



Preparatory Course Designs : Linking with Exam

*Designing courses that align with exam content
and standards*

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Introduction

- ▶ How do you prepare courses for a qualification exam?
- ▶ My personal experience as an academic, but also as the Director of CEIPI
- ▶ Not a promotion of the CEIPI
- ▶ CEIPI is a component of the University of Strasbourg. It is a unique model in France and in Europe, as it is a component of a University exclusively dedicated to intellectual property.
- ▶ CEIPI was set up to train professionals, to train future patent attorneys, European patent attorneys, as well as trademark attorneys

Introduction

- ▶ it is essential not to neglect initial training
- ▶ it is important to have an overall vision of the training that can be provided to prepare and train future patent and trademark attorneys.
- ▶ Continuing education can never replace initial training.
- ▶ Continuing education complements initial training.

Introduction

- ▶ a strong intellectual property system is based on several principles:
 - ▶ We need strong IP titles.
 - ▶ But strong titles require a robust office capable of conducting thorough examinations of inventions and distinctive signs.
 - ▶ For these examinations to result in the granting of patents or the registration of trademarks, highly skilled and competent professionals are indispensable.
 - ▶ these strong titles will only fulfil their purpose if they can be effectively defended before judges of an equally high calibre.

This house of intellectual property must be built on solid foundations : initial training

Objective approach

- ▶ Clear requirements
 - ▶ Key subject
 - ▶ Years of experience
- ▶ Standards and prerequisites for taking the exam
- ▶ French exemple:
 - ▶ Patent attorney - CEIPI Diploma (more than 400 hours of training)
 - ▶ TM attorney: CEIPI Diploma or equivalent M2 diploma

Objective approach

- ▶ Situation of monopoly: no issue
- ▶ No monopoly: real equivalent (with number of hours).
- ▶ Committe which monitor the objective element of the program
- ▶ Neutral and no conflict of interest

Skills based approach

- ▶ The skills-based approach is a learning method that focuses on the acquisition of skills rather than the accumulation of knowledge. This approach places the emphasis on students' know-how, interpersonal skills and cross-disciplinary knowledge.
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Skills based approach

Defining skills. This involves identifying the skills needed to achieve a given objective. Skills are defined in terms of students' knowledge, know-how and interpersonal skills.

Next, the skills need to be developed. At this stage, training initiatives need to be put in place to enable students to acquire the necessary skills.

Assessment of skills acquisition. The final stage involves assessing students on the skills they have acquired, on the basis of the same tests or examinations.

Skills based approach

- ▶ Exemple of our Master 2 programm
- ▶ Macro-skills
- ▶ Micro-skills

Macro-skill 1

Contextualising: identifying and putting intellectual property issues into perspective

Level of skill development

Using legal sources and extra-legal concepts

Micro-skills

Situating intellectual property among other related subjects

Linking intellectual property with other related rights

Identify and understand the social and economic issues relating to intellectual property

Understanding the institutions of the European Union

Applying general legal knowledge to business life

Macro-skill 2

Protecting: mastering the rules for obtaining and owning rights

Situations

Level of skill development

Implementing strategies to protect creations

Micro-skills

Protect know-how, technical creations and knowledge, aesthetic creations and distinctive signs through exclusive exploitation rights.

Applying and combining intellectual property rights in complex situations

Defining and guaranteeing the legal protection of know-how, intellectual creations and distinctive signs.

Apply the procedures for obtaining industrial property rights in France, Europe and worldwide

Advising companies on applying the principles and scope of intellectual property rights in their business environment

Macro-skill 3

Adding value: understanding the mechanisms for exploiting creations and rights

Situations

Level of skill development

Design and apply operating mechanisms

Micro-skills

Negotiating and drafting contracts for the exploitation of industrial property rights, research and development contracts and scientific and technical collaboration agreements

Managing a portfolio of industrial property assets

Assessing, enhancing and protecting companies' intangible assets.

Macro-skill 4

Defending: guaranteeing the interests of creators and rights holders

Situations

Level of skill development

Setting up a defence strategy

Micro-skills

Initiating injunctions in defence of industrial property rights

Advising companies on defending and prosecuting infringements of their industrial property rights

Advising companies on the judicial or extra-judicial resolution of disputes relating to industrial property rights

Helping companies resolve disputes

Macro-skill 5

Adapting: situating yourself in the intellectual property ecosystem and keeping abreast of developments

Situations

Level of skill development

A forward-looking approach

Micro-skills

Produce innovative theoretical thinking and practical solutions

Adapting to the professional and institutional environment of intellectual property (IPC, industry, lawyers, courts, etc.)

Block number and title	List of skills	Assessment procedures
Acquisition of patent rights	<ul style="list-style-type: none"> ☐ Protecting inventions and technical knowledge through exclusive exploitation rights. ☐ Applying intellectual property law. ☐ Defining and guaranteeing the legal protection of inventions and innovations. ☐ Applying the procedures for obtaining industrial property titles, particularly patents, in France, Europe and worldwide 	<p>The knowledge test for this block of skills consists of two written tests (a technical test and a legal test) in addition to four oral tests covering all the subjects taught. There are three written tests in general law.</p>
Exploitation and defence of patent rights	<ul style="list-style-type: none"> ☐ Ensuring the security, defence and promotion of the interests and transactions carried out by companies under exclusive exploitation rights. ☐ Drawing up and negotiating commercial, financial, industrial cooperation and licensing agreements, etc. ☐ Assessing, enhancing and protecting companies' intangible assets. ☐ Defending intellectual property rights. 	<p>The knowledge test for this block of skills consists of two written tests (a technical test and a legal test) in addition to four oral tests covering all the subjects taught. There are three written tests in general law.</p>

Industrial property rights defence and litigation

- **Keeping a technological and commercial watch on industrial property rights**
- **Initiating injunctions in defence of industrial property rights**
- **Advising companies on defending and prosecuting infringements of their industrial property rights**
- **Advising companies on the judicial or extra-judicial resolution of disputes relating to industrial property rights**

The assessment of knowledge required to obtain this block of skills consists of two tests: the writing of a research dissertation and an oral presentation of the dissertation and questions relating to the subjects taught before a panel of at least two people, one of whom must be a teacher-researcher.

Skills based approach

- ▶ the challenge will be to identify the courses that are likely to meet these skills, the courses that will enable these skills to be acquired
- ▶ This approach is rather tricky to implement. Even though we are academics, we are not really trained in this approach.
- ▶ It's not always easy to accurately identify macro-skills or micro-skills.
- ▶ That's why it's vital to work as a team and to work with professionals. I find this skills-based approach particularly interesting when it comes to preparing students for qualifying exams.

Course content

- ▶ Theoretical and practical approach
- ▶ Future Patent engineers
 - ▶ General law
 - ▶ Patent law (international conventions, the European Patent Convention, the French and European grant procedure, patentability, the effects of the patent, the Paris Convention, employee inventions, infringement proceedings, etc.)
 - ▶ Courses related to patent law: plant variety law, competition law, civil procedure, patent-related contract law, tax law...

Course Content

- ▶ Practical courses
 - ▶ these courses should familiarize students with key methodologies, including drafting claims and solving practical legal cases.
 - ▶ They should also help develop essential reflexes that will be crucial in their future practice
 - ▶ Moreover, these practical lessons should focus on building skills—bringing us back to a skills-based approach—geared towards preparing candidates for future qualification exams.

Course Content

Master 2:

- Conventions internationales
- Droit d'auteur
- Droit des brevets
- Droit des marques
- Droit des obtentions végétales
- IG
- Procédure
- Contrats
- Contentieux
- Secret des affaires
- Concurrence déloyale
- Droit du commerce international
- Droit douanier
- Propriété intellectuelle et urgence écologique
- Droit de la concurrence
- Droit des affaires et propriété intellectuelle
- Management de la propriété intellectuelle
- Copropriété des droits de PI
- Licensing
- Frand
- Recherche publique, etc.

Conclusion

- ▶ Such training will be a success on the sole condition that the courses are taught not only by academics, but also by practitioners.
- ▶ This combination of strengths and expertise is particularly valuable for a subject such as intellectual property
- ▶ The quality of a training programme depends on the existence of an educational committee made up, once again, of academics and practitioners
- ▶ The task of this educational committee will be to develop the syllabus in line with changes in the subject matter, in order to delete or add courses and, in some cases, to decide to change the lecturers.



Continuous Development Standards: Models and Best practices

Exploring ongoing professional development models and standards

Introduction

- ▶ Continuous training – important topic
- ▶ France: training obligation amounts to 20 hours over 12 months for lawyers and patent attorneys
- ▶ It is therefore crucial to be able to continue training practitioners throughout their careers so that their expertise remains sharp.
- ▶ The sanitary crisis has substantially altered the paradigm.
 - ▶ more and more players in the education field
 - ▶ moved away from face-to-face training to much more flexible training, with a lot of distance learning

Training for a qualification exam

- ▶ the courses need to be prepared and discussed between academics and practitioners
- ▶ They should not be too time-consuming, but should be sufficiently comprehensive to provide the best possible preparation for the exam.
- ▶ They must be both theoretical, to enable future candidates to brush up their skills, but also have a strong practical aspect.

Training for a qualification exam

- ▶ French TM Qualification Exam
- ▶ Necessity of such a training
- ▶ Hybrid format
- ▶ Three two-day training modules, with a review session that I will get back to later
- ▶ In terms of teaching methods, the approach focuses on revisiting the fundamentals, the basics, while incorporating recent case law to illustrate the subject matter. The goal of the course is therefore not only to provide a theoretical refresher, but also to bring candidates up to date in the topics covered

Training for a qualification exam

- ▶ The speakers are academics and practitioners (lawyers or trademark attorneys), the idea being to provide an opportunity to discuss best practice and the right reflexes to adopt
- ▶ This type of training must also be supplemented by what are commonly known in France as "round tables". In other words, discussions where future candidates prepare the annals of previous years' examinations and engage with experienced practitioners to discuss the methodologies used.
- ▶ As the period between the written and oral exams can be quite long, it is necessary to plan revision sessions during this gap.

Training for a qualification exam

- ▶ A similar approach has been adopted for patent law, and more specifically for the French qualifying examination.
- ▶ Two modules have been organised, combining method, practice and theory.
- ▶ a dedicated module presents the qualification exam. The aim is to explain the different components of the test, the approach to take when sitting for these tests, and the expectations of the jury.
- ▶ In addition, there are also sessions, similar to those for trademarks, on the basics and fundamentals of patent law, with many elements linked to current case law and legislation. The objective remains consistent: to provide a comprehensive understanding of the entire subject.
- ▶ As with trademarks, a final module can be organised between the written tests and the orals, specifically to prepare for the orals, covering current affairs, American patent law and key methodological elements.

Training for a qualification exam

- ▶ EEQ
- ▶ Exemple of F exam
- ▶ Teaching that combines theory, practice and methodology
 - ▶ a) Legal questions concerning the applicant's knowledge of the relevant provisions, in particular the EPC, the EPC Regulations, the Fees Regulations, the PCT, the PCT Regulations, the PCT Applicant's Guide, the Paris Convention for the Protection of Industrial Property, the EPO Examination Guidelines and the Guidelines for Search and Examination at the EPO as the PCT Protecting Authority.
 - ▶ b) Questions relating to the interpretation of the claims, the assessment of the conformity of the claims and the invention to which they relate with the provisions of the EPC, and the assessment of the conformity of the proposed amendments with the provisions of the EPC.
 - ▶ In addition to this theory, it is also possible to offer lessons on the methodology, with the correction of mock exams.

Other trainings

- ▶ Be tailored to the expectations of professionals
- ▶ Continuing education takes the form of a day or half-day on current case law
- ▶ Not a good idea to combine the latest developments in patent, copyright and trademark law on the same day
- ▶ it is advisable to have a compartmentalised approach to intellectual property, with topical days on patent law, topical days on trademark law and topical days on design law

Other trainings

- ▶ Selection of the decisions
- ▶ Quality of the presentation
- ▶ Need to ensure that the people involved are competent, experts in their domains, pedagogical and, above all, motivated.
- ▶ Such events do not necessarily allow us to consider in detail the very practical subjects that would merit greater development

Other trainings

- ▶ Continuing education can therefore include, with the support of academics, more specialized conferences, whether focused on a specific area of intellectual property law or on broader, cross-cutting topics.
- ▶ For instance, this year I organized a conference on 3D trademarks, a key issue both in France and within the European Union.
- ▶ However, it is crucial that such conferences, organized by academics, are held in collaboration with practitioners and trade associations, so we can identify and address the issues as effectively as possible

Other trainings

- ▶ Seminars
- ▶ Adaptation
- ▶ seminar on trade mark law every first Monday of the month, from noon to 2 pm, on a technical subject, all online

Other trainings

- ▶ In terms of format, the training courses are easily accessible and can be revisited later through recordings. Additionally, they are scheduled on fixed days and times, which helps participants organize their schedules more efficiently. Finally, the seminar is long enough to thoroughly cover the topics, yet concise enough to avoid overwhelming the participants.
- ▶ Basically, the aim is clear: discussing technical subjects with top-level speakers. The idea is for participants not simply to keep up to date, but to gain new skills. What's more, as part of these seminars, it is possible to do a bit of current affairs, which would replace the famous update days.

Other trainings

- ▶ Other types of training can be organised to enhance your skills. This can take the form of short courses, lasting one or two days, again on specific subjects. I'm thinking of the taxation of intellectual property rights, artificial intelligence, Frand licences and so on.
- ▶ Improve your skills, but perhaps also to specialise and acquire new skills that will be useful in your career.
- ▶ These courses can be short courses, but they can also be diploma courses. Diplomas will be proof that a new skill or several skills have been acquired.



Exam Administration

*Best practices for on-site and future
distance exam implementation*

Written and oral exams

- ▶ Essential to test candidates' knowledge through both written and oral examinations
- ▶ An essential duality that must be upheld
- ▶ The legal profession and, more specifically, that of intellectual property attorneys, is a profession that requires the ability to express oneself both in writing and orally
- ▶ A good counsel is one who is able to send high-quality written submissions to the offices, in a format that is concise, clear and effective. They must also be able to communicate with the office in the event of notification of refusal and, in addition, they must be able to communicate with opposing counsel
- ▶ oral communication is, of course, just as essential.

Written and oral exams

- ▶ For example, the written examinations should focus on legal advice: a response to the office in the context of invalidity or revocation proceedings, a request made in the context of an opposition, etc. The challenge, and the difficulty, lies in creating an exercise with a high degree of cross-disciplinarity, enabling candidates to address a broad range of subjects
- ▶ oral examinations offer an excellent opportunity to challenge candidates' automatisms and reflexes, ensuring that they are capable of answering questions without prior preparation
- ▶ Use of the documents?

Jury

- ▶ Vital for this panel to be representative of the intellectual property ecosystem
- ▶ Magistrate, a member of the Office, an academic, an industrial property attorney, a lawyer and a member of industry.

Temporality

- ▶ When?
 - ▶ Same week?
 - ▶ Several months
 - ▶ Continuous testing?

How?

▶ On-site

Or

▶ Online?

French exemple

- ▶ There are 4 written tests that determine eligibility.
- ▶ The first test consists of drafting an opinion on the validity and availability of a sign based on the results of a prior art search.
- ▶ The second test involves filing an opposition to a trademark application before the INPI or the EUIPO or drafting observations in response to such an opposition.
- ▶ The third test takes the form of a consultation note or opinion on a practical problem relating to the law of trademarks and distinctive signs, including domain names, and the law of unfair competition or parasitic acts under French and European Union law and international conventions and arrangements to which France is a party.
- ▶ Finally, the fourth test is the drafting of a note in the form of a consultation or opinion on a practical problem in design law, including copyright, in French and European Union law and international conventions and arrangements to which France is a party.
- ▶ Candidates have a total of 5 hours for tests 1 and 2, and a total of 5 hours for tests 3 and 4.

French exemple

- ▶ The oral tests involve analysis and discussion of legal problems relating to the application of French law, international conventions, Community regulations and directives and the main foreign laws.
- ▶ **First test:** trademark law, distinctive signs, including domain names, and unfair competition and parasitic practices.
- ▶ **Second test:** in design law, including copyright law; questions concerning professional ethics may be raised in the context of this test.
- ▶ **Duration:** the oral test is limited to 30 minutes. Candidates have one hour's preparation time for each test.

Merci!

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