

## Problem Based Learning in an intellectual property LLM programme: Balancing skills and content

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1

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2

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## Aston 2007

- I spoke about two PBL-based units in the IT-IP LLM programme at UEA
  - “Technology Transfer”
    - TT (2009/10) runs much as 2006/7, is ‘skills’ rather than ‘content’ oriented
  - “IP problems” => “Current Issues in IP”

3

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## Old format (TT)

- 4-5 detailed factual, multi-issue scenarios examined over multi-week cycles
- Students assigned to teams, represent clients, prepare, perform exercise (e.g. ‘beauty contest’, negotiation, or moot); receive feedback at mid- and end-points

4

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# The problems with PBL?

## Feedback and response

- Teaching method generally favoured
- Staff contributions well-liked
- Main (past) proposals for improvement
- Cycle originally too short
- Not enough feedback
- Breadth and focus of syllabus
- Relationship with other units

## PBL means problems?

- Resource intensive, requires small groups
- Vulnerable to student resistance and apathy
- Requires 12+ maturity levels from students
- Steep learning curve for staff and students
- Out of step with standard lecture/seminar methodology

## Problems (2)

- PBL emphasises skills at expense of content. Less of an issue for LL, but how much substance IP law can you cover in 4 sessions?
- Assessment not yet cracked
- Integrating assessment into unit difficult under UEA regulations. Integration should increase motivation and reward performance, but risks exacerbating free-rider problems

## PBL and the overseas PG student

- Contribution in class and in preparation is one-sided, therefore less stimulating
- Reduces sense of isolation in class and study
- Encourages integration across national, gender, and ethnic divisions
- Provides team support in an unfamiliar world

5

# The basic problems

- 'Skills' necessarily prevailed over range and content of legal issues covered
- PBL format received mixed, polarised, student feedback and in-class response
- PBL format demanding, and at variance with standard PGT pedagogy

6

# One solution

- A different kind of PBL, closer to classic Maastricht (as used in UEA medical school)
- More problems, quicker (one week) cycle, more legal content, less on specific skills
- Retains emphasis on learning-by-doing: introductory readings set, but groups do own research on set proposition

7

# New format

- 10 x "Current Issues in IP" in SEM 2
- Students put in teams of 4x3-4 (class 12+)
- Each team assigned proposition associated with issue for that week
- Each team gives presentation for ≈ 15 min (= 1 hr), followed by freeform discussion

8

# Example issues

Geographical Indications      ISP Liability  
TM Dilution and INTEL  
The WTO US v China Decision      The ACTA  
Access to Medicines      WIPO Internet Treaties  
Employee Ownership of Inventions  
Patent and Copyright Term      Traditional Knowledge

9

## Example: INTEL® x 4

1. "Frank Schechter was right: protection against non-confusing use is the 'rational basis' for trade mark protection."

2. "Felix Cohen was right: so-called 'dilution' has no rational basis, and must be defended on the basis of social utility."

3. "The INTEL decision is a proportionate and reasonable response to the problem of how far protection of a trade mark should extend beyond cases of confusion."

4. "INTEL is a well-meaning but inadequate response to the needs of trade mark owners in the 21st Century, and the justice of the case."

10

## 'I call that a seminar'

- Yes, but:
  - Preparation is team-based and focussed; more formalised, but less directed
  - Skills emphasis retained: legal research, teamwork, presentation, adoption of an assigned role, geopolitical awareness
  - Students learn with and from each other

11

## Remember these problems?

### Feedback and response

- ◊ Teaching method generally favoured
- ◊ Staff contributions well-rated
- ◊ Main (past) proposals for improvement
  - ◊ Cycle originally too short
  - ◊ Not enough feedback
  - ◊ Breadth and focus of syllabus
  - ◊ Relationship with other units

### PBL means problems?

- ◊ Resource intensive, requires small groups
- ◊ Vulnerable to student resistance and apathy
- ◊ Requires 18+ maturity levels from students
- ◊ Steep learning curve for staff and students
- ◊ Out of step with standard lecture/seminar methodology

### Problems (2)

- ◊ PBL emphasises skills of synthesis of content. Less of an issue for TL, but how much advanced IP law can you cover in 4 sessions?
- ◊ Assessment not yet cracked
- ◊ Integrating assessment into unit difficult under UKA regulations. Integration should increase motivation and reward performance, but risks exacerbating free-rider problems

### PBL and the overseas PG student

- ◊ Contribution in class and in preparation is pre-defined, therefore less stimulating
- ◊ Reduces sense of autonomy in class and study
- ◊ Encourages integration across national, gender, and ethnic divisions
- ◊ Provides team support in an unfamiliar world

12

## Problem and solution?

### PBL means problems?

- Resource intensive, requires small groups
- Vulnerable to student resistance and apathy
- Requires 18+ maturity levels from students
- Steep learning curve for staff and students
- Out of step with standard lecture/seminar methodology

- Class size, teaching resources/techniques as for normal seminars
- Apathy/resistance not a problem in practice
- Modest learning curve
- Conventional free-choice c/w assessment

13

## Problem and solution?

### Problems (2)

- PBL emphasises skills at expense of content. Less of an issue for TT, but how much advanced IP law can you cover in 4 sessions?
- Assessment not yet cracked
- Integrating assessment into unit difficult under UEA regulations. Integration should increase motivation and reward performance, but risks exacerbating free-rider problems

- Legal content and range as wide and varied as for conventional advanced/in-depth seminars
- Important legal skills developed
- Classes functioned well w/o continuous assessment

14

## Student satisfaction?

### Feedback and response

- Teaching method generally favoured
- Staff contributions well-rated
- Main (past) proposals for improvement
- Cycle originally too short
- Not enough feedback
- Breadth and focus of syllabus
- Relationship with other units

- Very positive student response
- Absence of polarisation seen in TT unit (where students either very pro- or very con)

15

## Overseas students

### PBL and the overseas PG student

- Contribution in class and in preparation is pre-defined, therefore less intimidating
- Reduces sense of isolation in class and study
- Encourages integration across national, gender, and ethnic divisions
- Provides team support in an unfamiliar world

- Retains previous advantages
- Shorter cycle beneficial
- Skills required are more straightforward than for TT (e.g. no mootng)
- Students really do seem to try to engage

16

## What's missing?

- Some more advanced skills not addressed: advocacy/mooting, negotiation, commercial awareness, evaluation of complex factual situations, issue-spotting, non-legal research, drafting and interpretation
- Continuing TT unit addresses these, but not suitable for all students

17

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## Open for questions

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18

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