



MUNICH INTELLECTUAL PROPERTY LAW CENTER

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## Teaching of IP - The need for expertise

Colloquium on a Common Postgraduate IP Curriculum  
Template for ASEAN

17-18 August 2005  
Singapore



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## Teaching of IP - The need for expertise

1. Why do we need IP teaching?
2. Who should be targeted?
3. What should be taught?
4. How should IP be taught?

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## Teaching of IP - The need for expertise

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## Teaching of IP - The need for expertise

### 1. Why do we need IP teaching?

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**IP rights have been known for centuries:**

**1474:** First modern Patent Law, Venice

**1623/24:** Statute of Monopolies, UK

**1790:** First Patent Act of the U.S.

**~ 1030:** First trademark granted to Bavarian Brewery

**1883:** Paris Convention

**1886:** Berne Convention

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### 1. Why do we need IP teaching?

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#### Art. 27 Universal Declaration of Human Rights

- (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
- (2) Everyone has the **right to the protection** of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

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### 1. Why do we need IP teaching?

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# Why now?

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#### Increased need for IP protection due to

- transition from industrial societies to information societies
- emergence of new technologies
- increased share of knowledge-intensive products in total world trade
- economic globalization

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#### New legal instruments:

##### TRIPS Agreement adopted in 1994

- minimum standards for IP protection
- directed to covering all areas of IP
- subject to the binding dispute settlement system of WTO
- 148 contracting parties

##### Bilateral and multilateral Trade Agreements

##### WIPO Internet Treaties of 1996 (WCT/WPPT)

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### 1. Why do we need IP teaching?



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#### Need for dissemination of IP knowledge

- IPRs are key tools for economic, cultural & social development
- Knowledge is needed for shaping the IP systems to the domestic needs
- Knowledge is needed for making the best use of the manifold potential of IPR

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## Teaching of IP - The need for expertise 2. Who should be targeted?



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### IP value chain - three distinct steps

- 1. Step: Creation of IP assets**
  - importation from abroad
  - creation within the country
- 2. Step: Achieving protection for IP assets**
  - automatic protection (copyright)
  - active measures required (e.g. patents)
- 3. Step: Management of IP assets**
  - maintenance
  - commercialisation

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## Teaching of IP - The need for expertise 2. Who should be targeted?



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### Target groups


- 1. IP legal experts**  
Lawyers, legislators, judges, enforcement authorities
- 2. Technical patent experts**  
Patent attorneys, patent examiners, patent judges
- 3. Enterprises & research centers**  
Entrepreneurs, IP managers & their creative employees
- 4. Civil society**  
Special emphasis on creators of IP

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## Teaching of IP - The need for expertise 3. What should be taught?

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### IP teaching has to be tailored

- to the different needs of the target groups, and
- to the different needs of different countries.

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### 3. What should be taught?

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#### Intellectual property LAW experts:

- Core intellectual property law subjects, e.g. patent, trademark, copyright law etc.
- Licensing of IPRs
- Enforcement of IPRs
- International IP law

#### Enterprises & research centers:

- Function of different IPRs
- Industrial organisation of IP
- Valuation of intangible assets
- Strategic use of IPRs

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### 4. How should IP be taught?



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- Curriculum structure of intensive courses
- Courses devoted to the different IP regimes, e.g. patent, trademark, copyright, plant variety law
- Industry-specific courses, e.g. Computer & IP, Pharmaceuticals & IP, Internet Law
- Cross-sectional courses, such as Licensing of IPRs, Enforcement of IPRs
- Interdisciplinary courses devoted to the economic aspects of IP, e.g. Management of IPRs, IP Valuation, Innovation Policy

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### 4. How should IP be taught?



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- Complementary tutorials
- Practical exercises
  - drafting of patent claims/ patent application
  - drafting of license contract clauses
  - negotiation of license agreements
  - pre-trial infringement litigation
  - mock trials
- Internships in law firms, NIPOs, IP management
- Supervised research paper - master's thesis

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### 4. How should IP be taught?



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- **Case Method of teaching vs. Problem Method of teaching**
- **International / comparative law approach**



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### **Support continuing education of IP teachers by facilitating**

- **individual research and joint research projects**
- **publication of research**
- **national, international and interdisciplinary exchange of views**
- **networks for national & international collaboration**



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**Thank you for your  
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