script

Problem based learning over space and time

EIPTN workshop 2008

Problem based learning over space and time

LLM in Innovation Technology and the Law
launched on-line 2005

2008 Three new LLMs

Intellectual Property

Information Technology

Medical Law

Problem based learning over space and time

Managing Intellectual Property

Introducing a case study using a wiki
The Lost World

Why?

The desire to see students put acquired knowledge to practical use over space and time

Run concurrently with weekly sessions – building on knowledge acquired in sessions

Space and Time

SPACE

Physical space between students

Closing the space between theory and practice

Closing the space between IP advisors and their clients

TIME

Linking the sessions in the module together over time

Advising a client over time

Advising a client with respect to the various stages of the business over time

Using the wiki

- Split into groups
- Set groups
- One group
- Choose the group

Why?

To ensure students could experience all the different roles

- Client
- Advisor
- Supplier
- Competitors
- Or other players in the scenario

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The case study – Week 1

Week 1 - IP audit - Windows Internet Explorer

https://www.escript.law.ed.ac.uk/wiki/wikinode.asp?id=7&wiki=3

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Week 1 - IP audit

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Meet Professor
Challenger
Activity

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week 1 group A | week 1 group B

Meet Professor Challenger

Professor Challenger has returned to Edinburgh after several years exploring the Amazon. A gifted raconteur he has been able to command substantial fees on the lecture circuit, his colourful and controversial autobiography has proved a best seller and the sale of the serialization rights has further swollen his bank balance. However, he views these riches as the mere tip of the iceberg compared with what he expects to make from the commercial exploitation of various samples he has brought back with him and the ideas he has had during his travels.

He is interested in investing in (and ultimately taking over – although he is keeping that to himself for the meantime) a small, well-equipped biotech company on the outskirts of the city. This was founded by an old friend of his, Professor Nemo, who had sold out to a Russian company two years before and has apparently retired to Florida. Under the new management the company has concentrated on cardiovascular products based on fish oils but Prof Challenger believes that the earlier work of Prof Nemo indicated a potential in anti- infectives which has been overlooked. The company has several products on the market including EVALAN that has been licensed in from Jones Medical Ltd and a recently launched generic. (A generic is a medicinal product that is usually unbranded and marketed by a company that did not invent it after the patent on the original product has expired)

The Russian owners (who unbeknown to the Professor are facing a cash crisis) agree in principle to selling 51% of the shares in the company. Prof Challenger has proposed contributing certain rights to his intellectual property to the company in lieu of part of the purchase price.

Activity

Prof Challenger and the current owners will both want to carry out certain investigations. Whom should each involve and what should be their respective key questions?

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The case study – Week 4

Week 3: Trade mark protection - Windows Internet Explorer

https://www.escript.law.ed.ac.uk/wiki/wikinode.asp?id=16&wiki=3

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Note to Professor
Barclay
Note to Paul
File note regarding
issues to be raised with
Professor Challenger

word count = 6898 (approx)

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Week 3: Trade mark protection

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The development work has gone well over the years: the syringe has been out licensed and the royalties have funded work on the pharmaceutical projects while a refocused sales force has massively increased sales. Other partners have been brought in and the Russians'shareholding reduced to 15%.

Prof Challenger is now thinking towards the commercialization of some of the projects in development. He has in mind assigning trademarks to them ahead of any licensing or distribution discussions although he has been told that marketing companies often prefer to choose their own marks. He has looked at the UK Register on line in Class 5 and was pleased that none of his favoured choices were registered. He sends his list to the trade mark agent with a curt note to get them registered:

VANDEN (MC357)for a treatment for Dengue Fever

ALLCURE (MC289) for an antibiotic

MORTTU (MC346) for an antifungal

GEOCHAL (MC172) for an antifungal (Prof Challenger has not told anyone but he thinks this could be used in shampoos and over the counter foot creams – he is planning to do a deal outside the company on this)

He did note a registration for GEOCHAN for an anaesthetic product filed in 1984 but he has never heard of the product. He is familiar with a cold remedy

marketed by Jones Medical under the name VAMDAM but it did not show up on the search. He would be surprised if it were sold outside the UK and Ireland.

Local intranet   100%

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Assessment

10% participation in case study
10% for a reflective piece

- In what ways has your participation in the case study informed your thinking about the practice of managing intellectual property, or your ideas of how such intellectual property management occurs?
- What have you learned about the processes involved in giving advice over time?
- How have you benefited (how might you have benefited more) from your involvement in the case study?
- How has it influenced or shaped your interaction with clients and ways of giving advice or how might it so influence and shape your interaction?
- Comment also on the extent to which you think that your work on the case study, using the wiki tool, has facilitated this learning experience.

Comments

Students learned a great deal about the practice of IP law.

- Theoretical and policy info applied in a simulated environment in ways similar to how a real client's problems would be addressed in practice.

They acknowledged the different roles and perspectives involved.

- Clients may be mistrustful and secretive – you need to know the right questions to ask.
- Value in considering different perspectives on hands-on problems.
- Need to seek advice from other patent agents and lawyers.

And generally saw the bigger picture.

- The exploitation of IP rights depends on a multitude of factors besides the law.
- Glimpse into huge array of contentious issues that the average business might encounter when seeking to protect their products.
- Never ceased to amaze me how many various angles had to be considered in order to operate soundly in the client's best interests.

They grasped the time factor

- Pace was fast & furious, like the real world – an attorney often does not have luxury of time to research and then respond; need to prioritise client matters in the wiki such as in the real world.
- Development over time mirrors real like management of a client's portfolio.

They learned from each other.

- Watched and learned from the experience of fellow students.
- Insights from veterans' years of experience; fresh perspectives from novices.

While having to find a balance between focus and breadth of outlook.

- Dilemma whether to spend time analysing the issues and providing a preliminary and instinctive response
- Tension between focus and diversity of possibilities within the scenario

Some wanted more time.

- I needed to do reading first before responding and my points may already have been made. My solution was to add contributions without reading others first – at least I could then apply my knowledge although this meant missing out on the interactive element.
- Try alternate weeks for case study and normal discussion.

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Some liked the group work.

- When a group is allowed to tear a problem to pieces, a greater variety of solutions appear. With this approach the actual best solution (rather than a familiar solution) can be discovered.

- Group selection strategy was successful as it stopped the urge to pick the most comfortable group based on experience, and vice versa being able to choose on some occasions.

But felt that more consistent participation by more students was needed.

- I would have benefited more if students had posted more.

The wiki

- Not really used 'as a wiki'

- Does is matter?

- Pedagogical approach should determine use of technology
- Technology should not drive pedagogical approach

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Charlotte.Waelde@ed.ac.uk