

Nottingham Trent University Course Specification

Basic Course Information

1 Awarding Institution:	Nottingham Trent University.
2 School/Campus:	Nottingham Law School/City or off-campus
3 Final Award, Programme	
Title and Modes of Study:	Professional Certificate in Trade Mark Practice, PT
4 Normal Duration:	10 months – October to July
5 UCAS code:	not applicable

6 Overview and general educational aims of the programme

This programme is designed for trainee trade mark attorneys

The aims of the programme are generically:

- to provide a structure with rigour both in terms of skill base and technical acuity;
- to foster an increased focus on outcomes rather than mere compliance;
- and recognition of achievement enhancing the employment prospects (both within a traditional firm and also in-house and a new alternative business structures under SRA regulations from 2010) in particular of students
- To develop the skills of participants to become more effective in professional practice in or related to the legal services sector by acquiring academic and practical expertise in a *structured way*
- To develop the skills of the reflective practitioner as a basis for learning during the programme and beyond
- To develop an understanding and appreciation by participants of the principles of relevant substantive law;
- To equip participants with the skills to manage themselves in the context of in professional practice in or related to the legal services sector;
- To develop and assess against a clear set of educational outcomes, defined by the profession for the assessment of those wishing to enter the profession.

7 Course outcomes

Course outcomes describe what you should know and be able to do by the end of your course if you take advantage of the opportunities for learning that we provide.

Knowledge and understanding. By the end of the course you should be able to:

- 1 Have and demonstrate a capacity for critical evaluation of, knowledge and practical application in the context of intellectual property practice so that the student can give advice about applicable categories of protection for particular activities (level 6);
- 2 Exercise judgment based on a systematic understanding of key aspects of registration, enforcement and exploitation of trade marks so as to give appropriate advice (level 6);
- 3 Apply diagnostic, analytical and creative skills in filing and search strategies and procedures (level 6);

4	Understand the nature of intellectual property infringements, potential enforcement options and remedies, including relevant civil and criminal litigation procedures (from LPC) (level 6);
5	Conceptually understand and critically analyse a range of topics at the forefront of professional practice in the field of trade marks (level 7);
Skills, qualities and attributes. By the end of the programme you should be able to:	
6	Demonstrate an understanding of the principles and techniques of the skill of interviewing (from LPC) (level 6);
7	In the context of trade mark litigation; a) understand the importance of preparation and the best way to undertake it; b) understand the basic skills in the presentation of cases before courts and tribunals; c) be able to formulate and present a coherent submission based upon facts, general principles and legal authority in a structured, concise and persuasive manner (from LPC) (level 6);
8	Exercise appropriate professional management, conduct and ethics skills with responsibility (at level 3) and with independence and accountability (at level 7).
9	Have the skills to tackle and solve problems within the context of trade mark practice – including skills of communication, planning and management and decision-making – demonstrating self-direction and originality (level 7)
10	Be able independently to learn and reflect for continuing professional development (level 7)

8 Teaching and Learning Methods

Interactive plenary sessions

These will be used to introduce topics or skills and to provide a focus for debate.

Facilitated Group Discussions

These will be used to identify targets to be achieved, to plan a strategy for achievement and to reflect on whether the target has been attained.

Case Study Hypotheticals

These will be used to create a realistic but safe environment to allow students to practise and experiment with new skills.

Role Play

Students will play the part of, for example, a witness or client in order to give students an insight into the experiences of those they deal with in practice.

Student Presentations

These will occur in the context of case studies, for example presenting an opening statement (as if at trial) to assist with initial case analysis.

Self-Analysis Techniques (Reflective Practice)

Students will be introduced at the outset to the use of reflective writing as a method of developing the skills of the reflective practitioner.

Tutor Feedback

Constructive feedback using the NLS method (itself based on the NITA method) will be a key teaching and learning tool throughout the course.

9 Assessment Methods

Opportunities for interim feedback

Written and/or oral formative feedback will be an integral part of the module activities. Other formative feedback will be provided in relation to post module work.

Methods of final assessment

Module 1

Interviewing skills assessment

Practical filing skills/searching assessment

Introduction to UK and International Trade Marks and Registry Practice written examination (Paper 1)

Module 2

Advocacy and ethics skills assessment

Litigation and tribunal procedure and evidence written examination (Paper 2)

Module 3

Intellectual property Basic Litigation Skills written assessment (Paper 3)

10 Programme structure and curriculum

The programme consists of 25 days' attendance, divided into four 4-day weekends, two 2-day assessment blocks and two 1-day blocks. The attendance days include all assessment days.

Module 1

Introduction to UK and International Trade Mark Practice, Searching and Client Relationships Skills (including Client interviewing and Advice)

Unit 1

Induction, introduction to reflection, LLR, NOW and legal research skills

Introduction to intellectual property and title, proper use of trade marks and introduction to client relationships skills.

UK trade mark searching, evidence, UK/EUIPO procedure, filing strategies, further client relationships skills

Ethics and professional conduct, further client relationships skills, drafting trade mark specifications.

Unit 2

European trade marks, client relationships skills (letters)

Agreement drafting, non-EU foreign trade marks and trade mark searching, evidence

Design rights and copyright

Preparation for interviewing skills assessment and filing/searching assessment

Module 2

Litigation and tribunal practice and procedure and advocacy

Unit 1

Interviewing skills assessment
Introduction to tribunal practice and procedure, case analysis, case management, introduction to tribunal advocacy, practice and procedure.
expert evidence, drafting, disclosure, tribunal case management directions
Revision day for written examinations

Unit 2

Practical filing skills/searching assessment
Further tribunal procedure
Ethics and conduct in courts and tribunals
Advocacy skills
Preparation for the advocacy skills assessment

Assessments block 1

Written Paper 1
Written paper 2

Assessments block 2

Written Paper 3
Advocacy and ethics skills assessment

Module 3 IP Basic Litigation Skills Reflective learning and reflective practice

Professional management
Negotiation
High Court Litigation practice and procedure in the Intellectual Property Enterprise Court.

11 Admission to the programme

Applicants should normally:

- Either:* 1. (a) have successfully undertaken a course of study in trade mark law approved for the purpose by the Intellectual Property Regulation Board (IPReg); and
- (b) have employment in trade mark related practice (defined as a trade mark attorney's office, solicitor's office, barristers' chambers, or the relevant department of a company, public authority or other public sector organisation, or a professional body);
- or:* 2. in the opinion of the course leader and of IPReg, have equivalent qualifications or experience that will equip an applicant to complete the course successfully.

12 Support for Learning

Generally

Your principal means of learning support is through the module tutors, the programme leader and the NOW resources.

Whilst we acknowledge that they are principally directed at undergraduates, study support services offered by the university are described at http://www4.ntu.ac.uk/student_services/study_support/index.html, a copy of which appears in the Student Handbook issued on enrolment. Other study skills

support is available at
http://www4.ntu.ac.uk/student_services/study_support/study_skills_workshops.

Reflective reports on mock skills assessments

Uncertainty about the reflective writing is by no means unusual. Support is provided by a number of means including the NOW resources and individual counselling by the course leader if it is sought by individual students.

13 Graduate destinations/ employability

Successful completion of this programme is the sole route to formal qualification as a trade mark attorney in England and Wales.

14 Programme standards and quality

It is important to us to maintain high quality in our teaching, materials and administration. Feedback from students and others involved in the programme is an integral part of the process.

We obtain feedback in the following ways:

1. From students, teaching staff and administrators informally or by occasional e-mail;
2. From student evaluation questionnaires for each module;
3. From facilitator feedback forms for each module;
4. From markers and external examiners;
5. From Course Committee meetings involving student participation;
6. From the opportunity to be student representative for the course.

All feedback is read by the programme leader. Responses to feedback occur in the following ways:

1. Suggestions for changes to materials, assignments or the structure of modules are recorded with the module's development notes and considered when the module is being prepared in the following year.
2. Summaries of the evaluation questionnaire responses for preceding modules are available to students at programme committee meetings and included in the annual course report to the university.
3. Minutes of programme committee meetings are circulated by email to all students.
4. Where an individual response demands an individual response from us, by contact from the programme leader.

Sometimes we cannot act on a suggestion. This may be, for example, because university rules prevent it. Where such matters are raised, in questionnaires or programme committee meetings or otherwise, we will seek to provide an explanation in the next set of programme committee minutes.

Since students only attend each module once, where we have acted on a student suggestion, it may not be obvious that we have done so. We will seek, however, to let students know by means of the programme committee meetings and their minutes, when we have implemented suggestions for the next cohort and, if possible, how the implementation worked.

15 Assessment regulations

This programme is subject to the University's Common Assessment Regulations (located in its Academic Standards and Quality Handbook). Any programme-specific assessment features are described below:

This programme will adopt the Taught Postgraduate Common Assessment Regulations.

16 Additional Information

Collaborative partner(s):	none
Programme referenced to national QAA Benchmark Statements:	none
Programme recognised by:	IPReg
Date implemented:	2011-2018
Any additional information:	

Nottingham Trent University Course Specification

Basic Course Information

1 Awarding Institution:	Nottingham Trent University.
2 School/Campus:	Nottingham Law School/City or off-campus
3 Final Award, Programme	
Title and Modes of Study:	RTMA Intensive Qualification Course
4 Normal Duration:	6 months
5 UCAS code:	not applicable

6 Overview and general educational aims of the course

This programme is designed for trainee trade mark attorneys who have completed the requisite papers as required by ITMA as PSRB under the Joint Examination Board regulations and have been issued with a "Certificate of Eligibility" by ITMA. It is also open to qualified Solicitors and Barristers practising in the filed of trade marks.

The aims of the programme are generically:

- to provide a structure with rigour both in terms of skill base and technical acuity;
- to foster an increased focus on outcomes rather than mere compliance;
- and recognition of achievement enhancing the employment prospects (both within a traditional firm and also in house and a new alternative business structures under SRA regulations from 2010) in particular of students
- To develop the skills of participants to become more effective in professional practice in or related to the legal services sector by acquiring academic and practical expertise in a *structured* way
- To develop the skills of the reflective practitioner as a basis for learning during the programme and beyond
- To develop an understanding and appreciation by participants of the principles of relevant substantive law;
- To equip participants with the skills to manage themselves in the context of in professional practice in or related to the legal services sector;
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7 Course outcomes

Programme outcomes describe what you should know and be able to do by the end of your programme if you take advantage of the opportunities for learning that we provide.

Knowledge and understanding. By the end of the programme you should be able to:

- 1 Have and demonstrate a capacity for critical evaluation of, knowledge and practical application in the context of intellectual property practice so that the student can give advice about applicable categories of protection for particular activities (level 6);

- | | |
|---|--|
| 2 | Exercise judgment based on a systematic understanding of key aspects of registration, enforcement and exploitation of trade marks so as to give appropriate advice (level 6); |
| 3 | Apply diagnostic, analytical and creative skills in filing and search strategies and procedures (level 6); |
| 4 | Understand the nature of intellectual property infringements, potential enforcement options and remedies, including relevant civil and criminal litigation procedures (from LPC) (level 6);; |
| 5 | Conceptually understand and critically analyse a range of topics at the forefront of professional practice in the field of trade marks (level 7); |
| Skills, qualities and attributes. By the end of the programme you should be able to: | |
| 6 | Demonstrate an understanding of the principles and techniques of the skill of interviewing (from LPC) (level 6); |
| 7 | In the context of trade mark litigation; a) understand the importance of preparation and the best way to undertake it; b) understand the basic skills in the presentation of cases before courts and tribunals; c) be able to formulate and present a coherent submission based upon facts, general principles and legal authority in a structured, concise and persuasive manner (from LPC) (level 6);. |
| 8 | Exercise appropriate professional management, conduct and ethics skills with responsibility (at level 6) and with independence and accountability (at level 7). |
| 9 | Have the skills to tackle and solve problems within the context of trade mark practice – including skills of communication, planning and management and decision-making – demonstrating self-direction and originality (level 7) |
| 10 | Be able independently to learn and reflect for continuing professional development (level 7) |

8 Teaching and Learning Methods

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Role Play

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Student Presentations

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Self Analysis Techniques

Students will be introduced at the outset to the use of reflective writing as a method of developing the skills of the reflective practitioner.

Tutor Feedback

Constructive feedback using the NLS method (itself based on the NITA method) will be a key teaching and learning tool throughout the course.

9 Assessment Methods

Opportunities for interim feedback

Some degree of written, oral formative feedback will be an integral part of the course activities.

Methods of final assessment

Examination – one 3 hour examination: Trade Mark Practice & Procedure (60%)
Interviewing assessment (20%); Advocacy Assessment (20%).

1 Course structure and curriculum

Course Pre Reading and Preparation

Refresher material on first principles – Patents, Copyright, Design Rights, etc and IPREG and regulation generally, Code of Professional Conduct

Unit 1: Introduction to UK and International Trade Mark Practice, Searching and Client Relationships Skills (including Client interviewing and Advice). (4 days including course induction)

In this unit, you will meet and interview a client who wishes to search and register a trade mark; one centring on goods and one on services. You will need to investigate the situation, conduct the correct searches and checks and then advise the client on the best route to take, encompassing both practical and strategic issues. Upon receiving instructions from the client, you will then make an application to register the trade mark.

The Unit will focus on the following substantive legal issues of trade mark practice:

- What makes a good trade mark?
- UK trade mark searching, (including register and in use searches);
- Filing strategies (national vs. OHIM and Madrid);
- Initial advice regarding registration (including which mark to register, where, and consideration of designs and domains)

In addition, there will be significant focus on the acquisition of professional skills, via the use of case studies, in the context of ethics and professional conduct, client interviewing, written and “one to one” client advice and client relationship management.

Unit 2: Registry Procedures (4 days)

In this unit, you will prosecute the various applications made in Unit 1 through to registration, including dealing with absolute ground objections and oppositions or invalidations/revocations.

The Unit will focus on the following substantive legal issues of trade mark practice:

- UKIPO and OHIM Practice & Procedure on absolute grounds – applying the Work Manuals;
 - Grounds for refusal - responses to registry objections on absolute grounds for refusal under Trade Marks Act 1994;
 - International IP Skills - OHIM/Madrid searches and reports;
- UKIPO and OHIM Practice & Procedure on opposition and revocation

In addition, there will be the opportunity for you to also deal with an unsuccessful application to register and an Opposition. You will deal with the refusal, preparing an advice to client and drafting and filing responses, including any issues of client expectation management and the commerciality and strategic nature of advice and options offered to the client

There will be an emphasis on the development of drafting skills (pleadings and skeleton arguments as well as letter writing and advice) as well as case management and client management techniques and advocacy and appearance before the registry.

The main focus of Unit 2 is the management of trade marks as an asset with an emphasis on how to enforce them. The case studies may, for instance, involve either a brief from a marketing manager to you as an “in house” trade mark attorney or to you as an external firm to which the task has been outsourced.

This unit will introduce you to the various tasks that you may undertake in this context, from managing a portfolio of trade marks to dealing with trade mark infringement or an action for passing off. This unit will also give you the opportunity to negotiate with an opponent to the alleged infringement action with a view to putting an agreement in place, a licence or an assignment. Issues such as the mortgaging of trade marks as well as the taxation and potential competition issues (re coexistence agreements) may also be included within the negotiation exercise.

The Unit will focus on the following substantive legal issues of trade mark practice:

- Infringement and passing off – comparison of marks and goods, evidence, outline of court procedure;
- Negotiation of assignments and licensing agreements (consider issues such as taxation, competition law and coexistence agreements);
- Retainer management with internal and external clients re the monitoring of a trade mark portfolio and their use and maintenance;
- Trade mark due diligence exercise on portfolio of trade marks – checking registration and any infringement actions or other issues to point out to a purchaser

In addition to the substantive issues, you will be able to develop your skills in negotiation, communication and advocacy and drafting (instructions to counsel, licences, and coexistence agreements), client management, and working in legal teams such as solicitors and counsel.

11 Admission to the programme

Applicants should normally:

- Either:* 1.
- (a) have successfully undertaken a course of study in trade mark law approved for the purpose by the IPReg; and
 - (b) have employment in trade mark related practice (defined as a trade mark attorney's office, solicitor's office, barristers' chambers, or the relevant department of a company, public authority or other public sector organisation, or a professional body); and
 - (c) have completed at papers under the Joint Examination Board regulations as required by IPReg
- or:* 2. in the opinion of the course leader and of (IPReg), have equivalent qualifications or experience that will equip an applicant to complete the course successfully.

12 Support for Learning

Generally

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13 Graduate destinations/ employability

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This programme will adopt the Taught Postgraduate Common Assessment Regulations.

16 Additional Information

Collaborative partner(s):	none
Programme referenced to national QAA Benchmark Statements:	none
Programme recognised by:	IPReg
Date implemented:	2010-2018
Any additional information:	

Module specifications

**Nottingham Trent University
Module Specification**

	Basic module information	
1	Module Title:	Introduction to UK and International Trade Mark Practice, Searching and Client Relationships Skills (including Client interviewing and Advice) [Module 1 – professional certificate]
2	Module Code:	LAW_36500
3	Credit Points:	20
4	Duration:	10 Months
5	School:	Nottingham Law School
6	Campus:	City
7	Date this version first approved to run:	March 2011

8 Pre, Post and Co-requisites:

These are modules that you must have studied previously in order to take this module, or modules that you must study simultaneously or in a subsequent academic session

<u>Pre, Co, Post</u>	<u>Module Code</u>	<u>Module Title</u>
none	none	none

9 Courses containing the module

<u>Level</u>	<u>Core/Option</u>	<u>Mode</u>	<u>Code</u>	<u>Course Title</u>
6	core	PT		Professional Certificate in Trade Mark Practice

10 Overview and Aims

This module provides the foundation material in trade mark law and trade mark practice as it relates to clients being advised both orally in interview and in letters which is then built on in the remainder of the course.

11 Module Content – Major Themes and Issues
Unit 1

Induction, introduction to reflection, LLR, NOW and legal research skills.
Introduction to intellectual property and title, proper use of trade marks and introduction to client relationships skills.
UK trade mark searching, evidence, UK/EUIPO procedure, filing strategies, further client relationships skills
Ethics and professional conduct, further client relationships skills, drafting trade mark specifications.

Unit 2

European trade marks, client relationships skills (letters)
Agreement drafting, non-EU foreign trade marks and trade mark searching, evidence
Design rights and copyright
Preparation for interviewing skills assessment and filing/searching assessment

12 Indicative Reading

Kerly's Law of Trade Marks and Trade Names (14th ed.)

A Practical Approach to Trade Mark Law (Michaels & Norris,)

13 Learning outcomes (linked to the Course Learning Outcomes)

Learning outcomes describe what you should know and be able to do by the end of the module

Knowledge and understanding. After studying this module you should , in the context of trade mark practice (including in-house) be able to:

- 1 Have and demonstrate a capacity for critical evaluation of, knowledge and practical application in the context of intellectual property practice so that the student can give advice about applicable categories of protection for particular activities (level 6);
- 2 Exercise judgment based on a systematic understanding of key aspects of registration, enforcement and exploitation of trade marks so as to give appropriate advice (level 6) ;
- 3 Apply diagnostic, analytical and creative skills in filing and search strategies and procedures (level 6)

Skills, qualities and attributes. After studying this module you should, in the context of trade mark practice (including in-house), be able to:

- 6a choose an appropriate way to obtain relevant information
- 6b plan, prepare to and identify the objectives of an interview
- 6c listen actively and use appropriate questioning techniques

6d advise the client taking into account the client’s objectives, priorities and constraints and addressing all relevant factual, practical and legal issues;

6e identify possible courses of action, the legal and non-legal consequences of a course of action (including the costs, benefits and risks) and assist the client in reaching a decision;

6f identify any further decisions to be made or steps to be taken and manage the client’s expectations including likely outcomes and timescales.(all in 6 above at level 6)

8 Exercise appropriate professional management, conduct and ethics skills with responsibility (level 7).

14	<p>Teaching and Learning</p> <p><i>Range of modes of direct contact</i></p> <p>This indicates the range of direct contact teaching and learning methods used on this module, e.g. lectures, seminars</p>
	<p><i>Interactive plenary sessions</i></p> <p>These will be used to introduce topics or skills and to provide a focus for debate.</p> <p><i>Facilitated Group Discussions</i></p> <p>These will be used to identify targets to be achieved, to plan a strategy for achievement and to reflect on whether the target has been attained.</p> <p><i>Case Study Hypotheticals</i></p> <p>These will be used to create a realistic but safe environment to allow students to practice and experiment with new skills.</p> <p><i>Role Play</i></p> <p>Students will play the part of, for example, a witness or client in order to give students an insight into the experiences of those they deal with in practice.</p> <p><i>Student Presentations</i></p> <p>These will occur in the context of case studies, for example presenting an opening statement (as if at trial) to assist with initial case analysis.</p> <p><i>Self-Analysis Techniques (Reflective Learning)</i></p> <p>Students will be introduced at the outset to the used of the learning portfolio as a method of developing the skills of the reflective practitioner.</p> <p><i>Tutor Feedback</i></p> <p>Constructive feedback using the NLS method (itself based on the NITA method) will be a key teaching and learning tool throughout the course.</p>
	<p>Total contact hours: 56</p>
	<p><i>Range of other learning methods</i></p> <p>This indicates the range of other teaching and learning methods used on this module, e.g. directed reading, research</p>

Preparation on written materials prior to the units, preparation for the assessments, assessments

Total non-contact hours: 144

15 **Assessment methods**

This indicates the type and weighting of assessment elements in the module

<u>Element number</u>	<u>Weighting</u>	<u>Type</u>	<u>Description</u>
1	C/NYC	Skills assessment	Interviewing Skills assessment
2	C/NYC	Skills assessment	Practical filing skills/searching assessment
3	100%	Exam	Introduction to UK and International Trade Mark Practice Written Examination (Paper 1)

Diagnostic/ formative assessment

This indicates if there are any assessments that do not contribute directly to the final module mark

Feedback on interviewing and filing/searching will be given throughout the class contact sessions and in between the units within each module. In addition to written materials, a revision day is provided for the written examinations in Module 2 Unit 2.

Further information on assessment

This section provides further information on the module's assessment where appropriate

See course handbook

Document Management		
16	Module Title:	Introduction to trade mark practice and client relationships skills (including interviewing)
17	Module Code:	LAW_36500
18	Subject (JACS) Code	LAW_107
19	Cost Centre	Nottingham Law School
20	School:	Nottingham Law School
21	Academic Team	Practitioner Portfolio
22	Campus	City
23	Other institutions providing teaching	<i>Please complete in box 23 a-d - if applicable</i>
		Institution %
23a	Other UK Higher Education or Further Education Institution- Please name Percentage not taught by NTU	
23b	Other public organisation in the UK- Percentage not taught by NTU	
23c	Other private organisation in the UK - Percentage not taught by NTU	
23d	Any other Non-UK organisation - Percentage not taught by NTU	
24	Date of approval:	

**Nottingham Trent University
Module Specification**

Basic module information		
1	Module Title:	Litigation and Tribunal Practice and Procedure and Advocacy [Module 2 – professional certificate]
2	Module Code:	LAW_36501
3	Credit Points:	20 level
4	Duration:	10 months
5	School:	Nottingham Law School
6	Campus:	City
7	Date this version first approved to run:	March 2011

8 Pre, Post and Co-requisites:

These are modules that you must have studied previously in order to take this module, or modules that you must study simultaneously or in a subsequent academic session

<u>Pre, Co, Post</u>	<u>Module Code</u>	<u>Module Title</u>
pre	LAW_36500	Introduction to Trade Mark Practice and client relationships skills (including interviewing)

9 Courses containing the module

<u>Level</u>	<u>Core/Option</u>	<u>Mode</u>	<u>Code</u>	<u>Course Title</u>
6	core	PT	LAW_107	Professional Certificate in Trade Mark Practice

10 Overview and Aims

This module builds on the broadly non-contentious foundation provided in Module 1 and provides a new, contentious context, culminating in oral presentation skills.

11 Module Content
Unit 1

Interviewing skills assessment
Introduction to tribunal contentious practice and procedure, case analysis, case management, introduction to tribunal advocacy, practice and procedure.
expert evidence, drafting, tribunal case management directions

Unit 2

Practical filing skills/searching assessment
Further tribunal procedure
Ethics and conduct in courts and tribunals
Advocacy skills
Preparation for the advocacy skills assessment

12 Indicative Reading

Kerly's Law of Trade Marks and Trade Names (14th ed.)

A Practical Approach to Trade Mark Law (Michaels & Norris,)

13 Learning outcomes

Learning outcomes describe what you should know and be able to do by the end of the module.

Knowledge and understanding. After studying this module you should be able to:

1 Have and demonstrate a capacity for critical evaluation of, knowledge and practical application in the context of intellectual property practice so that the student can give advice about applicable categories of protection for particular activities (level 6);

2 Exercise judgment based on a systematic understanding of key aspects of registration, enforcement and exploitation of trade marks so as to give appropriate advice (level 6);

4a identify the elements of selected causes of action and criminal charges

4b identify, analyse and if necessary research the propositions of fact going to the elements and be able to identify, analyse secure and preserve evidence to support propositions of fact

4c identify, analyse and advise on the admissibility and relevance of evidence and assess the strengths and weaknesses of each side's case including where appropriate the opponent's evidence

4d identify possible courses of action, demonstrate and awareness of legal and non-legal consequences of selecting a course of action and advise the client on the attendant costs, benefits and risks.

4e identify the steps and strategies that need to be taken in the preparation

<p>and conduct of trade mark tribunal registry proceedings</p> <p>4f identify possible costs consequences of different outcomes in Tribunal Registry proceedings.</p> <p>4g demonstrate an understanding of the relevant Civil Procedure Rules, the overriding objective and their application in the conduct of contentious applications in the Tribunal Registry.</p> <p>4h understand the steps needed to prepare the case for hearing in the trade mark registry and the procedural and evidential issues arising from expert witnesses, witnesses of fact and disclosure and demonstrate an awareness of the basic elements of trial procedure in trade mark registry cases.</p> <p>4i demonstrate an awareness of the mechanisms which are available to enforce and appeal a judgment. (level 6)</p>
<p>Skills, qualities and attributes. After studying this module you should be able to:</p>
<p>7a identify and analyse the relevant facts, the legal context in which the factual issues arise and how they relate to each other</p> <p>7b summarise the strengths and weaknesses of the case from each party's perspectives</p> <p>7c prepare the legal framework of the case and a simple narrative outline of the facts</p> <p>7d prepare the submission as a series of propositions based on the evidence</p> <p>7e identify, analyse and assess the purpose and tactics of examination, cross-examination and re-examination to adduce, rebut and clarify evidence</p> <p>7f identify, analyse and assess the specific communication skills and techniques employed by a presenting advocate</p> <p>7g demonstrate and understanding of the ethics, etiquette and conventions of advocacy (all of 7 above at level 6)</p> <p>8 Exercise appropriate professional management, conduct and ethics skills with responsibility (level 7)</p>

<p>14 Teaching and Learning</p> <p><i>Range of modes of direct contact</i></p> <p>This indicates the range of direct contact teaching and learning methods used on this module, e.g. lectures, seminars</p>
<p><i>Interactive plenary sessions</i></p> <p>These will be used to introduce topics or skills and to provide a focus for debate.</p> <p><i>Facilitated Group Discussions</i></p> <p>These will be used to identify targets to be achieved, to plan a strategy for achievement and to reflect on whether the target has been attained.</p> <p><i>Case Study Hypotheticals</i></p> <p>These will be used to create a realistic but safe environment to allow students to practice and experiment with new skills.</p>

<p><i>Role Play</i> Students will play the part of, for example, a witness or client in order to give students an insight into the experiences of those they deal with in practice.</p> <p><i>Student Presentations</i> These will occur in the context of case studies, for example presenting an opening statement (as if at trial) to assist with initial case analysis.</p> <p><i>Self Analysis Techniques</i> Students will be introduced at the outset to the used of the learning portfolio as a method of developing the skills of the reflective practitioner.</p> <p><i>Tutor Feedback</i> Constructive feedback using the NLS method (itself based on the NITA method) will be a key teaching and learning tool throughout the course.</p> <p>Total contact hours: 49</p>	
<p><i>Range of other learning methods</i> This indicates the range of other teaching and learning methods used on this module, e.g. directed reading, research</p>	
<p>Preparation on written materials prior to the units, preparation for the assessments, assessments</p> <p>Total non-contact hours: 151</p>	

15 Assessment methods			
This indicates the type and weighting of assessment elements in the module			
<u>Element number</u>	<u>Weighting</u>	<u>Type</u>	<u>Description</u>
1	C/NYC	Skills assessment	Advocacy Skills assessment
2	100%	Exam	Litigation and Tribunal Procedure and evidence written examination (Paper 2)
Diagnostic/ formative assessment			
This indicates if there are any assessments that do not contribute directly to			

the final module mark
Feedback on advocacy will be given throughout the class contact sessions. In addition to written materials, a revision day is provided for the written examinations during module 2 Unit 2.
<p>Further information on assessment</p> <p>This section provides further information on the module's assessment where appropriate</p> <p>See course handbook</p>

Document Management	
16	Module Title: Litigation and Tribunal Practice and Procedure and Advocacy
17	Module Code: LAW_36501
18	Subject (JACS) Code LAW_107
19	Cost Centre Nottingham Law School
20	School: Nottingham Law School
21	Academic Team Practitioner Portfolio
22	Campus City
23	Other institutions providing teaching <i>Please complete in box 23 a-d - if applicable</i>
	Institution %
23a	Other UK Higher Education or Further Education Institution- Please name Percentage not taught by NTU
23b	Other public organisation in the UK- Percentage not taught by NTU
23c	Other private organisation in the UK - Percentage not taught by NTU
23d	Any other Non-UK organisation - Percentage not taught by NTU
24	Date of approval:

**Nottingham Trent University
Module Specification**

Basic module information		
1	Module Title:	IP Basic Litigation Skills [Module 3 – professional certificate]
2	Module Code:	LAW_36573
3	Credit Points:	20
4	Duration:	4 days
5	School:	Nottingham Law School
6	Campus:	City
7	Date:	24 March 2013

8 Pre, Post and Co-requisites:

These are modules that you must have studied previously in order to take this module, or modules that you must study simultaneously or in a subsequent academic session

<u>Pre, Co, Post</u>	<u>Module Code</u>	<u>Module Title</u>
pre	LAW 107	Introduction to trade mark practice and client relationships skills (including interviewing)
pre	LAW_107	Litigation and tribunal practice and procedure and advocacy

9 Programmes containing the module

<u>Level</u>	<u>Core/Option</u>	<u>Mode</u>	<u>Code</u>	<u>Programme Title</u>
7	core	PT		Professional Certificate in Trade Mark Practice
7		PT		Certificate in IP Basic Litigation Skills for Trade Mark Attorneys and Patent Attorneys

10 Overview and Aims

This module completes the pre-registration training by focusing on practice and procedure of conducting and advising upon litigation in the Intellectual Property Enterprise Court (IPEC) and on embedding skills of professional and personal management relevant to practice.

11 Module Content

- Reflective learning and reflective practice
- Professional management
- Negotiation
- Case analysis and pre-action conduct
- The work of IP Reg
- Claim Letter
- Issuing proceedings in the IPEC
- Drafting basic Statements of Case in the IPEC
- Case Management in the IPEC
- Disclosure in the IPEC
- Skeleton Arguments & Opening Speeches
- Trial preparation
- Trial
- IPEC small claims track
- Negotiation workshop
- ADR
- Judicial Review
- Reflective learning and reflective practice
- Professional Management

12 Indicative Reading

Kerly's Law of Trade Marks and Trade Names (14th ed.)

A Practical Approach to Trade Mark Law (Michaels & Norris,

IPEC Procedure

Civil Procedure Rules

13 Learning outcomes

Learning outcomes describe what you should know and be able to do by the end of the module

Knowledge and understanding.

By the end of the course you should be able to:

NTU outcomes:

- Have and demonstrate a capacity for critical evaluation of, knowledge and practical application in the context of intellectual property practice so that the student can conduct and give advice about basic litigation in the Intellectual Property Enterprise Court (IPEC);

Knowledge and understanding Outcomes stipulated by the PSRB, IPREG:

- Exercise judgment based on a systematic understanding of key aspects of IP litigation in the IPEC;
- Understand the importance of preparation and the best way to undertake it
- Understand the importance of litigation ethics and the obligations and duties litigators and advocates have towards a court, clients and other

parties

- Understand the basic skills in the presentation of cases before courts and tribunals in particular the skills necessary for the presentation of cases before the IPEC
- Understand the procedures for swearing oaths and the circumstances when a Commissioner for Oaths may not administer an oath
- Understand the procedural rules, including the time limits, for a judicial review, and the circumstances when judicial review of the decisions of intellectual property tribunals will be granted.
- Understand court structures and civil litigation procedure and how they apply to intellectual property litigation
- Be able to formulate and present a coherent submission based upon facts, general principles and legal authority in a structured, concise and persuasive manner
- 5 Conceptually understand and critically analyse a range of topics at the forefront of professional practice in the field of trade marks (level 6);

Skills, qualities and attributes.

By the end of the programme you should be able to:

NTU outcomes:

In the context of Trade Mark Litigation conducted in the IPEC:

- Understand the importance of preparation and the best way to undertake it;
- Understand the basic skills in the presentation of cases before courts and tribunals;
- Be able to formulate and present a coherent submission based upon facts, general principles and legal authority in a structured, concise and persuasive manner.
- Exercise appropriate professional management, conduct and ethics skills with responsibility (at level 6) and with independence and accountability (at level 7).
- Have the skills to tackle and solve problems within the context of trade mark practice – including skills of communication, planning and management and decision-making – demonstrating self-direction and originality (level 7)

Be able independently to learn and reflect for continuing professional development (level 7)

8 Exercise appropriate professional management, conduct and ethics skills with independence and accountability (Level 7)

9 Have the skills to tackle and solve problems within the context of trade mark practice – including skills of communication, planning and management and decision-making – demonstrating self-direction and originality (level 7)

10 Be able independently to learn and reflect for continuing professional development (level 7)

14	<p>Teaching and Learning</p> <p><i>Range of modes of direct contact</i></p> <p>This indicates the range of direct contact teaching and learning methods used on this module, e.g. lectures, seminars</p> <hr/> <p><i>Interactive plenary sessions</i></p> <p>These will be used to introduce topics or skills and to provide a focus for debate.</p> <p><i>Facilitated Group Discussions</i></p> <p>These will be used to identify targets to be achieved, to plan a strategy for achievement and to reflect on whether the target has been attained.</p> <p><i>Case Study Hypotheticals</i></p> <p>These will be used to create a realistic but safe environment to allow students to practice and experiment with new skills.</p> <p><i>Role Play</i></p> <p>Students will play the part of, for example, a witness or client in order to give students an insight into the experiences of those they deal with in practice.</p> <p><i>Student Presentations</i></p> <p>These will occur in the context of case studies, for example presenting an opening statement (as if at trial) to assist with initial case analysis.</p> <p><i>Self-Analysis Techniques (The Reflective Learner)</i></p> <p>Students will be introduced at the outset to the used of the learning portfolio as a method of developing the skills of the reflective practitioner.</p> <p><i>Tutor Feedback</i></p> <p>Constructive feedback using the NLS method (itself based on the NITA method) will be a key teaching and learning tool throughout the course.</p> <p>Total contact hours: 28</p>
	<p><i>Range of other learning methods</i></p> <p>This indicates the range of other teaching and learning methods used on this module, e.g. directed reading, research</p> <hr/> <p>Preparation on written materials prior to the module, preparation for the assessment, assessments</p> <p>Total non-contact hours: 172</p>

15	<p>Assessment methods</p> <p>This indicates the type and weighting of assessment elements in the module</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>Element number</u></th> <th style="text-align: left;"><u>Weighting</u></th> <th style="text-align: left;"><u>Type</u></th> <th style="text-align: left;"><u>Description</u></th> </tr> </thead> <tbody> <tr> <td>1</td> <td>100%</td> <td>Exam</td> <td>Basic Litigation Procedure in the IPEC.</td> </tr> </tbody> </table>	<u>Element number</u>	<u>Weighting</u>	<u>Type</u>	<u>Description</u>	1	100%	Exam	Basic Litigation Procedure in the IPEC.
<u>Element number</u>	<u>Weighting</u>	<u>Type</u>	<u>Description</u>						
1	100%	Exam	Basic Litigation Procedure in the IPEC.						

Diagnostic/ formative assessment This indicates if there are any assessments that do not contribute directly to the final module mark
None
Further information on assessment This section provides further information on the module's assessment where appropriate See course handbook

Document Management	
16	Module Title: Intellectual Property Basic Litigation Skills
17	Module Code: LAW_36573
18	Subject (JACS) Code
19	Cost Centre Nottingham Law School
20	School: Nottingham Law School
21	Academic Team Practitioner Portfolio
22	Campus City
23	Other institutions providing teaching <i>Please complete in box 23 a-d - if applicable</i>
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24	Date of approval: