

LEARNING ACTIVITY

'Case discussions'

Ent-teach Unit 5 Intellectual Property Management



Description learning activity

The teacher puts forward cases that require an approach. The students are asked to give their view on it and have a discussion on it as a group. The teacher then provides the correct answer or most suitable approach to it.

Case 1

I have an idea for developing pottery in the market. How can I protect my idea before entering into contact with a marketing enterprise?

In principle, ideas as such are not protected by IP rights as long as they are not materialised and do not fulfil the concrete criteria. Once you have created the pottery, normally you would fulfil copyright criteria (form and originality) and design criteria (novelty and individual character). While your pottery is not 'real', and just at the idea stage, you should ensure the signature of a confidentiality agreement with the enterprise to whom you are going to explain your project. Under this agreement, you would prevent that enterprise from using your idea or communicating it to third parties.

Case 2

I have developed a scientific method; if I explain the idea in writing (which I assume gives me copyright on it), may I prevent others from using my method without permission?

The documents in which you describe the scientific method you wish to later develop will be protected by copyright. You can prevent others from copying the documents you have written (plagiarism), but not from expressing the idea in another way. You may enjoy copyright protection thanks to the original and personal expression (in the documents) you have made of your idea. Nevertheless, copyright will not cover the use of your scientific method because, insofar as they respond to a technical problem, this type of work may be protected by patent, not copyright.

Case 3

As an advertising agency, we are interested in protecting an idea of advertisement against clients who could use our idea before us. Can we protect this idea?

Ideas as such cannot be protected by IP rights. In this case, the idea has not yet been materialised, so the best thing is to sign a confidential agreement with your client. Through this agreement, he will not be able to communicate your idea to third parties nor to use it himself. Once your idea has been represented in some form, you will receive protection if the criteria are fulfilled.

Case 4

I am an individual who has developed several insurance, financing and banking models and would like to protect them. How can I obtain such protection?

Your idea of creating such models is not protected by any IP rights, only in the US. Your models can benefit from protection if they are expressed in a concrete way. Concerning copyright, your schemas, texts, graphics etc. can receive this protection. As regards patents, business methods are excluded from patentability (Article 52.2.c of the European Patent Convention) because of their lack of technical character. However, the European Patent Office (EPO) has granted a certain number of patents for software, as such, and business methods if they fulfil the condition that they have a technical effect. But this is a solution based only on the EPO practice.

Problem

The Unit describes the various options of protecting intellectual property. Intellectual Property Management is a rather abstract and theoretical topic. It should be placed in perspective so students can judge its applicability and relevance under different circumstances and in concrete situations.

Timeline

After the students completed the Unit and questions on Intellectual Property Management it is now time to apply the knowledge in practice. This learning activity will take about 30 to 45 minutes to complete. This includes the introduction and explanation by teacher, the debate and the comments and summary by the teacher.

Target Audience

VET students who have completed the Intellectual Property Management Unit. The background (field of study) of the student is not a large factor.

Goal

Students learn how to apply their knowledge on Intellectual Property Management by relating the topic to concrete and real-life situations.

Learning outcomes

Students will gain perspective on the matter. They will understand how Intellectual Property Management is useful and applicable in some cases, and why in other situations it may be advisory to pursue success and product protection in another way than the official & juridical way.

Evaluation

Based on the outcomes of the group discussion on the cases, the teacher can assess if the Unit content has been understood and applied by the students in a good way. To sum up and close the learning activity the teacher can demonstrate how the outcomes relate to the Unit theory.

Technology

None needed. The teacher leads the discussion verbally.

Methods

- Verbal introduction by teacher,
- Discussion among students, teacher leads and ensures interactivity and participation by all;
- Summary by the teacher.

Team

This learning activity can be led by a single teacher and the whole class can participate as a group.

Resources

None needed