

**Additional Assessment**  
**Intellectual Property Law and Knowledge**  
**Management**

**Maastricht University**

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This report was finalised on April 21st 2016



# Report on the master's programme Intellectual Property Law and Knowledge Management LL.M and the master's programme Intellectual Property Law and Knowledge Management MSc. of Maastricht University

This report takes the NVAO's Assessment Framework for Limited Programme Assessments as a starting point.

## Administrative data regarding the programme

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### Master's programmes Intellectual Property Law and Knowledge Management LL.M and the master's programme Intellectual Property Law and Knowledge Management MSc.

Name of the programme:	Intellectual Property Law and Knowledge Management LL.M
CROHO number:	75064
Level of the programme:	master's
Orientation of the programme:	academic
Number of credits:	60 EC
Specialisations or tracks:	n.a.
Location:	Maastricht
Modes of study:	full time, part time
Expiration of accreditation:	27 November 2016

Name of the programme:	Intellectual Property Law and Knowledge Management MSc.
CROHO number:	75065
Level of the programme:	master's
Orientation of the programme:	academic
Number of credits:	60 EC
Specialisations or tracks:	-
Location:	Maastricht
Modes of study:	full time, part time
Expiration of accreditation:	27 November 2016

The panel meeting Intellectual Property Law and Knowledge Management took place on March 4, 2016.

## Administrative data regarding the institution

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Name of the institution:	Maastricht University
Status of the institution:	publicly funded institution
Result institutional quality assurance assessment:	positive

## Quantitative data regarding the programme

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Quantitative data regarding the programme are not included in this report, but can be found in the report Intellectual Property Law and Knowledge Management, Maastricht University (May 8<sup>th</sup> 2014).

## Composition of the assessment panel

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The panel that assessed the master's programme Intellectual Property Law and Knowledge Management LL.M and the master's programme Intellectual Property Law and Knowledge Management MSc. consisted of:

- Prof.dr. P.L.C. (Paul) Torremans, chair, professor of Intellectual Property Law at the University of Nottingham, and advisor and consultant to the WIPO Academy;
- Dr. D. (Derk) Visser, partner EIP Ilp, contributor to Kluwer Patent Law website at Kluwer Law Internatinal, and lecturer European Patent Law at CEIPI;
- Prof.dr. M. (Manuel) Desantes, professor of Private International Law at the University of Oviedo and Alicante, and member of the counsel of ELZABURU.

The panel was supported by dr. B.M. van Balen, who acted as secretary.

Appendix 1 contains the curricula vitae of the members of the panel.

## Reasons and context

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The post-initial master's degree programmes Intellectual Property Law and Knowledge Management (LL.M. and MSc.) of Maastricht University were initially assessed in May 2014 by a panel chaired by prof.dr. P.L.C. Torremans, professor in Intellectual Property Law at the University of Nottingham, UK. The panel used the NVAO's assessment framework for limited programme assessments (as of 22 November 2011) and assessed standard 3 as unsatisfactory. The panel expressed concerns regarding the assessment policy and the achieved learning outcomes. In accordance to the decision rules of the NVAO, the panel had to conclude that the programmes did not yet fulfill the criteria for reaccreditation. In response to the recommendations of the assessment panel the programmes developed an improvement plan, which addressed shortcomings identified by the panel: the assessment policy, the thesis procedure and the thesis assessment standards.

The improvement plan was submitted to the NVAO and on basis of this plan the NVAO decided to extend the duration of the accreditation of both master's programmes in Intellectual Property Law and Knowledge Management until 27 November 2016 to allow an improvement period. Maastricht University needs to apply for reaccreditation before 28 May 2016. The application has to be accompanied by an assessment of standard 3 for both programmes by an independent panel of experts.

## Working method of the assessment panel

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### *Preparation*

The management of the master's programmes Intellectual Property Law and Knowledge Management provided a progress report with an overview on the current situation following the Plan of Improvement. This report was made available to the panel members on January

16<sup>th</sup> 2016. The panel decided to read all theses (18) that were finalised after implementation of the improvements. These theses and the assessment forms were divided among the panel members on January 16<sup>th</sup> 2016.

#### *Meeting and report*

The panel had an internal meeting on March 4<sup>th</sup> 2016 to discuss the members' findings on basis of the studied material and to establish the final assessment. After the meeting, the secretary wrote a draft report based on the assessment panel's findings. Subsequently, this draft report was sent to the assessment panel for feedback. After processing the panel members' feedback, the secretary sent the draft report to the university in order to have it checked for factual errors. The secretary discussed the ensuing comments with the panel's chair and adapted the report accordingly before finalising it.

#### *Decision rules*

In accordance with the NVAO's Assessment Framework for Limited Programme Assessments (as of 22 November 2011), the panel used the following definitions for the assessment of both the standards and the programme as a whole.

#### **Generic quality**

The quality that, from an international point of view, can reasonably be expected from a higher education bachelor's or master's programme.

#### **Unsatisfactory**

The programme does not meet the current generic quality standards and shows serious shortcomings in several areas.

#### **Satisfactory**

The programme meets the current generic quality standards and shows an acceptable level across its entire spectrum.

#### **Good**

The programme systematically surpasses the current generic quality standard.

#### **Excellent**

The programme systematically well surpasses the current generic quality standards across its entire spectrum and is regarded as an international example.

## Summary judgement

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This report describes the panel's findings and considerations of the reassessment of the master's programmes Intellectual Property Law and Knowledge Management LL.M. and Intellectual Property Law and Knowledge Management MSc. The programmes were granted an improvement period by the NVAO to allow for the implementation of the improvement measures as described in the approved Plan of Improvement (June 2014). The panel sustains its judgement of the standards 1 and 2 in the initial assessment report.

During the improvement period the programmes implemented measures to rebalance the composition of the Board of Examiners; the programmes updated their assessment policy with regard to exam resits and the exam times for part-time students. The thesis procedure, assessment and grading system were reconsidered and restructured and a new thesis assessment form was introduced. The reassessment panel appreciates the measures listed above. It is convinced that these measures have resulted in an adequate assessment system. The programmes have shown that they now have an adequate assessment policy and thesis procedure in place.

The panel studied all theses and the corresponding assessment forms that were delivered during the improved period for both programmes. It established that the graduated students have achieved the intended learning outcomes and perform on a high level. The 2014 panel assessed standard 1 and standard 2 as good. The panel is very enthusiastic about the programmes and is glad that it can express this enthusiasm in the general assessment 'good' for both programmes.

The panel assesses the standards from the Assessment framework for limited programme assessments in the following way:

Master's programme Intellectual Property Law and Knowledge Management LL.M. Standard 3: Assessment and achieved learning outcomes	good
Master's programme Intellectual Property Law and Knowledge Management MSc. Standard 3: Assessment and achieved learning outcomes	good

### General conclusion

Master's programme Intellectual Property Law and Knowledge Management LL.M.	good
Master's programme Intellectual Property Law and Knowledge Management MSc.	good

The chair and the secretary of the panel hereby declare that all members of the panel have studied this report and that they agree with the judgements laid down in the report. They confirm that the assessment has been conducted in accordance with the demands relating to independence.

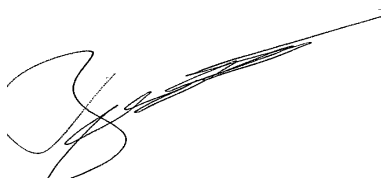


Date: 21 april 2016



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prof.dr. P. Torremans



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dr. B.M. van Balen



## Description of the standards from the Assessment framework for limited programme assessments

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The panel that assessed the master's programmes Intellectual Property Law and Knowledge Management (IPKM) LL.M. and MSc of Maastricht University in February 2014 assessed standard 1: Intended learning outcomes and standard 2: Teaching-learning environment of both programmes as 'good'. The panel considered the two programmes to be unique in Europe and the programmes to have well structured and coherent curricula. Concerning these standards the panel made a few recommendations for further improvement. Although the re-assessment is only aimed at standard 3, the reassessment panel is very pleased to see that the programme made diligent efforts to meet all recommendations made by the initial assessment panel. The recommendations in the assessment report (2014) included instruction sessions on the use of legal English and methodology in the structuring of legal text in the first semester. Furthermore the programme changed the language admission requirements to an IELTS certificate with a minimum overall score of 6.5 and in addition with no less than 6.5 in writing. The programme supported IPKM alumni to establish an association. The panel that executed the reassessment of both programmes is also very pleased that they were able to hire a new staff member.

### Standard 3: Assessment and achieved learning outcomes

The programme has an adequate assessment system in place and demonstrates that the intended learning outcomes are achieved.

#### Explanation:

The level achieved is demonstrated by interim and final tests, final projects and the performance of graduates in actual practice or in post-graduate programmes. The tests and assessments are valid, reliable and transparent to the students.

### Findings

The reassessment panel was impressed by the careful way the programme addressed all the recommendations of the initial assessment in 2014. It established that the master's programmes Intellectual Property Law and Knowledge Management LL.M and MSc implemented the following measures concerning the assessment system.

#### *Composition of the Board of Examiners*

At the time of the initial assessment of the programmes the composition of the Board of Examiners was not in line with the legal requirements. The current composition of the Board of Examiners complies with the legal framework as described in the WHW<sup>1</sup>. The Board comprises of a chair (resident IPKM staff member), two resident IPKM staff members, the IPKM vice-director, and an external member. The director of the IPKM programme is excluded from membership. The composition of the Board ensures that there is always a neutral quorum (3) to handle exam issues.

#### *Assessment Policy*

The initial assessment panel (2014) remarked that, as a rule, there should be no more than one resit per exam. The programme describes in its overview of the current situation that the updated exam rules now determine that students can have no more than one resit per exam. Only in special cases alternatives can be offered.

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<sup>1</sup> Wet op het hoger onderwijs en wetenschappelijk onderzoek (WHW), *the law on higher education and research*

The initial assessment panel (2014) stated that full-time and part-time students should get the same amount of time for the same questions in the exam. In order to address the concern of the panel, part-time students will be separated from the full-time students and their time will be monitored proportionally to the exam components taken.

In reaction to the concern of the 2014 panel about the monitoring of free riding in relation to collective work on assignments, the programme now instructs students to indicate whether they wish their assignments to be treated as a collective or an individual work. In case of group work with multiple parts they have to indicate who is individually responsible for which part. The programme updated both the set of instructions to students and the assessment instructions for staff on the assessment of group assignments.

#### *Thesis procedure*

In order to assist the students in structuring and completing their thesis on time a new thesis procedure has been developed (appendix 5, annex 3). Students are enrolled in the mandatory start of master thesis course which includes 'legal English and Methodology' offering sessions on legal writing and research methodology. The purpose of this course is to familiarise students with the thesis assessment standards and to provide them with the adequate tools to write a thesis. The procedure also includes an oral presentation by the students of their thesis outline to the entire resident IPKM team. The students are then assigned two supervisors. The students need to defend their full draft thesis to a delegation of the IPKM Board of Examiners and other residential supervisors.

The reassessment panel appreciates the measures taken, as listed above. It is convinced that these measures have resulted in an adequate assessment system for both programmes. The programmes have shown that they have an adequate assessment policy and thesis procedure in place. The procedures enable the programmes to keep close track of the students' progress.

#### *Achieved learning outcomes*

The programmes developed a new assessment form for the graduation theses and used this form for the assessment of all theses delivered by the students in the improvement period. To verify whether the students have achieved the intended learning outcomes the reassessment panel studied all theses available for both programmes.

The panel received all theses and the corresponding assessment forms. It also received the theses versions that still needed improvement and a thesis that was not yet deemed satisfactory by the supervisors. The panel established that the level of the theses was according to what can be expected of master's degree programmes. It has seen a clear improvement of the academic level of the theses. The panel would have awarded some of the theses with slightly different grades, but not more than 0,5 – 1 points. The panel established that the students, minus the one that failed, achieved the learning outcomes.

#### **Considerations**

The reassessment panel concludes that the assessment system of the master's programmes Intellectual Property and Knowledge Management LL.M and MSc has significantly improved and is now of a satisfactory level. The composition of the Board of Examiners is balanced and adheres to the legal requirements. The programmes have an adequate assessment policy and procedures.

The adjusted thesis procedure allows the programmes' management to closely monitor the students' progress and help the students to complete their thesis timely and at a satisfactory

level. The thesis assessment forms allow the supervisors and examiners to assess the students in an adequate, transparent and objective way.

The panel also established that students who graduated during the improvement period all achieved the learning outcomes.

The panel was impressed by the improvements made in the programmes and the assessment system and concluded that the improvements resulted in graduates performing on a high level, who have very good opportunities on the labour market. As stated in the 2014 report, the alumni considered the master's programmes very useful. Many students have strengthened their position on the international labour market. The panel therefore concludes that the level achieved by the graduates is good.

### **Conclusion**

*Master's programme Intellectual Property Law and Knowledge Management LL.M* and the master's programme Intellectual Property Law and Knowledge Management MSc.: the panel assesses Standard 3 as 'good'.

*Master's programme Intellectual Property Law and Knowledge Management LL.M* and the master's programme Intellectual Property Law and Knowledge Management MSc.: the panel assesses Standard 3 as 'good'.

### **General conclusion**

The panel is convinced that the measures both programmes in Intellectual Property Law and Knowledge Management have implemented resulted in an adequate assessment system. It also established that the graduated students have achieved the intended learning outcomes and perform on a high level. The 2014 panel assessed standard 1 and standard 2 as good. The reassessment panel 2016 assessed Standard 3 also as good. The panel is very enthusiastic about the programmes and is glad that it can express this enthusiasm in the general assessment 'good' for both programmes.

### **Conclusion**

The panel assesses the *master's programme Intellectual Property Law and Knowledge Management LL.M* and the master's programme Intellectual Property Law and Knowledge Management MSc. as 'good'.

The panel assesses the *master's programme Intellectual Property Law and Knowledge Management LL.M* and the master's programme Intellectual Property Law and Knowledge Management MSc. as 'good'.



## Appendices





## **Appendix 1: Curricula Vitae of the members of the assessment panel**

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**Prof. dr. P. L. C. (Paul) Torremans** is professor of Intellectual Property Law at the School of Law at the University of Nottingham (the United Kingdom), since 2002. He holds degrees in Law from the universities of Leuven and Leicester and Torremans was employed by the universities of Leicester and Leeds before joining the university of Nottingham. His main research interests are Intellectual Property and Private International Law. His recent publications include J.J. Fawcett and P.L.C. Torremans, *Intellectual Property and Private International Law*, OUP (2nd ed, 2011) and P. Torremans, *Holyoak and Torremans Intellectual Property Law*, OUP (7th ed, 2013).

**Dr. D. (Derk) Visser** studied physics at the universities of Enschede, Oxford and Groningen, obtaining a PhD cum laude. Visser did research in the Philips Research Laboratories in Eindhoven, a.o. in the field of CD and DVD players, and drafted the world standard for the CD-Rom and the template for the DVD standard. He became patent attorney in the patent department of Philips Electronics and works since 2005 as partner for the London firm EIP. Visser gives seminars with the European Patent Office, teaches Patent Law in many European cities and is the author of the best seller *The Annotated European Patent Convention*.

**Prof. dr. M. (Manuel) Desantes** is professor of Law at the University of Alicante (Spain), since 1993. Since 2010, he is a member of counsel of the IP firm ELZABURU, and from 2011 onwards, he has been the vice-president of the Spanish Jury of Design. In the past, Desantes served as vice-president and president in acting of the University of Alicante (1996-1998). He also used to be a member of the Legal Service of the European Commission, responsible for Intellectual Property and Electronic Commerce (1998-2001). Between 2001-2008, he was the vice-president of the European Patent Office. Desantes founded the *Magister Lvcentinvs* (Intellectual Property and Information Technology Master's Degree) at the University of Alicante, of which he was the director as well (1994-1997). Since 1998, Desantes is a fellow of the Eisenhower Foundation, and author of seven books and more than fifty articles regarding Private International Law, Intellectual Property Law and Information Technology Law.



## **Appendix 2: Domain-specific framework of reference**

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The IPKM programme distinguishes itself from existing master programmes offered at other European universities, or professional training offered by national patent organisations. The unique character of the master Intellectual Property Law and Knowledge Management lies in the combination of:

- 1) an integrated approach to teaching intellectual property law in the context of policy questions and knowledge management issues;
- 2) a unique experience of learning jointly, graduates with a degree in law together with graduates with a degree in science or medicine, about the role of IP law in commerce, research and innovation policy;
- 3) the emphasis on practice and academia through problem based learning; and
- 4) an appropriate mix of specialist courses tailored to the background of the student and common core courses mandatory for all.

This combination of factors ensures that graduates are equipped to work not only as lawyers, but also as intermediaries with patent agents and managers in innovative companies and research institutes.



### Appendix 3: Intended learning outcomes

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The following intended learning outcomes have been formulated:

1) a. Graduates of the advanced master intellectual property and knowledge management LL.M. will hold an expertise on the legal and commercial aspects of IPR and knowledge management, acquiring skills to work at an academic level in a European and/or transnational legal and policy environment in close interaction with colleagues holding a degree in science and technology. In addition to their legal training, LL.M students will be well versed with concepts such as entrepreneurship, valorization, and knowledge management, and the role of IP law in commerce, research and innovation policy. They will be well versed with concepts such as patent and trademark litigation, international and European IP law, international IP treaties, judicial proceedings and jurisprudence, etc..

b. Graduates of the advanced master intellectual property and knowledge management M.Sc. have the knowledge will hold an expertise on the scientific, economic and commercial aspects of knowledge creation, protection and commercialization. They will acquire the relevant skills to work at an academic level in international, multicultural environment as European patent agents, national patent agents, officials of the European patent office or other European or international governmental and non-governmental organizations in the field of intellectual property and knowledge management in close interaction with colleagues holding a degree in law. They will be well versed with concepts such as entrepreneurship, valorization and knowledge management, patent drafting and procedure, and the role of patent drafting for the purpose of commercial strategies and international patent litigation.

2) Graduates are able to apply the knowledge and skills obtained by defining, analysing and solving complex problems, especially at the interface of law, innovation, culture, competition, and science and technology. They are flexible and can easily adapt to new situations, both at the level of substantive intellectual property law as well as in the unlocking and exchange of information on national, regional and international law and policy for cultural, intellectual, and industrial creativity. They have written an academically sound masters thesis based on independent research. They are able to express themselves clearly in both oral and written form at an academic and professional level.

3) Graduates have been trained in formulating and articulating their conclusions so as to reflect an open-minded but critical and scientific attitude. They have learned to distinguish between ethical, economic, policy and legal arguments and take account of different, sometimes conflicting interests. They are able to synthesise different points of view into a legally relevant, academically sound conclusion.

4) Graduates have learned how to cooperate at a professional and academic level and have gained experience in playing different parts in teams comprised of lawyers, economists, social scientists, and participants holding a degree in science and technology. They are able to comprehend legal texts and judgements, as well as the legal significance of registered rights, most notably inventions disclosed in patent documents. They are able to convey their understanding to, and exchange views on the relevant issues with a professional or non-professional audience.



## Appendix 4: Overview of the curricula

### IPKM PROGRAMMES OVERVIEW

COMMON CORE			TRACKS			
LLM and MSc			LLM		MSc	
PERIOD	Mandatory	Optional (minimum 3)	Mandatory	Optional (3 min./4 max.)	Mandatory	Optional (3 min./4 max.)
<b>Period 1</b> Starts first Monday of September	- Principles of Intellectual and Industrial Property Law (5 ECTS)  - Copyright and related rights (5 ECTS)			Global Policy and Economics of IP Law (2 ECTS)		IP and Life Sciences (2 ECTS)
<b>Period 2</b>	- Law of Trade Marks and Unfair Competition (5 ECTS)  - Patent Law I (5 ECTS)  Start master thesis			IP Enforcement and Procedure (2 ECTS)		IP and Computer Science (copyright and patents) (2 ECTS)
<b>Period 3</b>		EPC Procedure (2 ECTS)	Comparative IP Litigation – Germany, France, UK, Belgium, Netherlands		EPC claim drafting and interpretation (mechanics and chemical)	

LLM and MSc			LLM		MSc	
PERIOD	Mandatory	Optional (minimum 3)	Mandatory	Optional (3 min./4 max.)	Mandatory	Optional (3 min./4 max.)
<b>Period 4</b>	- Patent Law II (3 ECTS)	Intensive IP in Asia <sup>1</sup> (3 ECTS)  Annual IEEM IP Master Classes, Macao (2 ECTS)	Comparative IP Litigation – Germany, France, UK, Belgium, Netherlands (4 ECTS)  - Trade Marks, Copyright and Designs (3 ECTS)	Technology Transfer and Franchising Law (2 ECTS)	EPC claim drafting and interpretation (mechanics and chemical) (4 ECTS)	Claim drafting and Interpretation: EPC v US (Chemistry & Mechanics) (2 ECTS)
<b>Period 5</b>	- Copyright and Designs (5 ECTS)  - Competition Law (2 ECTS)  - Entrepreneurship, IP Management and Valorisation (5 ECTS)	Intensive IP in the USA <sup>1</sup> (3 ECTS)		Managing and Financing IP (2 ECTS)		EPC Opposition (2 ECTS)
<b>Period 6</b>		Mock trial intensive <sup>2</sup> (2 ECTS)	Master Thesis (6 ECTS)		Master Thesis (6 ECTS)	
The end of the IPKM Programme and the Closing Ceremony is foreseen in June						

1. The 'IP in the USA / Asia' modules covering trade marks, patents, and copyright, are offered subject to speaker availability. This means that the time and format of the courses may vary, including the option to offer an intensive format combining several topics.
2. The 6th period is intended for the master thesis, no courses are offered, but it is possible to attend a domestic or alternative programme featuring mock trial competitions.
3. Excursions to Munich (EPO), The Hague (EPO Rijswijk), Geneva (WTO and WIPO), and Alicante (OHIM) may be planned during the year.







## Appendix 5: Plan of Improvement

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**Plan of Improvement in relation to the recommendations from the audit of the Master's programmes Intellectual Property Law and Knowledge Management LL.M. and Intellectual Property Law and Knowledge Management M.Sc. of Maastricht University.**

### Introduction

First of all, the management of the IPKM would like to express its gratitude for the genuinely impressive and diligent way in which the Audit Panel has worked in assessing the Master programmes IPKM and for the presentation of its findings.

Despite the evident disappointment on the partly 'unsatisfactory' assessment, many of the points made by the panel are very positive and motivating. The comments of the panel were useful and will enable the IPKM Management Team (hereafter: MT) to strengthen and improve both programmes.

The following Plan of Improvement seeks to address the findings where 1) the Audit Panel has proposed improvements, and 2) where the Panel has found shortcomings.

According to the Audit Panel's conclusion (p. 27 Report on the master's programmes Intellectual Property Law and Knowledge Management LL.M. and Intellectual Property Law and Knowledge Management M.Sc. of Maastricht University, hereafter: Panel Report):

*"The panel finds it very unfortunate that the thesis and assessment system have a rather heavy weight in the assessment frameworks for the higher education accreditation system. The panel understands the reduced role given to the thesis on both programmes, but it remains part of the limited programme assessment. Currently, the panel has to conclude that the majority of the selected theses produced in both programmes do not achieve the bare minimum requirements, or would have been graded significantly lower by the panel. According to the panel, it is possible to achieve an academic level in the theses, even if they are worth only 6 EC. And the necessary changes and improvement can in the panel's opinion be made quickly and straightforwardly."*

The plan of improvement will therefore address the areas in which the Audit Panel has found shortcomings resulting in an "unsatisfactory" conclusion in relation to Standard 3: the above-mentioned assessment policy, the thesis procedure and the thesis assessment standards. The structure of the plan of improvement starts with the panel's findings in relation to Standard 3 in the order presented on pages 10 and 11 of the Panel Report, and with reference to the more concrete points and suggestions described by the panel in the Standard 3 assessment presented on pages 22-26 of the Panel Report.

This means that the following points will be covered:

- Composition of the Board of Examiners;
- Proportional exam time for full-time vs part-time students;
- Review of guidelines for assessment of assignments;
- Introduction of instruction sessions on the use of legal English and methodology in structuring of legal texts;
- Language admission requirements;
- Number of in-house staff for the programmes;
- Thesis procedure (incl. dealing with drafts and deadlines);
- Thesis requirements and assessment criteria;
- Formalisation of relations with alumni associations;

- Staff.

### **Plan of Improvement:**

The following measures will be effective as of 1 September 2014.

#### **1. Composition of the Board of Examiners**

As noted the composition of the Board of Examiners was no longer balanced at the time of the audit due to the termination of other post-initial master programmes, resulting in the termination of members that until then provided a neutral quorum. The composition of the Board of Examiners has since been addressed and caters for:

- A chair who is not part of the IPKM MT, but is resident IPKM staff member;
- Two resident staff members of the IPKM, but not part of the IPKM MT;
- One member who acts as vice-director of the IPKM M.Sc. only; and
- One member who is not part of the IPKM..

The composition of the Board ensures that there is always a neutral quorum (3) to deal with exam issues. The director of the IPKM programme is furthermore excluded from membership of the Board of Examiners. A proposal to this effect has already been approved by the Faculty Board and will be effectuated upon approval by the Faculty Council as of 01-09-2014. These new rules were communicated to the members of the Audit Panel at an intermittent stage and found satisfactory. The following persons have meanwhile been appointed:

- Dr. Anke Moerland (chair);
- Mr. Dalindyebo Shabalala (member)
- Prof. Meir Pugatch (member)
- Dr. Cees Mulder (vice-director IPKM)
- Mr. M. Heckman (Principal Lecturer on International Economic Law,
- Hogeschool Zuyd)

As is clear from the above, Prof. Anselm Kamperman Sanders no longer has a double role as the director of the IPKM and member of the Board of Examiners.

#### **2. Assessment policy**

a) In relation to the assessment policy the panel calls for 'no more than one resit per exam', which is in fact in accordance with the current rules (see Annex 1, Exam Rules and Regulations 2014/15, Article 11):

*Article 11 - Scheduling and frequency*

1

*The student is given the opportunity to sit examinations twice a year at a date and time determined by the Examination Board: the first opportunity is immediately after the study unit and the second opportunity in the course of the academic year, if possible after completion of the following course period.*

2

*The examiner may determine, through indication in the course book or EleUM prior to the start of the course, that written and/or oral assignments carried out in the course of the curriculum are also part of the examinations.*

3

*In special cases, the Examination Board may decide that an examination will be sat at a time other than that determined according to Paragraph 1, or that an extra resit will take place.*

For most courses the final grade is determined through a variety of examination types in addition to a written exam, such as written assignments, presentations, cases studies, role-play and mock trials. Since this combination cannot always be replicated in a second opportunity, resit exams are usually conducted orally.

Additional resit exams (the second resit, see Art. 11(3) above) can be offered at the discretion of the Examination Board in special cases only. This is sometimes necessary if a student faces hardship.

The Exam Rules and Regulation limit the number of resit opportunities per exam to one. Only in special cases can alternatives be offered.

b) The panel states that *full-time and part-time students should get the same amount of time for the same questions at the exam*. Since part-time students may take fewer classes during a given period, this is an issue of practical planning of exam locations, the number of exam components, and time for the answering of questions.

In order to address the concern of the panel, part-time students will be separated from the regular students and their time will be monitored proportionally to the exam components taken.

c) The Audit Panel advises to formalise the monitoring of free riding in relation to collective work on assignments. So far, students have been instructed to indicate whether they wish the assignment to be treated as a collective or an individual work. In case of a larger work with multiple parts they then have to indicate who is individually responsible for which part. The panel notes in relation to this procedure on p. 22 of the Panel Report that there are no complaints from students and alumni in relation to free-riding, which suggests that a revision and formalisation of the current guidelines should suffice.

Formal guidelines on the assessment of (group) assignments are twofold: 1) an updated set of instructions to students, and 2) assessment instructions for staff.

The instructions for students were already present in the self-reflection presented to the Audit Panel, but have been revised for the coming academic year (See Annex 2). They now limit the group size for collective work and clarify the requirements for a collective work.

Formalisation of the instructions to staff have resulted in new “Guidelines for IPKM Teachers” (See Annex 2) that ask the (non-)resident teachers to grade the assignments according to the instructions provided to students following a common standard that recognises that the primary purpose of the assignments is to support the learning process in class.

### **3. Thesis Procedure**

The Audit Panel raised several issues with respect to the thesis procedure, such as thesis procedure, assessment and grading system, thesis preparation and delimitation between LL.M and M.Sc. theses.

According to the exam rules and regulations the LL.M. thesis as well as the M.Sc. thesis should contain between 8000 and 10,000 words. The theses are worth 6 EC, whereby one credit corresponds to 28 hours of work. The thesis accounts for 10% of the total mandatory course load of each master’s programme. The following issues are addressed in the new thesis procedure that can be found in Annex 3 – IPKM Advanced Master’s Thesis, Procedure and Regulations 2014/15:

- The inclusion in the curriculum of sessions addressing the use of legal English and methodology in structuring of texts in the first semester.

These will be tailor-made sessions based on the Maastricht University's Language Centre offering on research writing for PhD candidates, augmented by classes on legal methodology (See Annex 4 for a preliminary outline);

- The delimitation of LL.M and M.Sc. theses. For LL.M theses this means that the emphasis will predominantly be on, but not necessarily confined to, comparative IP litigation and knowledge management. For M.Sc. theses this means that the emphasis will predominantly be on, but not necessarily confined to, patent drafting, prosecution and knowledge management;
- The submission of theses' outlines and drafts in early January of the academic year;
- The management of the delivery of feedback in relation to outlines, oral defence thereof, and early drafts before the end of January;
- An oral defence of the final draft thesis in June;
- The submission of the final manuscript before 31 August.
- The use of the 'special circumstances' procedure (see Annex 1, Article 11) to ensure students can hand in a decent product after the deadline (see Annex 2, Articles 10-11).

#### **4. Thesis Assessment**

The Audit Panel raised several issues in respect of the thesis assessment standards. These are primarily the result of the application of the general faculty rules and regulations for 12 EC theses to the 6 EC IPKM theses. The panel concludes that as a result the theses do not match the assessment criteria and intended learning outcomes that the programmes have set out. For this reason new assessment criteria have been formulated that are unique to the IPKM. The IPKM Advanced Master's Thesis Procedure and Regulations 2014/15 and the Assessment Form Master's thesis IPKM (see Annex 3) address the following issues:

- The formulation of clear and uniform assessment standards by means of an assessment form that will inform students and assessors alike what the required level of the thesis is;
  - The introduction of a number of set feedback and assessment moments involving supervisors, peers, members of the Board of Examiners, and a second assessor: A presentation of the outline and initial drafts before a panel of peers and supervisors in January;
  - An oral defence in June before a forum consisting of the supervisor and two other staff members, among whom at least one member of the Board of Examiners;
  - Final grading by supervisor and second assessor.

#### **5. Language requirements**

The panel suggests the language admission requirements be raised. The language admission requirements will be changed according to the panel's suggestion to:

- An IELTS certificate (International English Language Testing System): at minimum overall score of 6.5 with no less than 6,5 in writing;
  - alternatively an overall score of 7 or higher.

Equivalent TOEFL or other language certificates can also be accepted (See Annex 1, Article 22).

#### **6. Alumni Association**

The panel advises that the current alumni messages on Facebook and LinkedIn, and their reunion meetings be formalised. With the support of the IPKM programme the alumni are presently seeking to establish an association under Dutch Law that will become the vehicle for future activities and outreach.

## **7. Staff**

The panel concludes on page 20 of the Panel Report that the programme is too dependable on one leading staff member. Since then another staff member has been hired. The IPKM resident staff now comprises five staff members at the faculty of law:

- one full-time (1,0 fte) staff member at professorial level acting as director;
- one part-time staff member (0,3 fte) at assistant professorial level acting as vice-director M.Sc.;
- one full-time (1,0 fte) staff member at assistant professorial level acting as chair of the Exam Committee;
- one half-time (0,5 fte) staff member at assistant professorial level;
- one part-time staff member (0,2 fte) at professorial level.

One further staff member at professorial level is employed full-time at the faculty of Health Sciences. It is foreseen that more resident staff members will be hired at the Faculty of Law to support the activities of the IPKM and related teaching in intellectual property law.

### **In conclusion**

The Audit Panel was by-and-large very positive about the master's programmes Intellectual Property Law and Knowledge Management LL.M/M.Sc., resulting in the scores of 'good' with respect to Standards 1 and 2.

For Standard 3, the composition of the Board of Examiners and the thesis procedure and assessment standards were the prime issues where the panels' criticism triggered the assessment framework for the higher education accreditation system's almost automatic response of mandating an unsatisfactory general conclusion.

In addressing all the concerns raised by the Audit Panel in this plan of improvement, the IPKM MT hopes to have satisfactorily met the Audit Panel's call for "necessary changes and improvement that can be made quickly and straightforwardly". It is indeed the case that all propositions in this plan of improvement will be effective as early as the start of the upcoming academic year 2014-2015. The IPKM MT therefore seeks the positive approval of the Audit Panel of this improvement plan, and as a result the continued accreditation of both programmes beyond the current expiration date of 14-07-2015.

Maastricht, June 2014

## Annex 1

### **Exam Rules and Regulations 2014/15**

Provisions changed after the panel report

#### Article 9

##### **Additional provisions regarding written assignments and theses**

1

The master's thesis referred to in Articles 7a and 7b, is mandatory and must complement the programme in terms of content.

The thesis shall be at least 8000 words in length. In case the thesis exceeds 10.000 words, approval of the supervisor is required.

2

The student chooses the topic of the thesis in consultation with the supervisor, and in line with the advanced master's thesis procedure and regulations available via the Academic Paper Dossier on the website. These regulations indicate further provisions on the procedure and deadlines for the master's thesis.

3

If one or more written assignments must be carried out as part of the programme, these assignments must be done individually unless the person responsible for the study unit concerned decides otherwise.

#### Article 11

##### **Scheduling and frequency**

1

The student is given the opportunity to sit examinations twice a year at a date and time determined by the Examination Board: the first opportunity is immediately after the study unit and the second opportunity in the course of the academic year, if possible after completion of the following course period.

2

The examiner may determine, through indication in the coursebook or EleUM prior to the start of the course, that written and/or oral assignments carried out in the course of the curriculum are also part of the examinations.

3

In special cases, the Examination Board may decide that an examination will be sat at a time other than that determined according to Paragraph 1, or that an extra resit will take place.

#### Article 22<sup>2</sup>

##### **English-language skills**

1

For all Advanced Master's Programmes English language proficiency must be demonstrated. The following evidence of proficiency in English will be accepted:

- a degree relating to an English-language bachelor's programme;
- An IELTS certificate (International English Language Testing System): at minimum overall score of 6.5 with no less than 6,5 in writing;
  - o alternatively an overall score of 7 or higher;

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<sup>2</sup> Please note that the admission requirements are applicable with respect to candidates starting in September 2015.



- An internet-based TOEFL certificate (Test of English as a Foreign Language): at minimum an overall score of 90 with no less than 23 in writing;
  - o alternatively an overall score of 100 or higher;
- a Cambridge certificate: CPE (Certificate of Proficiency in English) or CAE (Certificate in Advanced English) equivalent to the test above.

2

The Board of Admissions has the power to accept evidence of language skills other than those listed in paragraph 1, provided that these are comparable with regard to content and level.

### **Assignment Instructions for IPKM Students**

Throughout the year the students are requested to prepare themselves for each and every class on the basis of prescribed assignments, mock trial briefs, presentations, or case studies. The assignments are due every Wednesday afternoon at 15:30 hrs and have to be uploaded in the electronic learning system (EleUM), from which they are sent to the (non-)resident teachers for evaluation.

Please note that collaborative work on IPKM assignments is encouraged, but fraud is not! Please observe the following:

The approach of handing in assignments as a group comprising no more than five persons is allowed, but only under certain stringent conditions:

- Every person involved has to upload his/her document in EleUM which clearly indicates with whom he or she has collaborated;
- In addition, it must be clearly indicated who is responsible for which part of the answer or that a group of persons together is responsible for the given answer.
- Relying on and simply copying answers from other students without your own involvement will be regarded as fraud.
- It is allowed to work together in a group of students while discussing the subject-matter of the question and then together formulate an answer. The intention of the teaching and handing in of assignments is: learning and finding the answers yourself. Attending classes and studying the subject of the teaching gives you a better understanding of the subjectmatter. If you truly want to learn from each other, please work together in groups of different compositions for different assignments.

In structuring your assignments (and in answering exam questions), we expect to see the following at a minimum;

- Clear understanding of the facts before you;
- Clear understanding of the issues raised by the facts before you;
- Identifying the relevant venue and jurisdiction (international, EU, or national, including US);
- Identifying the applicable legal texts and provisions; (International, EU, or national, including US)
- Applying the legal standards, tests, requirements that you have identified to the facts and each of the issues/controversies placed before you.
- Stating the complaint/issue/question under the relevant legal provision.
  - Arguments for one position, supported by interpretation of the legal provisions, with reference to case law that provides support for that interpretation
  - Arguments against the position or defenses available, supported by interpretation of the legal provisions, with reference to case law that provides support for that interpretation.
  - Policy arguments for or against the position.
  - If addressed to a court, the relief you seek
- Stating finally what the conclusion should be and why.

Above all, be clear, systematic and analytical in preparation and prepare as you would for a presentation so that you are able to lead discussion in class, present your findings ad hoc, or

in a (PowerPoint) presentation, and be able to take notes during class discussion that will help you deepen your understanding and prepare for the exam.

#### **Addition on Assignments to the Guidelines for IPKM Teachers**

You are to evaluate the assignments, mock trial briefs, or case studies in line with the instructions given to students, based on the collective or individual work presented, taking into consideration for the purpose of grading that the assignments:

- are of a preparatory nature and should assist the student(s) to participate and make increasingly mature statements as to their position in class;
- should be used to invite discussion and individual class participation, evidenced by oral contributions, such as questions, comments, presentations, mock trials or role play; and
- should be evaluated based on the following factors:
  - o The quality of the collective or individual written work submitted;
  - o The individual oral contribution in class;
  - o The learning curve displayed by the individual student.

## **IPKM Advanced Master's Thesis Procedure and Regulations 2014/15**

### **Article 1**

From the start of the academic year until Christmas, instructions will be given on how to write the thesis. Among other things the following issues will be dealt with:

- how to make a thesis outline;
- how to use footnotes and referencing;
- how to use legal English; and
- how to structure legal texts.

### **Article 2**

In the second block period, students shall be informed on possible thesis topics and staff members available for thesis supervision. The topics will be closely related to the specific subject matter of the IPKM programme the student is enrolled in. For LL.M theses this means that the emphasis will predominantly be on, but not necessarily confined to, comparative IP litigation and knowledge management. For M.Sc. theses this means that the emphasis will predominantly be on, but not necessarily confined to, patent drafting, prosecution and knowledge management. Subsequently, the student informs the staff member of his/her choice.

### **Article 3**

The student selects the topic and language for the master's thesis in consultation with a member of the teaching staff, the supervisor. The student registers in the digital Academic Paper Dossier, and the supervisor accepts supervision of the student through the Academic Paper Dossier. The student submits all further documents for correction, including the outline and the final version of the thesis, via the Academic Paper Dossier.

### **Article 4**

Before Christmas, the student informs the programme director of the topic of his/her thesis and the name of the staff member who agreed to act as supervisor.

### **Article 5**

In the second half of period 3, the student submits an outline of the thesis via the Academic Paper Dossier. Shortly thereafter students will orally present their outline to a forum of peers and supervisors. The exact timeline will be published at the beginning of the academic year.

### **Article 6**

In the second half of June, a first final draft of the thesis must be submitted via the Academic Paper Dossier. Shortly thereafter, students will orally defend their draft thesis in front of a forum consisting of the supervisor and two other staff members, among whom at least one member of the Board of Examiners and one member who will act as second assessor. A preliminary assessment by means of the Assessment Form, which can be found as an annex to these regulations, is awarded afterwards, i.e.

- pass on condition of major revision only,
- pass with medium revision;
- pass with minor revision.

The exact timeline will be published at the beginning of the academic year.

### **Article 7**

The final version of the thesis must be submitted via the Academic Paper Dossier by 31 August, midnight, at the latest.

By submitting the final version of the master's thesis via the Academic Paper Dossier, the student gives permission for it to be saved in a database used to track plagiarism.

### **Article 8**

The supervisor acts as the first assessor in relation to the final version of the thesis and decides on a preliminary mark. In doing so, s/he takes into account the evaluation criteria listed in the Assessment Form, which can be found as an annex to these regulations.

**Article 9**

- a. After assessing the master's thesis, the supervisor forwards it to the second assessor.
- b. After receiving the second assessor's assessment, and within four weeks after the thesis was submitted, the definite grade for the thesis is announced. The master's thesis will be graded with a whole or a half mark on a 0-10 scale, in which 6 is the lowest passing mark.
- c. The student receives a notification via the Academic Paper Dossier when his grade has been announced.
- d. The supervisor signs a copy of the assessment form.
- e. The supervisor supplies the Exam Administration Office with the signed copy of the assessment form.

**Article 10**

If a master's thesis is given a 'fail' mark that is not below 5, the student has the opportunity to revise the thesis within two months after the 31 August deadline with due observance of the comments and corrections of the first and second assessors.

**Article 11**

- a. The first assessor re-assesses the revised master's thesis in consultation with the second assessor.
- b. The mark for a revised master thesis submitted after the 31 August deadline cannot be higher than a 6,5.

## Annex 4

### Draft outline sessions on 'Legal English and Methodology'

The legal English component will be based on the Maastricht University's language centre offering on research writing for PhD candidates. This will be tailor-made for the IPKM to include an introduction to legal methodology. It is expected that eight sessions can be offered before Christmas. Individual feedback on draft thesis chapters will be provided in the months April-May.

During these sessions students will learn to:

- structure their ideas in order to write clear sentences and cohesive paragraphs and to create 'flow';
- effectively use academic writing style characterized by precise, concise and formal language;
- use footnotes and referencing;
- report on previous literature and convey an assessment of the reported research; and
- express different functions in academic and scientific texts, such as defining, exemplifying, and comparing.

The methodology component will inter alia address the following issues:

- how to choose the legal systems to include in the research;
- identification of sources to be consulted;
- how to find the relevant materials;
- how to use online resources and legal databases;
- the identification of economic research that is useful in describing or understanding intellectual property law and innovation systems;
- how to describe the relationship between legal literature and case law; and
- how to deal with the interplay between international intellectual property law, EU law and the laws of the EU Member States.

#### Work forms

- In-session and homework tasks where students write their own text, review literature, improve and edit texts, identify elements in published articles, and practice advanced grammar;
- In each of these assignments students will be instructed in and asked to analyze the legal methodology that underlies the texts studied and draft their own research methodology when working on their own texts;
- The work will culminate in the writing up of an individual research question comprising the description of a clear research methodology and a short bibliography that can be submitted for thesis topic approval.

Based on the above, the learning objectives are formulated as follows:

Upon completion the student knows how to structure and write precise, concise and coherent scientific legal texts with a clear elaboration of the methodology used in the legal research undertaken. This is evidenced by the production of an individual research question comprising the description of a clear research methodology and a short bibliography that can be submitted for thesis topic approval.

## **Appendix 7: Theses and documents studied by the panel**

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Prior to the site visit, the panel studied the theses of the students with the following student numbers:

6088502	6084415	6081502	6098633	6100005
6097733	6043195	6087656	6087052	6100520
6093507	6086635	6090601	6079841	6088972
6884895	6091134	6099735		

The panel studied the following documents:

- Overview on the current state of play following the Plan of Improvement, including all annexes
- The plan of improvement, including all annexes
- The assessment report Intellectual Property Law and Knowledge Management dd 08-05-2014