

# IP Teaching in Higher Education Institutions: Experiences from QMIPRI

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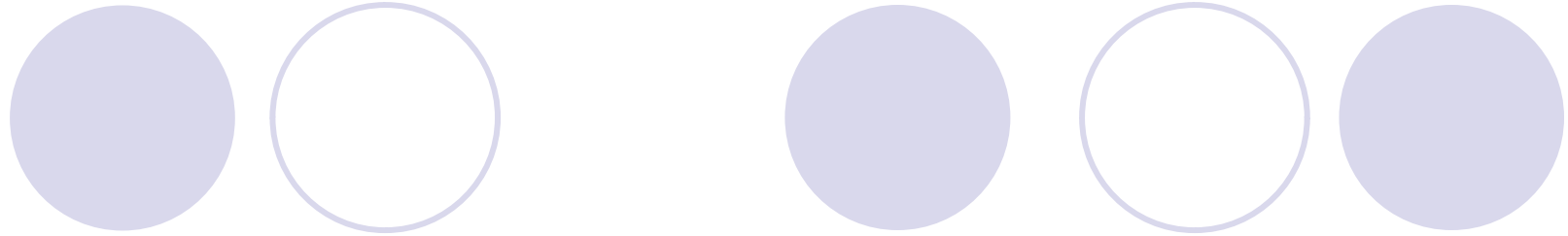


# IP Educational Routes

- LLM: lawyers
- MSc (1 year); Certificate(2 years): engineers, scientists etc.
- Several exchange programs (TU Dresden)
- European Intellectual Property Institutes Network
- Plus: programs in Washington/New York



- LLM in Intellectual Property
- Highly regarded in international law firms
- Structure: three courses; 15000 word dissertation
- Options: students may choose any of the following courses



## LL.M. IP options

[Computer Law](#)

[E-commerce Law](#)

[Global Policy & Economics Of Intellectual Property Law](#)

[Intellectual Property](#)

[Intellectual Property Aspects of Medicine](#)

[Intellectual Property in the Digital Millennium](#)

[International and Comparative Law of Copyright & Related Right](#)

[International and Comparative Law of Patents, Trade Secrets And Related Rights](#)

[International and Comparative Law of Trade Marks, Designs and Unfair Competition](#)

[IP Transactions](#)

[Media Law](#)

[Traditional Knowledge and Genetic Resources](#)

[Intellectual Property and the Creative Industries](#)

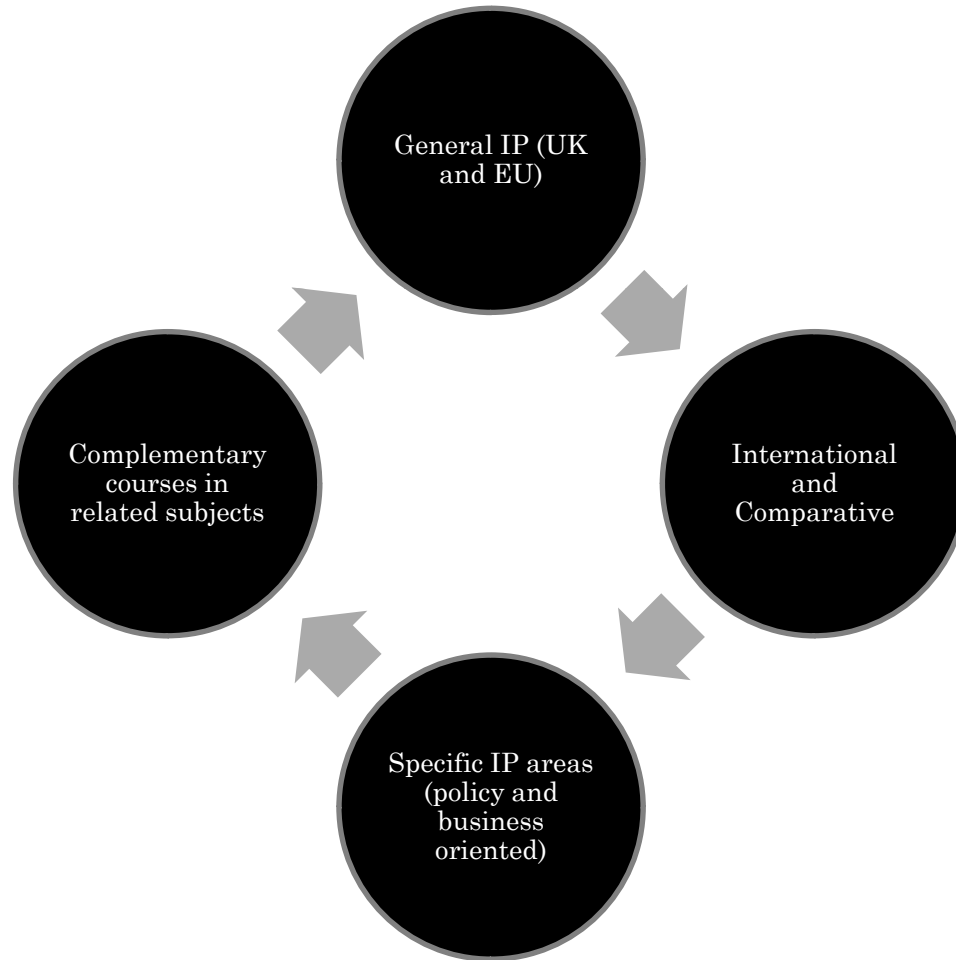
[Cyberspace Law](#)

[Privacy and Information Law](#)

[International Trade and Intellectual Property Law](#)

[Intellectual Property, Fashion and Design](#)

# Streams



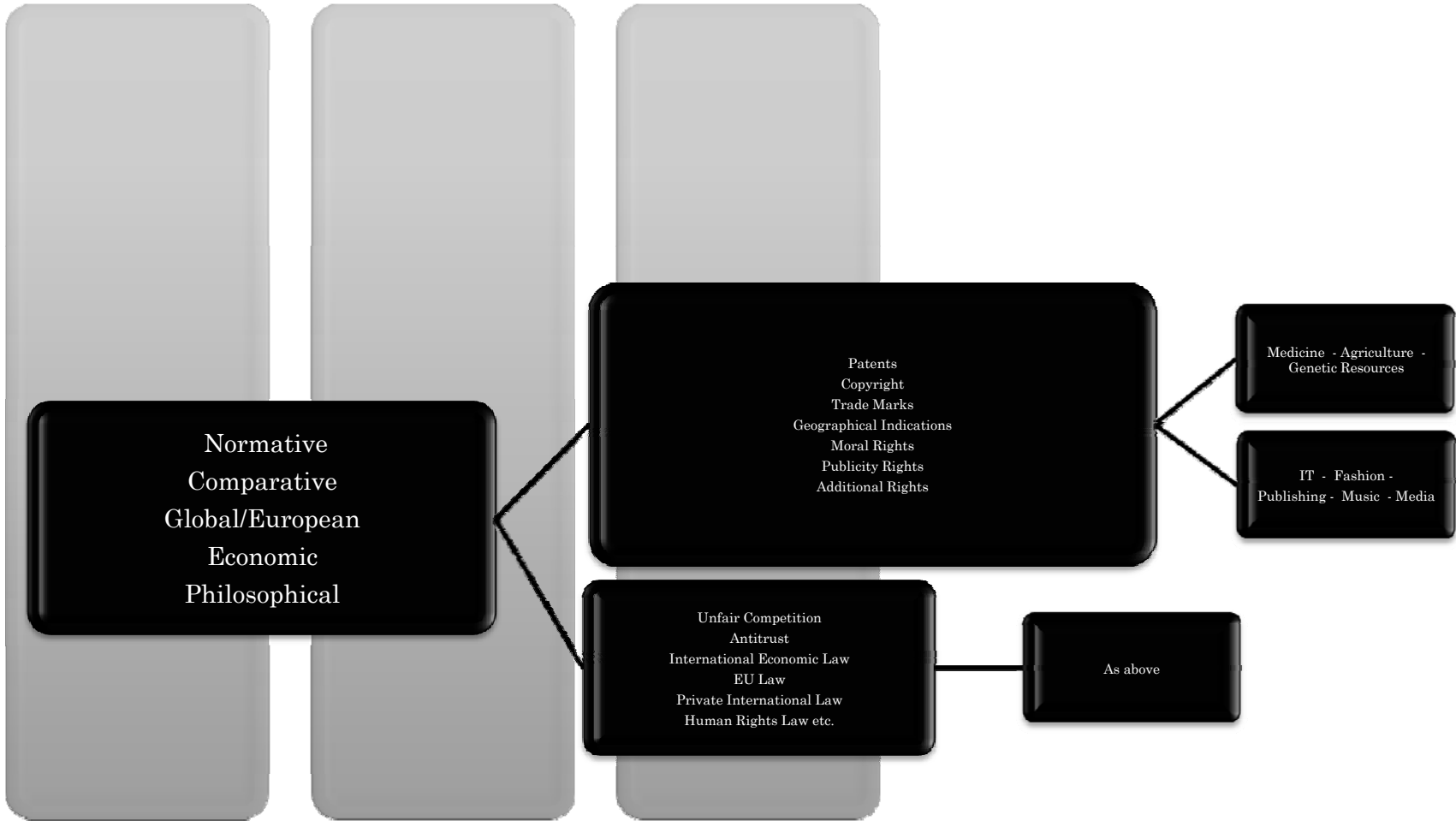
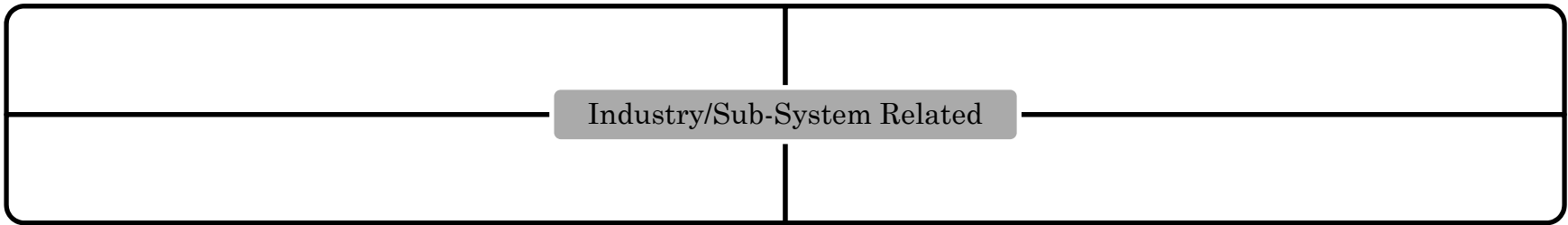
# Individual Streams

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Global and  
Economic

Transactional:  
Licensing and  
other Dealings

Industry or  
System  
Related



# Curriculum Example: IP in the Digital Millennium

- Updated and revised every year
- Normative starting point
- Highly comparative approach (“solutions and models”) – specifically common/civil law countries
- European and international influences





# Curriculum for 2010/11

- Introduction to the Course;
- Intellectual Property I: Copyright Basics
- Intellectual Property II: Industrial Property Rights
- International and European Influences; WIPO Treaties 1996
- Software Protection I: Copyright
- Software Protection II: Patents for Computer-Implemented Inventions
- Databases and other Functional Works: Protection of “Original” Structures
- Aspects of Human Rights and the Formulation of “Access Rules” in Digital Copyright Law

# IPDM




- The Information Society Directive and Related Legislation (DMCA): Overview
- Exclusive Rights on the Internet
- Copyright Limitations I: Structure of “Digital” Limitations and Private Copying
- Copyright Limitations II: Secondary Markets and the Impact of the Three-Step Test
- Technological Protection Measures I: Scope of Protection in the EU/US
- Technological Protection Measures II: relationship with Copyright and Status of Limitations



# IPDM

- Use of Signs on the Internet: Trade Mark Law
- Domain Names and Trade Mark/Passing Off Law. Conflicts between Rights in Names and Domain Names.
- Dispute Resolution: ICANN Rules and the DN registration system
- Competition Aspects of Digital IP – Abuse of a Dominant Position
- Enforcement of Rights and Online Liability
- Open Source and Open Access Licensing Schemes
- Jurisdiction and Applicable Law in IP Digital Matters
- Revision I (Case Studies)
- Revision II: Preparation for the Exam

# Relevant Issues in Curriculum Development



- Copyright – Subject Matter, Exclusive Rights, Limitations, TPMs (plus relationship between aspects)
- Specific rights such as software and databases (note: no coverage of topography rights)
- Typical conflict scenarios between stakeholders (limitations and competition rules/secondary markets)



# Relevant Issues

- Conflicts pertaining to signs (domain names, trade marks, unfair competition, rights in personal and business names)
- “External” developments in Competition law and Human Rights
- Interface between traditional IP and new sharing models
- Relevant conflict of laws and jurisdictional issues



- Aims:
- Compare different approaches whilst understanding global influences and dynamics of IT
- Gain thorough understanding of normative principles
- Understand divergent economic and philosophical underpinnings
- Acquire awareness of different stakeholder attitudes



# Certificate

- The [Certificate in Trade Mark Law & Practice](#) is a requirement for those wishing to qualify as Trade Mark Attorneys but it is also open to students who want to get a good understanding of national, European, and international trade mark law at an advanced level. The Certificate in Trade Mark Law & Practice programme has been specifically designed in close co-operation with the **Institute of Trade Mark Attorneys (ITMA)** for the trainee agent.



# Certificate in IP

- **Certificate in Intellectual Property Law**
- The [Certificate in IP Law](#) is designed exclusively for trainee patent attorneys. It is a one-semester (13 week) course offering the same compulsory subjects as the [MSc Management of Intellectual Property](#) programme although there is greater concentration on many of the practical aspects of patents, designs and trade marks and greater involvement of patent practitioners to complement the academic treatment of the subject matter. Read more about the Certificate in IP Law programme.





MSc

- Compulsory Subjects
- Basic Principles of English Law → 2 hour exam before teaching of compulsory subjects
- Patent Law
- Trade Mark Law
- Copyright Law
- Competition Law
- → 3 hour exam



# MSc

- Example: Curriculum MSc Copyright and Designs
- **Term I**
- *Introduction to Copyright and Designs*
  - structure of copyright and designs law; relationship between copyright and other IP rights (industrial property rights); basic issues such as subject matter, ownership, rights and defences; international and European harmonisation and approximation issues; basic philosophical and economic underpinnings.

# MSc Copyright



- *Registered Designs I (CRDR and RDA 1949)*
  - Sources and functions of design law; subject matter, novelty and ownership under EU and UK law
- *Registered Designs II (RDA and Application Procedure)*
  - Registration system under the RDA 1949; overview of procedural aspects of registration before OHIM/UKIPO.
- *Unregistered Design Rights (UK + CUDR)*
  - Scope of protection of UDR (Secs. 213 CDPA et seq.); ownership; exclusive rights; defences
- *Artistic Copyright and Industrial Products*
  - Definition of artistic works; relationship between copyright and design right; specific limitations.
- *Unfair Competition Protection for Industrial Shapes*
  - Introduction to the law of unfair competition; passing off; and confusion; international and domestic protection; Impact of complementary protection for shapes in Europe; Unfair Commercial Practices Directive

# MSc Copyright



- *Copyright: Subject Matter and Originality*
  - General treatment of literary, artistic, musical and dramatic works under the CDPA; definitions; fixation; originality in the UK.
- *Infringement: Exclusive Rights (CDPA) and Substantial Taking*
  - Notion of “copying”, including substantial taking; scope of the reproduction right; impact of the idea/expression dichotomy; distribution and exhaustion of rights; public performance and other communication rights.
- *Ownership of Copyright; Moral Rights for Authors and Performers under UK law*
  - General rules on ownership, including first ownership, employees works and commissioned works; equitable ownership; moral rights including the right to be named and the integrity right; differences between authors and performers moral rights.
- *Copyright Limitations and the Public Interest*
  - Limitations (fair dealing) for purposes of reporting current events, research and private study and other defences; the impact of the public interest and the “three-step test”
- *The International Copyright System: The Berne Convention and the TRIPs-Agreement*
  - Mechanisms and scope of the Berne Convention (national treatment, minimum rights, aspects of reciprocity); “Berne-plus” rights under TRIPs; specific mechanisms under TRIPs;
- *Neighbouring Rights (International and UK law)*
  - Protection afforded to performers, producers of sound recordings, film producers and broadcasters under UK and international law

END OF TERM I

# MSc Copyright



- *Term II – (Optional) – Specific and Advanced Issues*
- *Copyright in Computer Programs*
  - Scope of protection under European and UK law; originality requirements; copying, in particular non-literal copying and functionality of computer programs; defences, particularly decompilation and reverse engineering
- *Database Protection*
- Copyright in database structures; database maker (sui generis) right under Directive 96/9/EC; scope of protection and notions of investment and substantial extraction; comparison of protection with US and unfair competition models

# MSc Copyright



- *Copyright on the Internet II: Directive 2001/29; Exclusive Rights*
  - Detailed treatment of the rights of reproduction, distribution and making available as they apply in digital environments including the internet; treatment of transient copies and notions of “public” forms of communication; exemplary application to issues of peer-to-peer file sharing
- *Copyright on the Internet II: Limitations in a Digital Environment*
  - Specific limitations as specified under Directive 2001/29/EC, including private and domestic copying, library uses, archives and museums; educational and research uses; aspects of statutory licensing (equitable remuneration), the three-step test and aspects of freedom of competition.
- *Technological Protection Measures and Digital Rights Management*
  - Meaning and function of technological protection measures; legal protection under copyright and related legislation; TPM’s as tools for direct contracting and the role of “voluntary measures”; prohibition on commercial dealings and acts of circumvention under Directive 2001/29/EC; national implementation and differences; relationship with substantive copyright law, including scope of application and enforceability schemes under existing limitation; brief coverage of rights management information
- *Liability for Online Infringement*
  - Liability regimes such as for caching and hosting, especially as applied to file sharing activities in different jurisdictions; enforcement of copyright in general, including injunctions; disclosure of personal data (overview)

# MSc Copyright



- *Case Studies on Copyright: Practical Application and Case Studies/Problem Questions*
- *Applicable Law and Jurisdiction*
  - Aspects of cross border licensing and copyright infringement; jurisdictional issues under the Brussels I Regulation; exclusive and general jurisdiction; applicable law in relation to Copyright contracts and licenses; applicable law in relation to copyright infringement.
- *Protection of Image Rights I*
  - Image rights as rights complementing copyright and performers rights; recognition of image rights in the UK and other jurisdictions; image rights and privacy/breach of confidence; image and personality rights as protected under the law of passing off; the role of communication freedoms in personality protection.
- *Protection of Image Rights II: IP in Persona*
  - Image rights as IP-style rights; commercial confidentiality; comparison with the US publicity right; potential overlaps with copyright and problems of media freedom and free speech issues.
- *Authors Rights Systems*
  - Basic principles of German and French authors rights law as compared to UK copyright law; originality and personality rights; philosophical underpinnings in “droit d’auteur” countries; protection of authors in copyright contract law; limitations, ownership and authors personality rights.
- *Revision; Exam Preparation*

# MSc Copyright



- Differences to LLM:
- Lack of legal skills → practical case studies
- Students should acquire good understanding of fundamental principles
- Exemplary treatment of current issues
- No general understanding of economic and philosophical aspects required
- Focus on acquiring skills





# EIPIN

- Network of five IP institutions with substantial experience in postgraduate IP teaching
- Univ. of Alicante (Magister Lvcentinus)
- Queen Mary, Univ. of London (QMIPRI)
- Munich (MIPLC) (joint program Univ. Augsburg, Washington, MPI)
- Univ. of Strasbourg (CEIPI)
- ETH Zurich (MAS-IP) (until 2010)



EIPIN

- Activities:
- Two congresses per year
- International guest speakers; specific topics
- Students from institutions to prepare reports for online publication (tutored by PhD students)
- Doctoral meetings (separate)



# EIPIN – 2010 Congresses

- London 2010: “Privacy, Publicity and IP”
- Munich 2010: “Unfair Competition and IP”
- Previous congresses covered:
  - Civil and criminal enforcement; IP in digital technology; software and open source law; trade marks; geographical indications; patents in biotechnology...



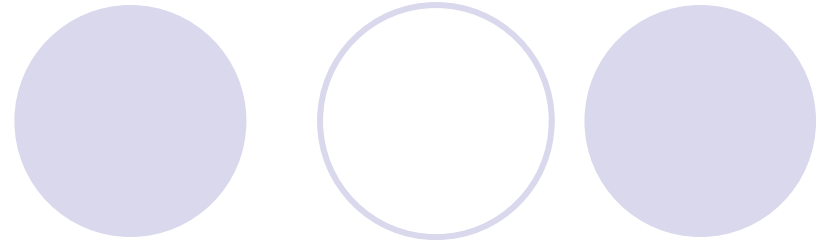
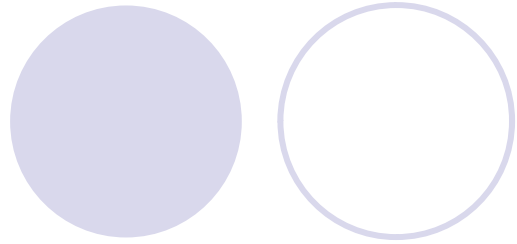
EIPIN

- 2011: shift in approach to congress topics
- Industry-related
- “IP in the Luxury Goods Industry”



# EIPIN Future Prospects

- extending EIPIN to Central/Eastern Europe
- Potential link with US institutions
- PhD exchange
- EIPIN book series (general editors Desantes/Drexler/Geiger/Westkamp, Edward Elgar Publishers, Cheltenham)



● Thank you!