"INTELLECTUAL PROPERTY WITHOUT TEARS"

EDUCATIONAL INNOVATIONS IN TEACHING INTELLECTUAL PROPERTY LAW TO PARA-LEGAL PROFESSIONALS

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INTRODUCTION

This paper seeks to describe some of the educational innovations that were implemented in the curriculum for Intellectual Property Law taught in the final year of the Diploma in Legal Studies (renamed Diploma in Law and Management). Students in the diploma programme are trained as para-legal professionals (para-legals). This paper describes in particular a two- part project that implemented Problem Based Learning (PBL).

Objectives of implementing PBL

The objectives of implementing PBL were to give students the opportunity:

- To learn both collaboratively and independently;
- To learn the concepts in the areas of IP law covered in the two- part project;
- To learn and apply knowledge and skills in solving the problems presented;
- To discover and use their creative abilities and to enjoy the subject in the process of learning;
- To reflect on the learning process and to recognise their latent skills and the skills they have picked up in the process.

In short, the primary objectives were for students to learn how to learn, to understand the relevance of what they are learning and to have fun in the process.

Several factors were considered before implementing PBL, the main factors being:

- The difficulties that students have in grappling with the concepts of both substantive and procedural IP Law with its expanding boundaries;

- The feedback from the employers that the curriculum equips para-legals with extensive knowledge but not with the ability to sufficiently apply this knowledge in the work place to real life problems;

- The need to equip para-legal professionals with the ability to transfer knowledge and skills to other domains and to meet the changes in the workplace, both locally and globally.

THE EDUCATIONAL INNOVATIONS IN TEACHING IP

Traditionally, the IP Law curriculum was taught via the lecture- tutorial method and students were assessed through a mid- semester test and an examination at the end of the semester. In seeking to meet the challenges stated above, it was recognised that relying solely on the traditional method of teaching and assessment was not practical. It was also acknowledged that using a single method of teaching is not sufficient to equip students with the skills relevant for a world of change.

In view of this, the topics covered in the curriculum were classified and different methods were employed. For the purposes of this paper, the methods related to the PBL project are listed as follows:

- The traditional lecture-tutorial method was retained to cover some of the topics that were identified as being particularly difficult for students.

- PBL was implemented through a two-part project and this involved solving problems.

- Students were taught how to access the wealth of information on IP available on the Internet and were required to apply the knowledge and skills acquired in the PBL project.

- The PBL project gave students an opportunity to use their creative skills and to inject an element of fun in the curriculum; “role play” was also included.

- Students were encouraged to reflect on each stage of the learning process and to assist them in this, they were required to keep a journal to record the process and their reflections.

PROBLEM BASED LEARNING VIA A TWO-PART PROJECT.

The basic principle of PBL is that the problem drives the learning process. The writer's understanding of a "problem" is that it can be a situation that needs to be resolved or it can be a question or series of questions that need to be answered or it can be a task that needs to be dealt with.

In the working world, a para-legal is likely to be faced with having to assist a lawyer in finding a solution to a problem that a client has or to assist in giving an opinion that contains the answer to a client's question or to come up with a viable course of action to deal with a particular task presented by the employer.

In constructing the two-part project, the learning objectives as stated above were identified and the "problem" was structured to drive the learning process. The problem primarily involved the drafting of a legal opinion and a presentation of the opinion to a client in an area of law that the para-legal is not familiar with.

THE PROBLEM – PART 1

The problem was presented in the form of a factual situation in two parts. In Part 1, a client, Mr. Grills, who represents a large foreign company, approaches the senior partner of a law firm for advice on the type of IP protection that Singapore offers. The company has suffered much from piracy of its IP rights in many Asian countries and the client assumes that as an Asian country, Singapore is likely to present similar problems.

The senior partner instructs the para-legal to research on the types of IP rights that are protected in Singapore and to do a presentation to Mr. Grills. The para-legal is not familiar with IP law and has to start with the basic concepts.

Since IP Law is a rapidly expanding area of law and new types of IP rights are being recognised and protected, the problem included certain "markers". Students were directed to look into five specific types of IP rights and the relevant protection offered by the law. The "markers" set out the perimeters of the problem and helped to minimise the possibility of students straying too far off the main objective of Part 1 of the project i.e. to learn and to apply the basic concepts of IP laws in respect of five major types of IP rights.

THE PROCESS

Part 11 of the problem involved procedural law. M

Students were given an introductory lecture to PBL and its general objectives. The "markers" in the problem were highlighted and the importance of working in collaboration within the group, recording of the learning process and the reflections of each student at every stage of the process was highlighted.

Students worked in groups of 4 to 5 students and the groups were given time for discussion during tutorials to first, draft the problem statement and, based on the problem statement, they identified the relevant learning issues. The role of the tutor was that of a consultant and facilitator.

Having identified the learning issues, students were given time for research. This was possible because some of the lecture hours were designated for independent research and consultation with tutors.

At the end of three weeks, each group was given 15 minutes to make its own presentation to the tutor who acted as the client, Mr. Grills. The other groups were excluded from the presentations. The purpose of each presentation was to give sufficient information to the client on the relevant types of IP protection in Singapore to enable the client to report effectively to his company on the viability of investing in Singapore from the perspective of the IP protection available.

The tutor assessed the each group "on the spot" based on its presentation and to ensure that the learning was a collaborative effort, questions were directed to each member of the group on the areas of law presented.

The tutor's observations were that each group put in a lot of effort in research and in preparing for the presentations. Many of the groups covered the areas of law at far greater depth and clarity than was expected.

THE PROBLEM – PART 11

r. Grills, the client in Part 1, has instructed the law firm to register a patent and a trademark of the company.

THE PROCESS

To inject an element of fun in the project, each group was given the opportunity to role- play as an inventor. Every group was required to invent a product and to verify that the product is new by doing patent searches on the Internet. The products were to be made from inexpensive materials, preferably recycled.

Once the product was ready, each group was required to create a trademark to market the product. The trademark should be one that is likely to qualify for registration under the relevant law.

Each member of the group would then complete and "file" the requisite registration forms with the tutor who acted as the Registrar. This part of the project was done individually to ensure that each student is conversant with the registration procedure.

Each group made a presentation of its invention and trademark to the class and the tutor. A "partner" group acted as patent and trademark examiner and assessed the work in respect of criteria based on the provisions of the relevant statutes. The first group then assessed the work of the "partner" group. At the end of the presentations, each group would give its comments on the work it has assessed.

The tutor observed that each group had worked very hard at their inventions and trademark and enjoyed presenting their work to the tutor and the class.

The journal in which students recorded the process and their reflections served as useful feedback to the tutors on the project and the process.

The Assessment

The assessment which comprised the following:

- Presentation of Part 1 of the project and answers to the questions posed to every member of the group after the presentation
- The assessment of the "partner" group on the invention and trademark
- The accuracy in filling of the requisite forms for registration
- Mid-semester test with questions that tested students on knowledge of the subject and ability to apply knowledge to solve the problems
- An examination, which tested students solely on their ability to apply knowledge to solve problems.

OBSERVATION

The students fared very well in both parts of the PBL project and in the examination. The overall performance in the examination improved in spite of the tutors' apprehensions as a major part of the examinable topics were covered via the PBL projects. The initial complaints of students in having to adapt to learning via PBL was also a cause for some worry but the "fun element" in the project and the availability of tutors to listen and to help students deal with their fears and complaints went a long way in helping to ease the situation.

The depth at which the students covered the areas of law in the project was beyond the expectations of the tutors. The tutors had to refine the curriculum as some of the topics identified as "difficult" topics and meant to be dealt with in lectures were handled very well by the students. More time was then spent on case law rather than on basic concepts in the lectures.

The journals in which students recorded the process and the reflections showed that students learnt to deal with and to cope with a variety of problems ranging from group dynamics to time management.

CONCLUSIONS

The PBL projects were a learning experience for both the students and the tutors. Tutors found that their roles as facilitators of students' discussions and counselors when dealing with students' problems widened.

The main problems were students' fears in having to do independent research and learning without receiving immediate answers from tutors. Students also strayed from the objectives and learning issues identified into other aspects of IP but with some guidance from tutors, most of the groups got back on track quickly.

Working within the group for two projects also proved to be difficult for some students but with gentle reminders from tutors that in the work place individuals have to work with people with different temperaments and that negotiation is often more effective than confrontation also helped students to resolve most of their inter-personal matters.

The journal proved to be an effective means of getting students to not just record their work and thoughts but to reflect on what they were learning and on the relevance of why they were learning.

The changes in the assessment methods and the examination results have proved that PBL is indeed a viable method of teaching.

As a reward for all their hard work, the students were given an opportunity to show case their inventions at an "IP Forum" organised by the IP tutors for members of the legal profession and the business community and the students were very encouraged by the positive comments they received for their creativity.