DEVELOPING TRAINING RESOURCES FOR INTELLECTUAL PROPERTY EDUCATION

by

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The Uruguay Round of GATT negotiations which began in 1986 brought the Intellectual Property Rights (IPR) into limelight. This has been so not without reason. The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs Agreement) as a part of World Trade Organization (WTO) which came into being on January 1, 1995, brought a new IPR regime necessitating most countries of the world to change IPR laws. Some countries have modified these laws to meet the minimum standards laid down as per the TRIPs Agreement whereas several other countries are in the process of changing their IPR laws. In the latter category of countries, there is a visible section of intelligentsia as well as political groupings which is opposed to the required modifications in the IPR laws of their countries. Are these people justified in doing so? Do we require "suitable" training material to train such people, to start with?

Intellectual property creators have traditionally remained poor, or at least not rich. It is understood that Munshi Prem Chand, the best known Hindi writer remained poor and used to sell his writings to the publishers who published the same and sold hundreds of thousands of copies of the excellent works of the great Hindi author and earned good money. First Indian Noble Laureate in literature, Rabindra Nath Tagore's contributions are also well known. If we move from these 'copyright' intellectual property issues to the industrial property right issues related to patents, designs, trademarks etc. then also the similar picture would emerge. For example, in case of Indian scientists and technologists, they have been getting salaries out of tax payers' money collected by the government. They are creating "free" Intellectual Property in terms of research papers and publications. Can they not or should they not "price" their Intellectual Property so as to enhance their own and their institutions' earnings on a sharing basis by patenting their innovations and inventions. If they do this, they will reduce the burden of the taxpayers. How many people opposed to the new IPR regime think this way? If Intellectual Property is sold at a "price" then it would encourage producers of IP—may these be scientists, technologists or authors—to compete with each other and create more Intellectual property. If they get good reward for their work then more and more people will be inclined towards going for a profession which involves creation of Intellectual Property. If this system is set in motion then finding "technical solutions" to "technical problems" will be far easy; invention of new medicines for vital ailments will be in manageable domain. This leads to the first point of this paper. *That is, the training material proposed to be developed should include the clarifications in a convincing*

manner to the points that have as yet remained in the minds of the people still opposed to the concept of ownership of Intellectual Property.

The second issue in developing the training material involves the remaining two segments viz. the "learners" and "learner-cum-trainers." The "learners" are the people who need to be educated on various aspects of the Intellectual Property for direct or indirect use of the same in their professional work or for appreciating the value of Intellectual Property. The "learner-cum-trainers" are those who are in the process of ever-learning and then disseminating their learning to the "learners." The training material to be so developed may be categorized as Part I for the "learners" and Part II for the "learner-cum-trainers."

As such, simultaneous efforts are being made in a wide variety of institutions to develop the similar training material of both types; i.e. Part I and Part II. This results in the non-optimal utilization of human resources. This non-optimal situation can be avoided by developing *'standard training material'* which can be used by any trainer of Intellectual Property. The best-suited organization to do this is World Intellectual Property Organization (WIPO) which has already taken several initiatives in this direction, e.g. the course material developed by the WIPO Worldwide Academy for its distance learning course DL-101. However, there is a lot more scope to strengthen this activity. The reach of internet based course DL-101 is so far limited only to the modern hi-tech "learners" as well as "learner-cum-trainers" who have "good" access to the internet. In fact, the potential for Intellectual Property education is far more than this.

Several leading publishers of the World now-a-days provide complimentary 'Instructor's Manual' along with a set of transparencies or a compact disc (CD) which can be generally used straight away by the instructor or teacher who knows the subject. This is quite prevalent in the field of management. On the similar lines, Intellectual Property education material can be developed and provided to Intellectual Property trainers.

Any program for the teaching of Intellectual Property today should follow a disaggregated approach. Different categories of people, which have to be covered, need to be treated differently. As IP permeates every field of activity, the exposure has to be widespread with varying degrees of intensity. The policy makers have to be apprised of the dynamics of a fast changing international situation and its impact on the country. The professionals need to be trained in new concepts, methods and practices. The academic community has to be told about the emergence of inter disciplinary trends and approaches and the lay public about the interface between Intellectual Property and daily life.

Till about a decade back the stress was on the techno-legal aspects of Intellectual Property and the study of the subject centered around these issues. But now there is an

interaction between Intellectual Property and other fields like management, engineering, commerce, medicine etc. As such the teaching of Intellectual Property has to be introduced in these other disciplines also. The curriculum and topics would of course have to be adjusted approximately to meet the specific requirements of each area.

Intellectual Property trainers can be divided into three categories: (a) Attorneys, (b) Subject Specialists (inventors etc.), and (c) Professors who teach Intellectual Property Attorneys have greater strength in developing training material related to legal aspects of IPR and "Infringements" as they battle it out in the courts of law. Subject specialists have expertise in their own specified fields of expertise. The Professors who teach the courses (or papers) related to Intellectual Property do so for either law students or for other students like those pursuing engineering, sciences, management or general education. This segment of students has been expanding at a very fast pace and this positive trend is likely to continue which is a very good indication for spreading the message of importance and use of Intellectual Property.

Another important initiative that can be taken in developing Intellectual Property training resources is to start national level professional bodies in all those countries where such bodies do not exist as yet and then have annual conferences at national and international levels for exchange of information, ideas and experiences of professionals in the field of Intellectual Property. Again, WIPO can play an important role of catalyst in this regard. At an appropriate stage, such professional bodies can start publishing their own journals.

As the segment of "learner-cum-trainers" is an important segment, there is need to identify the suitable faculty members in various engineering colleges and technology-education institutions. India has already taken such initiative. The success of such initiative towards developing the new breed of trainers would depend on the seriousness of these newly identified faculty members as well as the Vice Chancellors/Directors/ Principals of their institutions. The process of intensifying Intellectual Property education would involve two main steps:

(a) developing the required curriculum, and
(b) providing four to eight weeks rigorous training of these potential trainers.

WIPO's support for training these new trainers can be of great significance.

A major initiative was undertaken in India in 1997 to develop curricula for various courses (or papers) for teaching Intellectual Property to the students of various institutions, particularly the engineering colleges and technology education institutions. The syllabi were drafted by the Expert Committees for the basic courses/papers on IPR as well as those with focus on Digital Technology, Biotechnology etc. This initiative needs to be further followed up and the developments that have taken place during the past four

years, e.g. in the area of traditional knowledge etc., need to be incorporated in the syllabi. An important component on Technology Transfer needs to be included in the courses/papers on IPR for the engineering students.

It is needless to say that for good education we must have a good library. For an effective Intellectual Property education, in addition to books and journals, the library should also have a computer room with adequate number of Pentium III (or Pentium IV) with good internet connectivity.

In conclusion, the following initiatives are proposed for developing the Training Resources for Intellectual Property Education:

- Explicit training material to make people understand the importance and usefulness of Intellectual Properties and related issues.
- Training material to motivate scientists and researchers to patent their inventions/innovations and generate resources for paying for the cost of their research work.
- Strengthening of training material for "learners" of Intellectual Property issues.
- Strengthening of training material for "Learner-cum-trainers" for educating the learners.
- Development of standard training material for world wide use like Instructor's Manual.
- Starting a professional body of IPR Professionals and publication of a journal by such a body.
- IP Awareness & Appreciation Programs for Vice Chancellors, Directors and Principals of Engineering Education Institutions.
- Identification of "learner-cum-trainers" and providing them an intensive four to six weeks training.
- Developing the tailor made curricula for different segments.
- Developing library resources for referencing and accessing the enormous database on patents etc.