New Challenges to Intellectual Property Teaching

Inter-Regional Symposium on Teaching IP in Universities in Countries in Transition,

Haifa Center for Law & Technology
Outline

- Goals and Objectives
- Various levels of Training
- Defining a Curriculum
- Teaching Methodologies
- Academic Research
Defining the Objectives
Why provide training in IP?

- Raising General Awareness
- Training Lawyers
  - General training for the Information Economy
  - Training IP specialists
  - Training judges and policy makers
- Training Patent Attorneys
  - Patent Agents/IP managers
- Facilitating research in IP

HCLT, Israel 2010
General Training
General Training

- Intended audience
  - Law students, students of business schools, scientists and engineers

- How?
  - Incorporating IP in mandatory courses: civil law, property law, corporate law
  - Incorporating introductory courses into the curriculum
    - IP Survey course, Law and IT
  - Continuing education
General Training (con’t)

- Raising General Awareness, Why?
  - Better enforcement?
    - IP has no physical boundaries and therefore compliance requires self restraint and education
  - Empowerment?
    - Learning how to extract value from intangibles
    - Learning about the limits of IP
  - Legitimacy
    - A growing gap between law and social norms
IP and Social Norms

The largest BitTorrent site (index of .torrent files which contain metadata on Torrent Trackers)

- The Court in Sweden: operators were sentenced to a one year in prison and a fine
- But, a political win: two sits in the European Parliament
General Training (con’t)

What should be the core of training?

- Basic toolkit
  - What could be protected and how?
  - Learning how to use IP strategically
  - How does IP affect our daily life and human rights?

- But also,
  - Facilitating a conversation
  - Exploring the limits of IP
  - Exploring alternatives to IP
You.

Yes, you. You control the Information Age.
Welcome to your world.
What is the best way to create software?

**Social production**

![OpenOffice](image)

**Proprietary model**

![Microsoft Office](image)

![Adobe](image)

*Free Software*
Open Licensing: Creative Commons, GPL, Open Source
Training IP Specialists
Degree Programs

- Major in IP B.A/LL.B

- Advance Degrees
  - LL.M in IP/Law and Innovation
  - Master in IP for Non-lawyers
    - Business and Business Administration
    - Patent Attorneys: specialty for Scientists and Engineers
An IP Lawyer for the 21 Century

- IP Law
- Understanding the business function of IP
- IP, Civil Rights and Human Rights
- Familiarity with the technology
  - An understanding of the interconnection between law and technology
  - Law is dynamic: must address technological changes
  - How does law shape technology?
  - Which technological solutions are available?
Digitization: does it make a difference?
Cartoon Network v. Cablevision (2nd Cir 2008)

- Copyrighted Content
  - Licensed Broadcast
    - Buffer: 1.2 Sec
      - Check recording requests
    - Yes
      - No
    - Yes
      - Discard
  - Customer's Storage Box
Perfect10 v. Google (9th Cir. 2007)

Full size

Google

Does it constitute a copy?

Copies but fair use

Thumbnails

Google
Audio ID and Video ID

Block, Monetize, or Track Viewing Metrics — It's Automated, and It's Free

Overview

YouTube has created an advanced set of copyright policies and content management tools to give rights holders control of their content. YouTube provides content management solutions for rights holders of all sizes across the world, and provides tools to cater to the specific needs of various rights owners.

Commercial partnerships

Use of YouTube's copyright tools is free, and does not require any commercial partnership with YouTube. Content partners who would like to monetize their content can apply to join our YouTube Partner Program.
Google Book Search Project

Author's Guild v. Google
2005
Goals and Measures

- Acquire knowledge
  - Legal knowledge: what rights and privileges?
  - Business knowledge: how to incorporate IP into a business strategy?
  - International training: develop an international strategy

- Develop skills
  - Dynamic field requires creative thinking
  - Hands on experience
    - Trademarks and branding, patents and the registration process
Example: a major in IP

Curriculum

- Introductory courses
  - IP Survey, Information Law, IP and Competition

- Advance Courses
  - Patents, Trademarks, IP Licensing, IP Enforcement, Neighboring Rights, Entertainment Law
  - Software Laws, Regulation of the Drugs Industry, Media & Communications, Patents in Biotechnology

- Seminars
  - Open Access, Hi-tech Entrepreneurship, Digital Copyright, ODR, Patents & Innovation, Law and Culture, IP theories

- International Treaties and Comparative Law
A Master in Law for Non-lawyers
Patent School: Vision

- Transforming the Training
  - Systematic
  - Comprehensive training
    - Law
    - International
    - Practice
    - Business

- Transforming the profession
  - From technicians to IP Strategists

- Transforming Patent Research
Curriculum

- **Introduction to Law**
  - Jurisprudence, Contract law, Public law, labor law, corporate law

- **Basic Intellectual Property**
  - Survey IP course, Patent law

- **Advanced Courses**
  - IP Licensing and Competition Law
  - International treaties
  - IP Litigation and Enforcement
  - IP and Business Entrepreneurship

- **Seminars**
  - Legal research, Empirical research

- **Patent Drafting**
Patent Drafting

- A systematic approach
  - Practical aspects of patent preparation and prosecution
  - Strategic aspects: How drafting and prosecution decisions affect the patent enforceability

- Practical aspects
  - Claim drafting
  - Due diligence investigations
  - IP valuation
  - Patent Search
  - Global filing strategies
Teaching Methodologies
Teaching Methodologies

- For studying Law
  - Lectures
  - Critical analysis
  - Writing assignments

- For acquiring skills
  - Hands on experience
  - Case studies
  - Projects & Road Show
  - Meetings with VCs, entrepreneurs, legal counsels

- For research
How to facilitate Research in IP?
Facilitating Research

- Traditional legal research
- Empirical legal studies
- Interdisciplinary research
  - Interdisciplinary training: sociology of science, media studies, computer sciences, information system,
  - Collaboration
- Research skills
  - Colloquium: critical analysis of work in progress
  - Research seminars