright FAQ
- Copyright and the Internet: Social Claims and Government's Intervention
- Copyright Management Center
- Copyright Management Center
- Copyright Resources on the Internet
- Free2Copyright
- Hot Property
- International Identification of Digital Works.
- Kohn on Music Licensing
- LibLicense: Licensing Digital Information
- Music Publishers' Association -Copyright Resource Center
- National Writers Union
- Software Industry Issues
- SPA Anti-Piracy
- Timeline: A History of Copyright in the U.S.

ASSOCIATIONS INVOLVED WITH INTELLECTUAL PROPERTY

- ABA Section of Science and Technology
  American Intellectual Property Law Association
  Association Internationale de Protection Propriete Intellectuelle (AIPPI) (Switzerland)
  Associat ion of Research Libraries Copyright Documents
  Australasian Performing Right Association (APRA)
  Australian Industrial Property Organisation (AIPO)
  Broadcast Music Incorporated
  Copyright Society of the United States
  Electronic Frontiers Foundation Home Page
  European American Music Distributors Corporation
  IBA Business Section (Intellectual Property and Entertainment)
  IBA General Practice Section (Art and Cultural Property)
  ISO and ISSN Standards setting organizations
  Licensing Executive Society
  Music Publishers' Association of the United States
  Software Publishers Association

## IPRsonline.org

IPRsonline.org is an internet portal on Intellectual Property Rights (IPRs) and Sustainable Development. It contains a selection of relevant online documents and resources related to IPRs

and sustainable development including a guide to IPRs, proposals submitted to the WTO, discussion papers classified by topics, a calendar of IPRs related events, latest news on IPRs, and links to listservs and relevant institutions working on IPRs.

South Centre

http://www.southcentre.org/

Contains links to:

**SOUTH REGIONAL & SUB-REGIONAL INSTITUTIONS AND GROUPINGS**

African Economic Community (AEC)
African Union *formerly* Organization of African Unity (OAU)
Andean Community
Andean Development Corporation (CAF)
Arab Fund for Economic and Social Development (AFESD)
Association of South East Asian Nations (ASEAN)
Caribbean Community (CARICOM)
Common Market for Eastern and Southern Africa (COMESA)
Common Market of the South (MERCOSUR)
Institute for the Integration of Latin America and the Caribbean (INTAL)
Islamic Development Bank
Latin American Economic System (SELA)
Latin American Energy Organization (OLADE)
Latin American Integration Association (ALADI)
Organization of Arab Petroleum Exporting Countries (OAPEC)
Sistema de la Integración Centroamericana (SIECA)
South African Development Community (SADC)
South Asian Association for Regional Cooperation (SAARC)
South Pacific Forum Secretariat

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**SOUTH-SOUTH COOPERATION: GLOBAL & FUNCTIONAL**

Group of 15
Group of 77
NAM S&T Centre
Non Aligned Movement (NAM)
OPEC Fund for International Development

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**SOUTH NGOs AND NGO NETWORKS**

Center for Science and Environment
Development Alternatives
Focus on the Global South
Instituto del Tercer Mundo (ITeM)
Research and Information System (RIS)
South and Eastern African Trade Information and Negotiations Initiative (SEATINI)

The Third World Academy of Sciences (TWAS)
Third World Network
Third World Network of Scientific Organizations (TWNSO)

**UN & OTHER INTERNATIONAL ORGANIZATIONS**

African Development Bank (ADB)
Asian Development Bank (ADB)
Consultative Group on International Agricultural Research (CGIAR)
Economic and Social Commission for Asia and the Pacific (ESCAP)
Economic and Social Commission for Western Asia (ESCWA)
Economic Commission for Africa (ECA)
Economic Commission for Latin America and the Caribbean (ECLAC)
Food and Agriculture Organization (FAO)
Inter-American Development Bank
International Trade Centre (ITC)
The United Nations Research Institute for Social Development (UNRISD)
The United Nations University / Institute for New Technologies (UNU/INTECH)
The United Nations University / World Institute for Development Economics Research (UNU/WIDER)
UNCTAD-ICTSD (IPRsonline.org)
United Nations Conference on Trade and Development (UNCTAD)
United Nations University Institute of Advanced Studies (UNU-IAS)

**NORTH INSTITUTIONS**

**RESEARCH AND ACADEMIC**

Center for Economic Policy Analysis
Center for the Global South
ELDIS - The Electronic Development and Environment Information System
European Network on Debt and Development (EURODAD)
Global Trade Negotiations (a part of Center for International Development at Harvard University)

**NORTH NGOs**

Bretton Woods Project
ETC Group
Farmers' World *network*
Forum on Debt And Development (FONDAD)
Friedrich-Ebert-Stiftung (Dialogue on Globalization)
SciDev.Net

**OTHER**

Find Your Feet (FYF)
International Institute for Sustainable Development (IISD)
Network of European World Shops
Royal Tropical Institute

**RESEARCH INSTITUTIONS BY CONTINENT (Africa, Asia, Latin America)**

**AFRICA**

**COTE D'IVOIRE**
ISYS Phytosanitaire

**EGYPT**
Egyptian Center for Economic Studies

**GHANA**
Center for Policy Analysis

**NAMIBIA**
Namibian Economic Policy Research Unit

**SOUTH AFRICA**
Alternative Information and Development Centre
Centre for Policy Studies
Development Bank of Southern Africa (DBSA)
International Labour Resource and Information Group
South African Institute of International Affairs

**TANZANIA**
Economic and Social Research Foundation (ESRF)

**UGANDA**
Economic Policy Research Centre (EPRC)

**ZAMBIA**
Institute of Economic and Social Research (INESOR)

**ASIA**

**BANGLADESH**
Bangladesh Institute of International and Strategic Studies

**INDIA**
Indira Gandhi Institute of Development Research
Research and Information System (RIS)

**INDONESIA**
Centre for Information and Development Studies (CIDES)

**MALAYSIA**
Institute for Development Studies (IDS)
Institute of Strategic and International Studies Malaysia (ISIS)

**PHILIPPINES**
Center for Integrative and Development Studies (CIDS)
Third World Studies Center (TWSC)

**REPUBLIC OF KOREA**
Korea Development Institute

**SINGAPORE**
Centre for Advanced Studies (CAS)
Institute of Southeast Asian Studies (ISEAS)

**LATIN AMERICA**

**BRAZIL**
International Relations Research Center of University of Sao Paolo

**CHILE**
Centro Interamericano para el Desarollo Sustenable de Ecosistemas

**COLOMBIA**
Centro de Estudios Sobre Desarrollo Económico (CEDE)
Centro de Investigaciones para el Desarrollo (CID)

## *General Sites*

IP Newsflash http://www.ipnewsflash.com/

This website updates hourly and lists the most recent IP related press articles, notices of the patent offices and most important decisions.

Compleat World CopyrightWebsite http://www.compilerpress.atfreeweb.com/

Intended as a focus for copyright-related websites and articles on the WWW

Institut de Recherce en Propriete Intellectuelle http://www.irpi.ccip.fr/

A portal for intellectual property sites, mostly in French.

AAUP, American Association of University Professors, links on electronic publishing.
Copyright resources on the Internet http://sunsite.berkeley.edu/Copyright/

**Exams**

The Franklin Pierce Law Center makes the following exams available on its site

<http://www.ipmall.info/hosted_resources/ip_exams.asp>

Advanced Trade Secrets

Advertising Law

Bio Tech. Law

Copyright Law

Copyright Licensing

CyberCrime

E-Commerce

Entertainment Law I

Infoliberties

Infotech

Intellectual Capital Management

Intellectual Property Management

Intellectual Property Survey

Intellectual Property Taxation

Intellectual Property under the UCC and the Bankruptcy Code

International Economic Regulation (WTO/WIPO)

International and Comparative Patent Law

International and Comparative Trademarks

International and Comparative Music Licensing

International Telecommunications Law

Inter Parties Trademark

Intro to Chinese IP Law

Intro to IP

Legislative Aspects of IP Law

Licensing

Managing Knowledge Assets in the University

Nonprofit Technology Transfer

Patent Practice and Procedure I

Patent Practice & Procedure II

Patents & Trade Secrets

Patents, Trade Secrets, and Trademark Licensing

Publications and Multimedia Law

Public International Law

Technology Licensing

Trademark and Deceptive Practice

Trademark Registration Practice

Trademark Trial and Appeal Board

Valuation of Intellectual Property

World Trade and World IP Law and Institutions

**Dissertations**

**Electronic Database of Intellectual Property (EDIP)** (University of Oxford)

http://users.ox.ac.uk/~edip/

**Bibliographies**

WIPO Worldwide Academy http://www.wipo.int/academy/en/
New York University Law Library http://www.law.nyu.edu/library/intprop.html