

**ADVANCED MASTER'S PROGRAMMES  
INTELLECTUAL PROPERTY LAW AND  
KNOWLEDGE MANAGEMENT**

FACULTY OF LAW

**MAASTRICHT UNIVERSITY**

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This report was finalized on 02/07/2018



# REPORT ON THE ADVANCED MASTER'S PROGRAMMES INTELLECTUAL PROPERTY LAW AND KNOWLEDGE MANAGEMENT OF MAASTRICHT UNIVERSITY

This report takes the NVAO's Assessment Framework for Limited Programme Assessments as a starting point (19 December 2014). The Guidelines for the assessment of postgraduate master's programmes (academic orientation) in the Netherlands (2017) were not applied by the panel.

## ADMINISTRATIVE DATA REGARDING THE PROGRAMMES

### **Advanced master's programme Intellectual Property Law and Knowledge Management**

|                               |  |
|-------------------------------|--|
| Name of the programme:        | Intellectual Property Law and Knowledge Management LLM |
| CROHO number:                 | 75064  |
| Level of the programme:       | master's   |
| Orientation of the programme: | academic   |
| Number of credits:            | 60 EC  |
| Specializations or tracks:    | -  |
| Location(s):                  | Maastricht   |
| Mode(s) of study:             | full time, part time                                   |
| Language of instruction:      | English  |
| Expiration of accreditation:  | 27/11/2020   |

### **Advanced master's programme Intellectual Property Law and Knowledge Management**

|                               |  |
|-------------------------------|--|
| 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  |
| Specializations or tracks:    | -  |
| Location(s):                  | Maastricht   |
| Mode(s) of study:             | full time, part time                                   |
| Language of instruction:      | English  |
| Expiration of accreditation:  | 27/11/2020   |

The visit of the Law assessment panel to the Faculty of Law of Maastricht University took place on 27-29 November 2017.

## ADMINISTRATIVE DATA REGARDING THE INSTITUTION

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

## COMPOSITION OF THE ASSESSMENT PANEL

The NVAO approved the composition of the panel on 7 August 2017. The panel that assessed the master's programmes Intellectual Property Law and Knowledge Management consisted of:

- Em. prof. mr. A.F.M. (Adriaan) Dorresteyn, emeritus professor of Transnational Aspects of Corporate Law at Utrecht University [chair];
- Prof. mr. E. (Elies) van Sliedregt, professor of International and Comparative Criminal Law at Leeds University (United Kingdom) [vice-chair];
- Prof. dr. R.A. (Ramses) Wessel, professor of International and European Law and Governance at the University of Twente;
- Prof. mr. dr. A.J.C. (Adrienne) de Moor-van Vugt, professor of Constitutional and Administrative Law at the University of Amsterdam;
- Em. prof. mr. L.C. (Laurens) Winkel, emeritus professor in Legal History at Erasmus University Rotterdam;
- Em. prof. mr. drs. H.P.A.M. (Henk) van Arendonk, emeritus professor in Tax Law at Erasmus University Rotterdam;
- Prof. dr. Y. (Yves) Jorens, professor in Social Security Law and Social Criminal Law at the University of Ghent (Belgium);
- Prof. M. (Manuel) Desantes Real, professor of Law at the University of Alicante (Spain) [referent];
- D.H. (Danielle) Arnold, master's student Legal Research at Utrecht University.

The panel was supported by drs. Renate Prenen, who acted as secretary.

Appendix 1 contains the curricula vitae of the panel members.

## WORKING METHOD OF THE ASSESSMENT PANEL

### *The Law Assessment*

The advanced master's programmes Intellectual Property Law and Knowledge Management at the Faculty of Law of Maastricht University were assessed as part of the Law cluster assessment. Between October of 2017 and March 2018, three panels assessed a total of 92 programmes at eleven universities. Upon consultation with the NVAO, it was decided that for the assessment within the umbrella group Domain of Law, three subclusters (henceforth: clusters) of institutions would be created:

|             |   |
|-------------|---|
| Cluster I   | University of Amsterdam, VU University Amsterdam, Erasmus University Rotterdam, Nyenrode Business Universiteit; |
| Cluster II  | Leiden University, Tilburg University, Utrecht University;  |
| Cluster III | Maastricht University, Open University, Radboud University Nijmegen, University of Groningen.                   |

Each cluster was assessed by a separate panel. The panels consisted of the following members:

#### Cluster I

- Em. prof. mr. I.F. (Ige) Dekker (chair)
- Prof. dr. mr. P.P.T. (Paul) Bovend'eert (vice-chair)
- Em. prof. dr. mr. T.A. (Theo) de Roos
- Prof. dr. P.H.J. (Peter) Essers
- Prof. dr. mr. A.L.B (Aurelia) Colombi Ciacchi
- Dr. mr. W.H.F.M. (Wouter) Cortenraad LLM
- Prof. dr. mr. G.E. (Gerrit) van Maanen
- V.A. (Veerle) van Waarde LLB
- R.P.M.G. (Robert) van den Boorn LLB
- D.H. (Danielle) Arnold LLB
- Prof. mr. dr. P. (Peggy) Valcke

- Prof. dr. L.J. (Larissa) van den Herik

#### Cluster II

- Em. prof. dr. R. (Roel) Fernhout (chair)
- Prof. dr. J. (Jan) Struiksma (vice-chair)
- Em. prof. dr. G.P.M.F. (Gerard) Mols
- Prof. dr. B.E. (Barbara) Reinhartz
- Prof. dr. M.G. (Michael) Faure
- Prof. dr. R.G. (Rainer) Prokisch
- Prof. dr. A.A.H. (Aukje) van Hoek
- Prof. dr. M.B.M. (Marco) Loos
- Prof. dr. J.B. (Hanneke) Spath
- V.A. (Veerle) van Waarde LLB
- R.P.M.G. (Robert) van den Boorn LLB
- D.H. (Danielle) Arnold LLB
- Prof. dr. A.A. (Antoon) Quaadvlieg

#### Cluster III

- Em. prof. mr. A.F.M. (Adriaan) Dorresteyn (chair)
- Prof. mr. E. (Elies) van Sliedregt (vice-chair)
- Prof. dr. R.A. (Ramses) Wessel
- Prof. mr. dr. A.J.C. (Adrienne) de Moor-van Vugt
- Em. prof. mr. L.C. (Laurens) Winkel
- Em. prof. mr. drs. H.P.A.M. (Henk) van Arendonk
- Dr. D. (Dominique) Sluijsmans
- V.A. (Veerle) van Waarde LLB
- R.P.M.G. (Robert) van den Boorn LLB
- D.H. (Danielle) Arnold LLB
- Prof. M. (Manuel) Desantes Real
- Prof. dr. A.A. (Antoon) Quaadvlieg
- Prof. dr. Y. (Yves) Jorens
- Dr. mr. S.A. (Sonja) Kruisinga
- Prof. mr. H.N. (Harriët) Schelhaas

A subpanel was composed for every site visit in a cluster, based on expertise, availability and independence of the panel members. The panel assessing the Faculty of Law of Maastricht University consisted of the following members:

- Em. prof. mr. A.F.M. (Adriaan) Dorresteyn (chair)
- Prof. mr. E. (Elies) van Sliedregt (vice-chair)
- Prof. dr. R.A. (Ramses) Wessel
- Prof. mr. dr. A.J.C. (Adrienne) de Moor-van Vugt
- Em. prof. mr. L.C. (Laurens) Winkel
- Em. prof. mr. drs. H.P.A.M. (Henk) van Arendonk
- D.H. (Danielle) Arnold LLB
- Prof. M. (Manuel) Desantes Real
- Prof. dr. Y. (Yves) Jorens

Dr. Fiona Schouten acted as executive coordinator of the Law assessment, drs. Linda te Marvelde as supervisor and Marcella van Schie MA as project assistant. Drs. José van Zwieten (University of Amsterdam, Vrije Universiteit Amsterdam) and dr. Marianne van der Weiden (Erasmus University Rotterdam, Nyenrode Business Universiteit) acted as secretaries in cluster I; Adrienne Wieldraaijer-Huijzer MA (Leiden University) and dr. Floor Meijer (Tilburg University, Utrecht University) in cluster II; and drs. Renate Prenen (Maastricht University, Open University, Radboud University Nijmegen, University of Groningen) in cluster III. Due to parallel sessions in the site visit schedules, Fiona Schouten acted as additional secretary during the visits to Erasmus University Rotterdam, the



University of Amsterdam, Maastricht University and Radboud University Nijmegen. She also acted as additional secretary during the visit to the University of Groningen due to planned name changes of various programmes.

#### *Consistency and calibration*

In order to assure the assessments took place consistently within and between clusters, various measures were taken:

1. The QANU coordinator was present at the start of all site visits as well as at the panel discussion leading to the preliminary findings at every site visit;
2. The coordinator was present at the first site visit of every cluster;
3. Calibration meetings took place on 8 December 2017 and 6 April 2018. During these meetings, the panel chairs, vice chairs, student members and QANU coordinator discussed the working method and the assessments;
4. The chairs attended at least one site visit outside their own cluster as a spectator;
5. The student members of the panels rotated: they took part in at least one site visit per cluster;
6. Prior to the site visits, on 29 August 2017, coordinator and secretaries held a meeting to discuss their working method.

#### *Preparation*

On 23 March 2017, the panel chairs were briefed by QANU on the working method, assessment frameworks and planning of the Law assessment. They also discussed mutual coordination and communication. This led to a shared directive on the selection of theses and to a description of the nature and number of courses to be selected as study material during each site visit.

A preparatory meeting was organised on 19 June 2017 for the members of the three panels. During this meeting, the panel members received instruction on the assessment frameworks and the planning of the site visits. They reflected upon the content and use of the domain-specific framework of reference (see appendix 2).

In preparing the site visit to Maastricht University, the coordinator and the panel chair made a selection of theses of the programmes under assessment. These were chosen from a list of graduates between 01/06/2015 and 31/05/2017. The selection followed the NVAO guideline for the assessment of theses and took the range of thesis subjects, tracks, supervisors and grades into account. The panel studied the selected theses and the assessment forms.

In consultation with the contact persons from the Faculty of Law, the coordinator drafted a programme for the site visit (see appendix 5). The Faculty of Law selected representative discussion partners for the interviews. The panel and coordinator agreed with this selection.

Upon receiving the critical reflections, the coordinator checked their quality and content before sending them to the panel. The panel members studied the documents and formulated questions and preliminary findings. These were collected by the secretary, who arranged them according to subject matter.

#### *Site visit*

The site visit to Maastricht University took place from 27-29 November 2017. During the visit, the panel studied documents provided by the contact person of Maastricht University (cf. appendix 6). The panel interviewed programme management, students, staff members, alumni and representatives of the programme committee and the board of examiners. The panel also offered staff members and students the opportunity to speak to the panel confidentially upon prior request. No requests were received for this consultation hour.

At the end of the site visit, the panel held an internal meeting to formulate its preliminary findings. The panel chair concluded the site visit with a public presentation of the panel's findings.



### *Report*

After the site visit, the secretary produced a draft version of the report based on the panel's findings. The coordinator sent this to the panel members. After their commentary was processed, the coordinator sent the report to the Maastricht University to check for factual errors. The response of the university was discussed with the panel chair; changes to the report were made based on his request. The report was then finalised and sent to the Faculty of Law and Maastricht University.

### *Definition of judgements standards*

In accordance with the NVAO's Assessment framework for limited programme assessments, 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 standard and is regarded as an international example.





## SUMMARY JUDGEMENT

### **Advanced master's programme Intellectual Property Law & Knowledge Management LLM**

#### *Intended learning outcomes*

The panel concludes that the profile of the advanced master's programme IPKM LLM is distinctive. It appreciates its unique focus on the interface between law, entrepreneurship, policy and strategic management of IP assets from a holistic perspective. It is also very positive about the focus on academic as well as practice-oriented knowledge and skills. It is pleased with the integrative approach of the programme, which offers a unique way for lawyers to learn about intellectual property and its role in innovation and economic development in an international classroom. The programme's intended learning outcomes match the advanced master's level and orientation and clearly reflect its distinctive profile and approach.

#### *Teaching-learning environment*

The panel considers the curriculum of the LLM IPKM programme to be very well designed. It is enthusiastic about the structure of the programme, with the common core and the LLM track running parallel to the MSc track, which allows for the integration of the two programmes with a maximum of coherence and efficiency. It is positive about the content of the programme, which shows a well-balanced combination of academic and professional knowledge and skills. It is also pleased with the well-designed balance between theory and practice. This is in line with the programme's post-graduate profile as well as the backgrounds and needs of students. The programme was changed in 2014-2015, to introduce a mandatory course on Legal English and Methodology in the first term for all students and a complete update of the thesis procedure. These adjustments provide IPKM students with the support and structure they need to successfully complete the programme.

The teaching methods within IPKM are varied and activating and match the learning objectives and content of the courses. The panel highly appreciates the mix of LLM and MSc students during lectures and assignments. This stimulates collaborative and multidisciplinary learning. The programme is able to attract talented and highly motivated students from all over the world. At this moment, the distribution between LLM students and MSc students is approximately two-thirds versus one-third. Considering the main aims and multidisciplinary setup of both programmes, a more equal distribution is worth pursuing.

Students are taught by good teaching staff with a solid background in both research and the working field. Although the teacher-student ratio is very positive, the small number of resident staff members is a point of vulnerability for the long-term future of the programme. Therefore, the panel recommends hiring more senior-level staff. The students experience the programme as challenging but feasible. They appreciate the support and feedback they receive from staff members and fellow students and benefit from the stimulating multidisciplinary and international learning environment. At this moment there is no formal alumni network. As graduates are important ambassadors of the programme, the panel recommends investing in the establishment of such a network.

#### *Assessment*

The panel concluded that the programme has an adequate assessment system in place. The programme uses various forms of assessment that suit the learning outcomes, content and didactical design of the courses. The scientific and professional level and content of the course assessments are up to standard. Safeguarding the quality of the thesis trajectory receives sufficient attention, and the panel is also satisfied with the transparent and thorough assessment of the theses. It concluded that the Board of Examiners is sufficiently in control. The Board has a clear view of its tasks and responsibilities and works hard to guarantee the quality of assessment. Because of the large administrative burden of a separate Board of Examiners, a merger with the Faculty's Board of Examiners is being considered. The panel favors such an integration, but advises closely safeguarding the programme's specific character and needs.



### *Achieved learning outcomes*

The panel concluded that the overall quality of the theses was satisfactory, and graduates achieve the required level. However, it also ascertained that some theses were rather descriptive. Considering the advanced master's level, it expected to see more in-depth analyses and reflections in the theses. It recommends that the programme pay attention to this aspect. It also reviewed the job positions of graduates and concluded that the programme is a good starting point for the further professional career of its graduates.

## **Advanced master's programme Intellectual Property Law & Knowledge Management MSc**

### *Intended learning outcomes*

The panel concludes that the profile of the advanced master's programme IPKM MSc is distinctive. It appreciates its unique focus on the interface between law, entrepreneurship, policy and strategic management of IP assets from a holistic perspective. It is also very positive about the focus on academic as well as practice-oriented knowledge and skills. It is pleased with the integrative approach of the programme, which offers a unique way for graduates of science and technology to learn about intellectual property and its role in innovation and economic development in an international classroom. The programme's intended learning outcomes match the advanced master's level and orientation and clearly reflect its distinctive profile and approach.

### *Teaching-learning environment*

The panel considers the curriculum of the MSc IPKM programme to be very well designed. It is enthusiastic about the structure of the programme, with the common core and the MSc track running parallel to the LLM track, which allows for the integration of the two programmes with a maximum of coherence and efficiency. It is positive about the content of the programme, which shows a well-balanced combination of academic and professional knowledge and skills. It is also pleased with the well-designed balance between theory and practice. This is in line with the programme's post-graduate profile as well as the backgrounds and needs of students. The programme was changed in 2014-2015, to introduce a mandatory course on Legal English and Methodology in the first term for all students and a complete update of the thesis procedure. These adjustments provide IPKM students with the support and structure they need to successfully complete the programme.

The teaching methods within IPKM are varied and activating and match the learning objectives and content of the courses. The panel highly appreciates the mix of LLM and MSc students during lectures and assignments. This stimulates collaborative and multidisciplinary learning. The programme is able to attract talented and highly motivated students from all over the world. At this moment, the distribution between LLM students and MSc students is approximately two-thirds versus one-third. Considering the main aims and multidisciplinary setup of the programmes, a more equal distribution is worth pursuing.

Students are taught by good teaching staff with a solid background in both research and the working field. Although the teacher-student ratio is very positive, the small number of resident staff members is a point of vulnerability for the long-term future of the programme. Therefore, the panel recommends hiring more senior-level staff. The students experience the programme as challenging but feasible. They appreciate the support and feedback they receive from staff members and fellow students and benefit from the stimulating multidisciplinary and international learning environment. At this moment there is no formal alumni network. As graduates are important ambassadors of the programme, the panel recommends investing in the establishment of such a network.

### *Assessment*

The panel concluded that the programme has an adequate assessment system in place. The programme uses various forms of assessment that suit the learning outcomes, content and didactical design of the courses. The scientific and professional level and content of the course assessments are up to standard. Safeguarding the quality of the thesis trajectory receives sufficient attention, and the panel is also satisfied with the transparent and thorough assessment of the theses. It concluded

that the Board of Examiners is sufficiently in control. The Board has a clear view of its tasks and responsibilities and works hard to guarantee the quality of assessment. Because of the large administrative burden of a separate Board of Examiners, a merger with the Faculty's Board of Examiners is being considered. The panel favors such an integration, but advises closely safeguarding the programme's specific character and needs.

*Achieved learning outcomes*

The panel concluded that the overall quality of the theses was satisfactory, and graduates achieve the required level. However, it also ascertained that some theses were rather descriptive. Considering the advanced master's level, it expected to see more in-depth analyses and reflections in the theses. It recommends that the programme pay attention to this aspect. It also reviewed the job positions of graduates and concluded that the programme is a good starting point for the further professional career of its graduates.

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

*Advanced master's programme Intellectual Property Law and Knowledge Management LLM*

|   |              |
|---|--------------|
| Standard 1: Intended learning outcomes    | good         |
| Standard 2: Teaching-learning environment | good         |
| Standard 3: Assessment                    | satisfactory |
| Standard 4: Achieved learning outcomes    | satisfactory |
| General conclusion                        | satisfactory |

*Advanced master's programme Intellectual Property Law and Knowledge Management MSc*

|   |              |
|---|--------------|
| Standard 1: Intended learning outcomes    | good         |
| Standard 2: Teaching-learning environment | good         |
| Standard 3: Assessment                    | satisfactory |
| Standard 4: Achieved learning outcomes    | satisfactory |
| General conclusion                        | satisfactory |

The chair and the secretary of the panel hereby declare that all panel members 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: 02/07/2018

Em. prof. mr. A.F.M. (Adriaan) Dorresteyn

Drs. R.L. (Renate) Prenen





# DESCRIPTION OF THE STANDARDS FROM THE ASSESSMENT FRAMEWORK FOR LIMITED PROGRAMME ASSESSMENTS

## *Organisation*

The advanced master's programmes in Intellectual Property Law and Knowledge Management (IPKM) are two selective master's degree programmes taught at the Faculty of Law of Maastricht University, resulting respectively in an LLM and an MSc degree (60 EC). The programmes are offered in a one-year intensive or two-year part-time variant. They were initiated in 2009. A programme coordinator is responsible for the cohesion and feasibility of the programmes. S/he reports to the Director of Studies, who bears responsibility for the educational quality of all bachelor's and master's programmes in the faculty and heads the Educational Development and Information Technology (EDIT) staff department. The IPKM programmes have their own Programme Committee and Board of Examiners.

### **Standard 1: Intended learning outcomes**

The intended learning outcomes of the programme have been concretised with regard to content, level and orientation; they meet international requirements.

#### **Explanation:**

As for level and orientation (bachelor's or master's; professional or academic), the intended learning outcomes fit into the Dutch qualifications framework. In addition, they tie in with the international perspective of the requirements currently set by the professional field and the discipline with regard to the contents of the programme. Insofar as is applicable, the intended learning outcomes are in accordance with relevant legislation and regulations.

## **Findings**

According to the critical reflection, the main aim of the IPKM programmes is to provide students with a thorough understanding of intellectual property law and knowledge management. Students acquire practical insight and the intellectual tools necessary for a critical appreciation of intellectual property law in the context of policy questions, knowledge management issues and international litigation practice. Graduates of this programmes are qualified to work in an international, multicultural environment as academics, lawyers, consultants, or officials of governmental and non-governmental organisations in the field of knowledge management and technology transfer. The LLM degree focuses on comparative IP litigation and/or entrepreneurship, valorisation and IP management; the MSc degree is aimed at graduates of science and technology or economics and business programmes aspiring to become IP specialists, knowledge managers or patent attorneys. The IPKM MSc degree has been accredited by the European Patent Office (EPO) for EQE remission since 2010. For graduates of the MSc programme, there is the prospect of becoming a qualified European Patent Attorney by sitting the EQE exam, for which the Examination Board of the European Patent Office offers IPKM MSc alumni a remission of half a year from the mandatory period of three years' work experience under the guidance of a European Patent Attorney.

During the site visit, the panel considered the profiles of both IPKM programmes and discussed them with the programme management, teaching staff, students and alumni. It noted that the IPKM programmes are widely recognized to be among the most reputed master's programmes on IP in Europe and attract students from all over the world. It is enthusiastic about the programmes' focus on the interface between law, entrepreneurship, policy and strategic management of IP assets from a holistic perspective. According to the panel, this multidisciplinary and holistic approach makes the programmes unique.

The panel is also positive about the emphasis on academia as well as practice. The programmes aim not only to educate students to do independent scientific research and solve multidisciplinary questions relevant to the field, but also to equip them with relevant academic, legal and other



professional skills. The panel praises the programmes for their integrative approach, in which students with very varied knowledge and skills, and coming from different cultures, can also learn from the expertise, experience and perspectives of their fellow students, especially in the courses that are part of both degrees (see also Standard 2). The panel considers this to be an important asset of the programmes, which matches their advanced master's character.

The intended learning outcomes for both programmes (cf. appendix 3) reflect the Dublin descriptors for master's programmes. This is demonstrated clearly in the critical reflection, which includes an elaboration of the connection between the outcomes and the descriptors. The panel is pleased with the content, level and orientation of the intended learning outcomes. The LLM and the MSc degree share the same set of learning outcomes except for intended learning outcome 1. The panel is pleased to see the difference between both degrees articulated clearly in outcome 1a and 1b. The LLM has a more legal focus on international property knowledge management, the MSc a more scientific outlook. The learning outcomes stress the academic level of the graduates, but also refer to the professional fields open to graduates of each programme (for the LLM, a European and/or transnational legal and policy environment; for the MSc, an international, multicultural environment as European patent agents, or as officials of the European patent office or similar organisations). According to the panel, the outcomes are detailed, specific, well-balanced and in line with the programmes' profile.

### **Considerations**

The panel concludes that the profile of each of the advanced master's programmes IPKM is distinctive. It appreciates their unique focus on the interface between law, entrepreneurship, policy and strategic management of IP assets from a holistic perspective. It is also very positive about the focus on academic as well as practice-oriented knowledge and skills. It is pleased with the integrative approach of the programmes, which offers a unique way for lawyers and graduates of science and technology or economics and business programmes to learn about intellectual property and its role in innovation and economic development in an international classroom. The programmes' intended learning outcomes match their advanced master's level and orientation and clearly reflect their distinctive profile and approach.

### **Conclusion**

*Advanced master's programme Intellectual Property Law and Knowledge Management LLM:* the panel assesses Standard 1 as 'good'.

*Advanced master's programme Intellectual Property Law and Knowledge Management MSc:* the panel assesses Standard 1 as 'good'.

### **Standard 2: Teaching-learning environment**

The curriculum, staff and programme-specific services and facilities enable the incoming students to achieve the intended learning outcomes.

#### **Explanation:**

The contents and structure of the curriculum enable the students admitted to achieve the intended learning outcomes. The quality of the staff and of the programme-specific services and facilities is essential to that end. Curriculum, staff, services and facilities constitute a coherent teaching-learning environment for the students.

### **Findings**

The curriculum of the IPKM master's programmes is partly integrated. The programmes are designed according to three main pillars: 1) the common core, shared by students from both programmes; 2) the LLM track; 3) the MSc track. The compulsory common core (30 EC) aims to provide a thorough understanding of intellectual property law and knowledge management issues that are relevant for students of both tracks. It has two elements: compulsory common core courses and intensives that



are chosen from a list of optional modules, according to the student's individual LLM or MSc orientation. The LLM track (24 EC) aims to give graduates with a degree in law, economics or political science the opportunity to deepen their knowledge in the field of knowledge management and technology transfer that is relevant for their field of expertise. Six dedicated LLM courses focus on litigation and enforcement practice. The MSc track (24 EC) aims to provide graduates with a degree in science or technology with the opportunity to deepen their knowledge in the field of intellectual and industrial property law, including the preparation for the European Qualifying Exam for European Patent Agent. Five dedicated MSc courses focus on patent procedure and drafting practice. Students finish the programmes with an LLM or MSc thesis, respectively (6 EC). It is possible for students to follow a programme part-time, spread over two years. A schematic overview of the curriculum of both programmes can be found in appendix 4.

#### *Curriculum content and design*

The panel studied the curricula of the master's programmes in IPKM in the critical reflection. It looked at the study guide and course materials of 3 core courses and one course from each degree track (cf. appendix 6). It also discussed the curricula with the programme management, teaching staff, students and alumni. Based on this input, it ascertained that the curricula are in line with the profile and intended learning outcomes of the master's programmes. It appreciates the curriculum structure with the common core, the LLM track and the MSc track. This setup allows for the integration of the two programmes with a maximum of coherence and efficiency.

The panel is positive about the content of the programmes, which shows a well-balanced combination of academic and professional knowledge and skills. Both degrees aim to educate students in doing independent academic research and in solving multidisciplinary questions relevant to this field of law. Throughout the programmes, in the common core courses as well as in the LLM and MSc track courses, students are encouraged to reflect on their own research results and those of others. They are taught to make effective use of databases and other sources of independent research. The MSc or LLM thesis further enhances the development of competences concerning independent research and the answering of interdisciplinary questions. The professional orientation is also clearly marked throughout both programmes. While the core courses focus on gaining an in-depth knowledge of intellectual property law that is common to and necessary for the different areas of work, the emphasis in the track-specific courses is on deepening the students' professional knowledge and skills that are relevant for their specific field of expertise.

The panel is positive about the balance between theory and practice in the programmes and their combination and integration within individual courses. The common core offers lectures focused on theoretical knowledge, which are accompanied by tutorials. They make up the practical, problem-based (cf. *Teaching concept and methods*) and skills-oriented part of the courses. Since the students are in different programmes and have different academic and professional backgrounds, the common core courses have distinct LLM or MSc orientations in the assignments and skills training. The LLM and MSc specialisation courses include practical knowledge and skills training in order to enhance the students' ability to make use of the theoretical knowledge in their area of expertise. In both degree tracks, professional and academic skills training is integrated into the tutorials. They take the shape of moot courts, mock litigation procedures before the European Patent Office, the construction and drafting of patent claims, and an introduction into researching sources of IP.

#### *Teaching concept and methods*

The critical reflection states that the education and teaching of the master's programmes follows the principles of problem-based learning (pbl), which constitutes Maastricht University's didactic model. This means that for each session, students are typically asked to prepare an assignment, case study or mock trial. All assignments are logged in the electronic learning environment's grade book system. This allows students to continually track their progress. In class, students receive feedback on their work on individual or collective assignments. They can also be asked to give a presentation or argue a mock trial. Since a significant number of part-time students enrol every year, teaching is offered on Thursday afternoons (between 4 pm and 8 pm) and on Fridays.



During the site visit, the panel discussed the teaching methods with students, alumni and teachers, especially in relation to the integrated approach of the two programmes. Based on these conversations, it established that the methods are varied and that they match the learning goals and contents of the courses. It also found that the mix of LLM and MSc students during lectures and assignments is of added value. As students and alumni explained, they benefit greatly from the knowledge and experience of students from the other programme. Students help each other process the course contents and give each other feedback. The staff members confirmed this. In their opinion, the multidisciplinary setting contributes to a challenging and collaborative learning environment. The different disciplinary backgrounds and approaches of students help them become aware of and synthesize different perspectives while discussing, analyzing and solving complex IP problems. Staff members also pointed out that the lectures and tutorials are enhanced by the fact that the student population of IPKM is very international. Students discuss legal practices from their own backgrounds with their peers and professors. In doing so, they gain a sense of the cultural dimension of legal norms and differences between national systems.

The interviewed students and alumni are satisfied with the general setup of the courses and the teaching methods. They appreciate the mix of lectures and tutorials. Since students are expected to complete assignments before the meetings, they are usually well-prepared. This enhances the level of instruction and discussion. Students and alumni also mentioned the positive effects of the small group sizes on the interactivity and open atmosphere during classes.

A valuable feature of the programmes is the study trips. These trips include visits to relevant EU and international institutions, such as the European Patent Office in Munich and The Hague, The World Intellectual Property Organization (WIPO) and the World Trade Organization (WTO) in Geneva, and the Office of Harmonization for the Internal Market (OHIM) in Alicante. Study trips to partner universities and research institutes in Spain, France, Germany, and the United Kingdom are also offered. These trips are not mandatory, but encouraged and supported. They give students an excellent opportunity to find out about possible careers and to establish contacts within European and international institutions, law firms, universities and research institutes in the field of IP.

#### *Student intake and feasibility*

According to the critical reflection, the target group of students for the IPKM programmes is relatively broad. Lawyers, economists, political scientists and graduates holding a degree in science and technology can be admitted if they meet the formal admission criteria. For candidates for the LLM degree, this means that the applicant must have a recognised bachelor's degree in law or related fields (such as economics, political science or international relations), with demonstrable knowledge of intellectual property law or knowledge management, and a 2.1 (upper second) degree or an equivalent good to very good degree; or a recognised master's degree in law or related fields. Candidates for admission to the MSc degree must have a recognised bachelor's degree in science or technology (or equivalent), with demonstrable knowledge of intellectual property law or knowledge management, and a 2.1 (upper second) degree or an equivalent good to very good degree; or a recognised master's degree in science or technology (or equivalent). All students are also asked to demonstrate their proficiency in English. Potential students with work experience are particularly encouraged to enroll. This explains why the programmes are also offered part-time, allowing for a combination of continued employment and study.

The maximum student intake of the combined programmes is 30 students, and student numbers fluctuate below this limit. The panel appreciates that the admission criteria are applied quite strictly, since the learning curve for those without a significant previous exposure to law is steep and the programmes are intensive. At this moment, the distribution between LLM students and MSc students is approximately two-thirds (16 in 2015-2016) versus one-third (9 in 2015-2016). Although the panel is impressed with the quality of the incoming students, it agrees with the programmes that, considering their main aims and multidisciplinary setup, a more equal distribution is worth pursuing.

Based on the interviews with students, alumni and teaching staff, the panel established that the programmes are feasible within the nominal study time. The students and alumni consider them to be challenging, but doable. They found that the study load was equally spread over the curricula and didn't detect any stumbling blocks. As mentioned earlier, MSc students and alumni may experience the shared core courses at the beginning of their programme as demanding, since they have a strong legal focus and require a lot of catching up. Similarly, the LLM students experience the more scientific or technical parts of the shared curriculum as challenging. Both groups pointed out, however, that the intensive tutorial group sessions and assignments allow them to help one another and learn from each other. They also mentioned that they expect a selective advanced master's programme to be challenging. The panel agrees with their opinions.

The panel appreciated that various measures are in place to enhance the feasibility of the programmes as well as the students' progress rate. Prior to the start of the programmes, all students receive an intensive introductory course on the programmes' subject matter and an Introduction to IP Law and Knowledge Management on how to deal with multidisciplinary challenges. This mandatory introduction is extracurricular and serves to level the playing field between participants holding a science or a legal, economic or social degree.

Furthermore, some adjustments to the programmes' shared core were made in 2014-2015, as mentioned in the critical reflection. Two major modifications in both programmes were the introduction of a mandatory course in Legal English and Methodology in the first term and a complete update of the thesis procedure. The purpose of the course in Legal English and Methodology is to familiarise students with the assessment standards and to provide them with the tools for writing a thesis. It comprises sessions on the process and method of writing a thesis, writing skills, patent drafting and translation, and individual feedback on thesis drafts. In January, students have to deliver an oral presentation of their thesis outline to the full resident IPKM team, and are assigned to supervisors. In June, students are required to defend their draft thesis before IPKM staff, in particular their supervisors. They receive a first provisional assessment and a concise synopsis of the feedback provided during the oral defence. Students then have time to finalise their work by the deadline of August 31. The interviewed students were positive about the course on Legal English and Methodology and the structured thesis procedures and guidance, which helped them to stay focused and keep working on their thesis throughout the programme. They particularly valued the plenary feedback sessions as well as the individual feedback they received during the thesis trajectory. The panel regards these measures as good achievements and best practices within the faculty, and appreciates their positive effects on feasibility and study success. The accompanying feedback meetings and strict deadlines clearly help students stay on track.

With respect to study progress, students and alumni emphasized the assistance and supervision of the teaching staff. The IPKM staff members are very accessible and always ready to answer questions and provide the students with extensive feedback. Moreover, the close collaboration between students and staff strengthens the group cohesion and works as a motivator. The panel praises the programmes for creating such a supportive and stimulating study climate and is pleased to see that this is also reflected in the success rates. As the critical reflection shows, almost all students are able to finish the programmes within the nominal period plus one year.

#### *Teaching staff*

The programmes distinguish between resident and non-resident staff. As stated in the critical reflection, resident staff are directly employed by Maastricht University and selected on the basis of academic and professional reputation. In terms of expertise, attention is paid to an appropriate inclusion of knowledge from various jurisdictions, most notably Europe, Asia, and the United States. Non-resident teaching staff members often work in the professional field. They are selected based on their specialist knowledge, professional reputation and ability to teach and inspire.

The panel looked at the list of resident staff provided in the critical reflection and interviewed a small selection of resident and non-resident staff members. It concluded that the quality of IPKM staff is



high. The research profile of the resident staff is very strong, which encourages research-based teaching. A number of them are highly reputed professors (assistant/extraordinary) and considered outstanding researchers in the field of intellectual property and knowledge management. All non-resident staff members as well as some resident staff members have a strong professional profile, working as IP and knowledge management experts. All resident staff members hold a basic teaching qualification (BKO). They are responsible for the programmes' courses and always act as the first thesis supervisors, ensuring that the teaching quality is safeguarded despite the fact that non-resident staff members are under no obligation to obtain a BKO.

Students and alumni pointed out to the panel that staff quality is an important asset of the programmes. They were unanimous in their enthusiasm about many of the lecturers. They confirmed the panel's impression that IPKM's teaching staff can be considered good.

The panel is pleased that the number of resident staff members has been expanded to include a full-time assistant professor and a part-time extraordinary professor since the last accreditation. At this moment, 22 teachers are involved, and 6 of them are resident staff members. The teacher-student ratio is an impressive 1:12.6. This stresses the small-scale, personal and interactive character of the programmes. Yet despite the favourable ratio, the panel also observed that the programmes are still quite dependent on a limited number of leading staff members, which makes them somewhat vulnerable. In order to assure the long-term future of IPKM, it recommends hiring more senior-level staff.

#### *Alumni network*

At this moment there is no formal alumni network; the alumni pointed out that they sorely missed this, mainly due to their international profile and mobility. The panel recommends establishing an alumni association. According to the panel, the current critical mass of over one hundred graduates is sufficiently representative to support a strong alumni network. This could have a very positive influence on the reputation and quality of the programmes.

#### **Considerations**

The panel considers the curricula of the LLM and MSc IPKM programmes to be very well designed. It is enthusiastic about the structure of the programmes, with the common core, the LLM track and the MSc track, which allow for the integration of the two programmes with a maximum of coherence and efficiency. It is positive about the content of the programmes, which shows a well-balanced combination of academic and professional knowledge and skills. It is also pleased with the well-designed balance between theory and practice. This is in line with the programmes' post-graduate profile as well as the backgrounds and needs of students. The programme was changed in 2014-2015, to introduce a mandatory course on Legal English and Methodology in the first term for all students and a complete update of the thesis procedure. These adjustments provide IPKM students with the support and structure they need to successfully complete the programmes.

The teaching methods within IPKM are varied and activating and match the learning objectives and content of the courses. The panel highly appreciates the mix of LLM and MSc students during lectures and assignments. This stimulates collaborative and multidisciplinary learning. The programmes are able to attract talented and highly motivated students from all over the world. At this moment, the distribution between LLM students and MSc students is approximately two-thirds versus one-third. Considering the main aims and multidisciplinary setup of the programmes, a more equal distribution is worth pursuing.

Students are taught by good teaching staff with a solid background in both research and the working field. Although the teacher-student ratio is very positive, the small number of resident staff members is a point of vulnerability for the long-term future of the programmes. Therefore, the panel recommends hiring more senior-level staff. The students experience the programmes as challenging but feasible. They appreciate the support and feedback they receive from staff members and fellow students and benefit from the stimulating multidisciplinary and international learning environment.

At this moment there is no formal alumni network. As graduates are important ambassadors of the programmes, the panel recommends investing in the establishment of such a network.

### **Conclusion**

*Advanced master's programme Intellectual Property Law and Knowledge Management LLM:* the panel assesses Standard 2 as 'good'.

*Advanced master's programme Intellectual Property Law and Knowledge Management MSc:* the panel assesses Standard 2 as 'good'.

### **Standard 3: Assessment**

The programme has an adequate assessment system in place.

#### **Explanation:**

The tests and assessments are valid, reliable and transparent to the students. The programme's examining board safeguards the quality of the interim and final tests administered.

### **Findings**

The Faculty of Law's assessment policy document is based on the UM assessment policy framework. It outlines the faculty's vision on assessment; policy, guidelines and procedures related to the design of assessment programmes; assessment regulations at the programme level; the assessment of graduation assignments; quality assurance; and staff development. The assessment system of the master's programmes in IPKM is in line with the faculty's assessment policy. According to the critical reflection, the main form of examination in both programmes is the assignments that students have to prepare for the tutorials on a weekly basis. These assignments may consist of written pieces, presentations, draft patents and mock trial briefs. Most courses are concluded with an individual written exam at the end of the teaching period. This exam can consist of open questions, or a combination of open questions and multiple choice questions. The grades students receive for the written assignments submitted during the course form part of the final grade, and sometimes oral participation (e.g. during mock trials) does as well. Course information provided on the Student Portal includes guidelines for the assessment of assignments as well as specifications on how the final grades are calculated. Students can inspect their corrected exams and ask the examiners for clarification in relation to content, model answers or corrections. In 2014-2015, the Education and Examination Regulations were adapted to allow for one resit per exam only. Due to the relatively limited student numbers, resit exams are conducted orally in the presence of two examiners.

During the site visit, the panel examined assessment documents from different courses and spoke with students, teachers and representatives of the Board of Examiners about the assessment system. Based on these conversations and the materials studied, it ascertained that the assessment methods are in line with the learning outcomes, content and didactical design of the courses. It also concluded that the assessments match the courses' level and content. The students explained that, in general, they are informed about the assignments, exams and criteria and receive adequate feedback with respect to their results and performance. Staff members pointed out that all exams are checked for consistency, accuracy and requirements in terms of learning outcomes following the 'four eyes' principle. In practice, this means that all resident and non-resident teachers submit questions related to the topic that they have been teaching to the programme coordinator. The programme coordinator, in collaboration with the course coordinator, drafts an exam and checks whether it matches the overall learning outcomes. The programme coordinator then sends the draft exam to all resident staff members for an internal check. A useful IPKM Guide for Teachers is available for external teachers, which includes guidelines for assessment.

The students complete their studies with a 6 EC master's thesis in which they integrate the knowledge and skills they have obtained during their programme. All LLM and MSc theses are written in English, since students need to demonstrate their ability to write and communicate in English on an academic



level. The LL.M. master's thesis must display a critical understanding of intellectual property litigation and commercial practice, while the MSc master's thesis must reflect a critical understanding of knowledge protection on commercialization via patent protection, licensing agreements, or joint ventures. The panel learned that as part of the redesign of the thesis trajectory (cf. Standard 2), the thesis assessment procedure has been updated. The assessment consists of a first provisional assessment (resulting in either a fail, a pass on condition of major revisions only, a pass with medium revisions, or a pass with minor revisions) and a final assessment. A new assessment form is used for this. All students' submissions are automatically checked for plagiarism on three separate occasions: the thesis outline for the oral presentation in January; the draft thesis for the June thesis defence; and the final August submission. A second supervisor is involved in the final assessment. The panel is enthusiastic about the setup and assessment of the final project, which it considers a best practice within the faculty. It ascertained that the procedures and criteria are transparent and contribute to a thorough final assessment.

#### *Board of Examiners*

The IPKM programmes have a separate Board of Examiners, which consists of four members, including an external member who is not part of the IPKM programme management. Its role and tasks are described in the Student Portal, along with the examination regulations and assessment policies.

During the site visit the panel spoke with members of the Board of Examiners about its role in monitoring the quality of assessment. It became clear that on a regular basis, the Board examines all grades of courses offered in the academic year. It also looks at the student evaluation outcomes. If the Board notices any irregularities, it asks the specific course coordinator for an explanation and, if necessary, advises the coordinator and/or programme director if it deems changes are required. In case of non-programme specific issues (such as fraud, etc.) or a conflict of interest, the Board aligns its procedures with those followed by the Faculty of Law Board of Examiners for regular programmes. With respect to the quality assurance of theses, the Board closely monitors the thesis assessments and results. When a grade is very high or the first and second assessor disagree about the grading, the Board will appoint a third assessor. There is no formal procedure in place for an ex-post quality check of the theses. It is standard practice that in cases of problems with theses or doubts about grading, IPKM staff members consult each other. In order to arrive at the common grading standards now used, all IPKM staff members were involved in reading all works to assure their quality.

The panel also spoke with the Board members about the fact that the IPKM programmes have their own Board of Examiners, separate from the Faculty Board. It learned that a decision was made to opt for a separate Board at the start of the programmes in 2009, due to their specific post-graduate profile and design. It understands and supports this initial decision. However, it also wishes to point out that having a separate Board constitutes a relatively large administrative burden for two small-scale programmes. It was told that for this reason, the IPKM Board of Examiners is considering merging with the Faculty's Board of Examiners. It sees the advantages of such a move, not only in terms of efficiency but also with respect to the autonomy and professionalism of the Board. However, it is also aware of the fact that, as part of a wider Board of Examiners, it will be a challenge to safeguard the specific post-graduate character and needs of the programmes. It advises carefully considering the conditions of a possible merger.

#### **Considerations**

The panel concluded that the programmes have an adequate assessment system in place. The programmes use various forms of assessment that suit the learning outcomes, content and didactical design of the courses. The scientific and professional level and content of the course assessments are up to standard. Safeguarding the quality of the thesis trajectory receives sufficient attention, and the panel is also satisfied with the transparent and thorough assessment of the theses. It concluded that the Board of Examiners is sufficiently in control. The Board has a clear view of its tasks and responsibilities and works hard to guarantee the quality of assessment. Because of the large



administrative burden of a separate Board of Examiners, a merger with the Faculty's Board of Examiners is being considered. The panel favors such an integration, but advises closely safeguarding the programmes' specific character and needs.

### **Conclusion**

*Advanced master's programme Intellectual Property Law and Knowledge Management LLM:* the panel assesses Standard 3 as 'satisfactory'.

*Advanced master's programme Intellectual Property Law and Knowledge Management MSc:* the panel assesses Standard 3 as 'satisfactory'.

### **Standard 4: Achieved learning outcomes**

The programme 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.

### **Findings**

Prior to the site visit, the panel studied a selection of 5 LLM and 5 MSc IPKM theses, including the assessment forms completed by the supervisors. In general, it agreed with the grades awarded by the supervisors. The grading seemed fair and reflected the differences in the students' work. The panel concluded that the overall quality of the LLM and MSc theses was satisfactory, and graduates of both tracks had achieved the required level. According to the panel, most theses were adequately executed; two LLM theses and one MSc thesis may even be called very good. Yet, it also ascertained that several theses were quite descriptive. Considering the postgraduate master's level, it expected to see more in-depth analyses of and critical reflections on IP and knowledge management-related themes in the theses.

As mentioned in the critical reflection, a significant number of IPKM graduates has successful careers at international IP bodies like the European Patent Office (EPO) and the World Intellectual Property Organisation (WIPO). IPKM graduates have also been hired consistently by industry as well as major and niche IP law firms over the years. The MSc graduates are in high demand with patent attorney offices and patent departments. During the site visit, the panel spoke with alumni from both programmes who worked as head of an IP department or as a patent researcher. It also spoke to alumni who were already employed when they embarked on an LLM or MSc degree in IPKM. They testified to the added value of these studies in their careers, since the degree allowed them to move into management functions and bridge the gap between legal and technical specialists in their working environment. The alumni valued the programmes as a sound basis for their further careers. They highly appreciated the content and setup of the programmes, as well as the expertise of the staff.

### **Considerations**

The panel concluded that the overall quality of the theses was satisfactory, and LLM as well as MSc graduates achieve the required level. However, it also ascertained that some theses were rather descriptive. Considering the advanced master's level, it expected to see more in-depth analyses and reflections in the theses. It recommends that both programmes pay attention to this aspect. It also reviewed the job positions of graduates and concluded that the programmes are a good starting point for the further professional career of its graduates.

### **Conclusion**

*Advanced master's programme Intellectual Property Law and Knowledge Management LLM:* the panel assesses Standard 4 as 'satisfactory'.



*Advanced master's programme Intellectual Property Law and Knowledge Management MSc: the panel assesses Standard 4 as 'satisfactory'.*

## GENERAL CONCLUSION

The profile of the advanced master's programmes IPKM (MSc and LLM) is highly distinctive. The programmes focus on the interface between law, entrepreneurship, policy and strategic management of IP assets from a holistic perspective. IPKM offers a unique way for lawyers and graduates of science and technology or economics and business programmes to learn about intellectual property and knowledge management in an international and multidisciplinary classroom. A well-planned curriculum design with a common core, a LLM track and a MSc track enables the integration of the two degree programmes with a maximum of coherence and efficiency. The programmes are challenging, but remain feasible thanks to activating learning methods, a stimulating small-scale learning environment, and good and dedicated staff with a strong academic as well as professional profile. Students receive plenty of support from their teachers and fellow students, and benefit from the new thesis trajectory, including the mandatory course on Legal English and Methodology. The programmes have an adequate assessment system in place, and their Board of Examiners is in control of assessment quality. The quality of the course assessments as well as of the theses is satisfactory, and the graduates of both programmes perform well in the professional field.

### **Conclusion**

The panel assesses the *advanced master's programme Intellectual Property Law and Knowledge Management LLM* as 'satisfactory'.

The panel assesses the *advanced master's programme Intellectual Property Law and Knowledge Management MSc* as 'satisfactory'.



## APPENDICES



## APPENDIX 1: CURRICULA VITAE OF THE MEMBERS OF THE ASSESSMENT PANEL

**Em. prof. mr. A.F.M. (Adriaan) Dorresteyn (chair)** is emeritus professor of Transnational Aspects of Corporate Law at Utrecht University. He studied Dutch Law at Utrecht University and started working as an assistant professor in Law at the Faculty of Economics of the University of Amsterdam, which led to his specialization in Business Law. He defended his PhD thesis in 1989 and went on to work as an associate professor in Business Law at Utrecht University (1988-1991) and full professor in Private Law at the Open University of the Netherlands (OUNL, 1991-2000). He returned to Utrecht University as a dean and professor (2000-2017). Between 1994 and 2000, he was a consultant for PricewaterhouseCoopers, and he is currently advisor at AKD (since 2008).

**Prof. mr. E. (Elies) van Sliedregt (vice-chair)** is professor of International and Comparative Criminal Law and deputy-director of the Centre for Criminal Justice Studies at the University of Leeds (United Kingdom). She obtained her PhD at Tilburg University in 2003, after which she worked at Leiden University (2003 – 2005) and Utrecht University (2005 – 2007). From 2007 until 2016, she was professor of Criminal Law at the Vrije Universiteit Amsterdam, where she was also dean of the Faculty of Law from 2011 until 2015 and deputy vice-chancellor from 2014 to 2015. She has held visiting fellowships in Cambridge, Oxford, Bologna, Sydney (UNSW), Melbourne (Monash University), and at the ICC (Chambers). Her research interests include comparative research into principles of criminal law, legal pluralism, European Arrest Warrant, terrorism, refugee exclusion. Professor van Sliedregt is senior editor of the *Leiden Journal of International Law (Cambridge journals)* and the *Journal of Conflict and Security Law (Oxford journals)* and is member of the Royal Holland Society of Sciences and Humanities.

**Em. prof. mr. drs. H.P.A.M. (Henk) van Arendonk** worked in the department of Tax Law at Erasmus University Rotterdam from 1977 until his retirement in 2013. He obtained his PhD in 1991 at that same university. In 1992 he was appointed full professor in Tax Law and tasked with developing a new tax-legal programme for the Faculty of Law. He was and is an active member of several organisations, advisory boards and committees in the field of tax law, including membership of the Committee Oort (advising the government on simplifying the tax system), the board of the Association for Tax Research (Vereniging voor Belastingwetenschap), the European Fiscal Studies Foundation EUR, and editorial positions at the *Maandblad Belasting Beschouwingen* and *EC Tax Review*. He currently works as a divorce mediator.

**D.H. (Daniëlle) Arnold LLB (student member)** completed the Utrecht Law College of Utrecht University and is currently a student in the master's programme Legal Research at that university. She is putting her legal knowledge to practice in several research projects. Her research profile includes Dutch Administrative Law, European Law and the relations between both disciplines. Between 2012 and 2015 she was editor-in-chief of the student journal *OpRecht*. In 2014 and 2015 she was the president of international student association SIB-Utrecht.

**Prof. M. (Manuel) Desantes Real** has been professor of Law at the University of Alicante (Spain) since 1993. Since 2010, he has been 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 acted as a member of the Legal Service of the European Commission, responsible for Intellectual Property and Electronic Commerce (1998-2001). Between 2001 and 2008, he was vice-president of the European Patent Office. Manuel Desantes founded the Magister Lvcentinvs (Intellectual Property and Information Technology Master's Degree) at the University of Alicante, of which he was the director (1994-1997). Since 1998, he has been a fellow of the Eisenhower Foundation. He is the author of seven books and more than fifty articles regarding Private International Law, Intellectual Property Law and Information Technology Law.



**Prof. dr. mr. Y. (Yves) Jorens** is professor of European Social Law and Social Criminal Law at the Faculty of Law, Ghent University (Belgium) and director of studies. His research focuses on the EU coordination of social security for migrant workers. He has participated in or directed numerous projects in the field of international employment and European social law, for such institutions as the European Parliament and the European Commission. He has written several articles and books on European social (security) law issues, international employment, international social fraud and European health care. Yves Jorens is currently also director of IRIS, the International Research Institute on Social Fraud.

**Prof. mr. dr. A.J.C. (Adrienne) de Moor-van Vugt** is professor of Administrative Law at the University of Amsterdam. She worked at Tilburg University as full professor in (European) Administrative law and was a member of the Faculty board and chair of the Board of Education until 2004. In that year, she transferred to the judicial system and became a judge for the Trade and Industries Appeals Board (College van Beroep voor het Bedrijfsleven), and worked in cases concerning financial supervision, competition law, subsidies and fines and disciplinary hearings against accountants. In 2008 de Moor-van Vugt accepted a professorship at the University of Amsterdam. She is also involved in the Amsterdam Center for Law & Economics. Her research interests are: the Dutch court system for administrative law cases, the impact of EU law on Dutch administrative procedural law and financial supervision. She is an active member of several organizations and advisory boards and she is editor-in-chief of the journal *SEW, Tijdschrift voor Europees en Economisch Recht*.

**Prof. dr. R.A. (Ramses) Wessel** is professor of International and European Law and Governance and co-director of the Centre for European Studies at the University of Twente. He was Vice Rector (Dean of Educational Innovation) of the University and between 2011 and 2013 acted as Dean of the School of Management and Governance. Ramses Wessel graduated in 1989 at the University of Groningen in International Law and International Relations and subsequently worked at the Institute for Peace Research at the same university (1989-1991) and at the Department of International and European Institutional Law of Utrecht University (1991-2000). His research interests lie in the field of international and European institutional law, governance and regulation with a focus on the law of international organizations, issues of global governance and regulation, the relationship between international, EU and domestic law, international and European foreign, security and defence policy and EU external relations in general. He is editor-in-chief and founder of the *International Organizations Law Review*, and editor of, *inter alia*, the *Netherlands Yearbook of International Law* and *European Papers: A Journal on Law and Integration*.

**Em. prof. mr. L.C. (Laurens) Winkel** is emeritus professor of Legal History at Erasmus University Rotterdam. He studied at the Technical University Delft, the University of Amsterdam and the Université des Sciences Sociales Toulouse I (France). He obtained his PhD in 1983 at the University of Amsterdam. From 1979 until 1993, he worked in several positions at the Faculty of Law of that university; in 1986 he became associate professor in Legal History. In 1993 he was appointed full professor in Legal History at Erasmus University Rotterdam. From 1995 until 1997 and from 2001 until 2004 he was vice dean of the Faculty of Law. He was deputy judge between 1991 and 2016. He was and is active in several organisations and advisory boards and is editor of the journals *Legal History Review* and *Grotiana* (until 2017).

## APPENDIX 2: DOMAIN-SPECIFIC FRAMEWORK OF REFERENCE

### Introduction

This document outlines the Subject-specific Reference Framework for Law. The framework sets out the basic principles that degree programmes must use when setting their curricula. It indicates what may be expected in terms of the content and the level of the programmes, what they aim to achieve and what wider society can thus expect from a law graduate at Bachelor's and Master's level. The framework has been written explicitly for university Bachelor's and Master's programmes which are part of the Quality Inspections Group for Law (*Visitatiegroep Rechtsgeleerdheid*) by virtue of the final attainment levels they themselves have chosen, or which wish to join it in the context of the initial accreditation process for new programmes (*Toets nieuwe opleiding*).

The framework does not provide an exhaustive list of areas of law or legally relevant areas of focus to which the programmes must restrict themselves. Equally, it does not seek to offer rankings, answers to discussions of methodology or instructions on how programmes should meet professional requirements. It is up to each individual programme to provide an indication of where it considers itself to be on the global map of law. In formal terms, a programme achieves this by means of its academic and examination regulations and in materials included in the documents submitted to independent quality inspection committees when applying to be assessed for the purposes of accreditation.

What this framework does attempt to offer is a blueprint of what the academic world and wider society can expect from a graduate, academically-qualified lawyer – and therefore also from a programme in Law – in terms of knowledge, attitudes and skills. The fact that the framework has been revised in no way implicates that programmes offered in accordance with the old framework are outdated. On the contrary, since even the previous framework urged programmes to be open to new developments such as the globalization and digitization of society. However, the new framework places greater emphasis on describing the knowledge, attitudes and skills that relate to contemporary developments and challenges programmes to demonstrate these in their objectives and final attainment levels.

By publishing this Subject-specific Reference Framework, the Consultation Body for Law (*Disciplineoverleg Rechtsgeleerdheid*) hopes on the one hand to have provided independent quality inspection committees that will need to conduct programme assessments within the Quality Inspection Group in the years ahead with an effective basis for doing so. On the other hand, the framework offers the essential room for manoeuvre for the separate programmes offered within the Quality Inspection Group for Law to adopt their own distinctive approach.

Utrecht, December 2015

On behalf of the Council of Law Deans

Professor dr. A.M. Hol,  
Chairperson



## Realization

On 18 December 2015, the consultative body of the Council of Law Deans (abbreviated in Dutch to RDR) agreed to this Subject-specific Reference Framework for programme assessments within the Quality Inspection Group for academic programmes in Law. It offers a joint framework of subject-specific requirements for all Bachelor's and Master's programmes offered by the Law faculties at Dutch universities. This Subject-specific Reference Framework supersedes its predecessor, agreed by the then Council of Law Deans, in December 2009.

In the rest of this document, the term 'programme' is exclusively intended to mean a degree programme that is included in the Netherlands Central Register of Higher Education Study Programmes (*Centraal Register Opleidingen Hoger Onderwijs, CROHO*). Any references to the term 'lawyer' refer to academically-qualified lawyers, unless otherwise specified.

### 1. Law programmes and professions in the wider social context

Bachelor's and Master's programmes in Law aim to educate and train lawyers who are competent in the discipline and engaged in wider society, have a critical, academic mind, and are capable of analysing problem scenarios independently in order to formulate a solution. To achieve this, they not only need to apply analysis and critical evaluation to their thinking: they also need to be capable of synthetic, abstract thought. It is essential that the academic level and relevance to society of the programme is guaranteed. Communication, information and research skills all play an essential role in the programmes and there must be sufficient emphasis on current developments in terms of their social background. As such, the academic programme leading to the qualification of lawyer must be seen in context, so to speak.

The relationship between the law and wider society is in a continuous state of flux. Society is pluralistic and globally-oriented, as a result of which it is becoming increasingly complex. This trend also applies to the law. The days when law in the Netherlands encompassed Dutch legislation and case law alone are long gone and it is now equally affected by international and European legislation and case law, in the form of policy regulations, recommendations, covenants, self-regulation, European harmonization, the influence of comparative law, etc. Citizens have become empowered, the number of legal regulations continues to increase and society is strongly influenced by a trend towards juridification. As a result of European integration and globalization, European law and international law are becoming increasingly important. The 21st-century information society and its legal problems, as well as the expectations placed on the law by society, are decreasingly affected by national borders at the same time as the traditional boundaries in the legal and social sense are regaining ground. In whatever context he or she enters employment, a graduate lawyer needs to be increasingly aware of and responsive to other countries' legal systems and cultures.

Within the Quality Inspections Group for Law, programmes are offered that meet the demand for lawyers with a broad academic training – generalists – especially for the purposes of first-line consultancy and policy preparation and in numerous other positions across the labour market. There are also specialized Master's programmes which produce graduates capable of developing into academically-trained specialists who compare favourably in their field with their academic professional counterparts anywhere in the world. Finally, there are programmes that are actually more focused on broadening the area of law covered by the programme.

Lawyers work in a wide range of positions and roles. Indeed, there are greater numbers of lawyers working outside the traditional legal professions rather than within. The Law programmes prepare graduates for these traditional professions, but increasingly also for a variety of other activities that call for an academic attitude, critical analysis, skills in writing and speaking, and where legal expertise is desirable. They, therefore, no longer focus solely on the professional requirements for the Bar, judiciary, taxation and notarial profession which are generally seen as the traditional legal professions, although these form the core of certain programmes. All programmes aim to achieve effective coordination with the labour market by maintaining strong links with the wider professional field they serve. In addition to internships and career orientation, this encompasses contacts with

professional organizations and employers, advisory councils, alumni and guest lecturers. In addition, a graduate Bachelor of Laws must be adequately equipped with the research and other skills required to gain admission to a Master's programme in Law and subsequently to a PhD programme, despite the fact that only a small portion of graduates opt for a career in research.

In the more than ten years that the Bachelor/Master system has been in place in the Netherlands, no specific career prospects for an academically-qualified Bachelor in Law have emerged and there is no clearly identifiable labour market for graduates equipped only with an academic Bachelor's degree in Law (LL.B). Many LL.B graduates work in an environment where knowledge of law is relevant, but so far no specific requirements for professional skills from a Bachelor's programme have emerged as a result of this. The labour market for academically-qualified lawyers still shows a preference for lawyers who have qualified to Master's level. As a result, a large majority of students studying Law at university opt to complete a Master's programme after the Bachelor. This is not only because of the greater prospects this offers in the labour market, but also because it is a statutory requirement for access to the traditional legal professions.

Nevertheless, Bachelor's programmes still also aim to prepare students for their future life as lawyers. This can be achieved by including aspects of that professional practice in the content and composition of the curriculum, but also by means of extracurricular activities and career preparation.

With the advent of higher professional education (HBO) programmes in areas of the law, a lawyer is no longer necessarily someone with a university certificate that qualifies them for the traditional legal professions (prosecuting lawyers and the judiciary; the Bar; the notarial profession, tax consultants); a Master of Laws (*meester in de rechten, mr.*). Although lawyers qualified to HBO level are entitled to use the title of Bachelor of Laws (LL.B), there is a distinct difference between the HBO programmes and the academic programmes in Law. What distinguishes them is that the academic programmes lay the foundations for mastering the legal research method, as expressed in the final attainment levels of the programmes. This is mainly reflected in the content of the programme, its depth and its approach to the law. Academic Bachelor's and Master's programmes focus on educating lawyers who have learned how to think independently and critically, who not only learn to find answers to questions, but also continue to question the answers they find. Access to the traditional legal professions is regulated by statute and requires both an academic Bachelor's degree (LL.B) and the Master of Laws degree (LL.M).<sup>1</sup>

In the Netherlands, lawyers with the LL.M qualification will generally use the equivalent Dutch title *meester in de rechten (mr.)*, especially when working in the traditional legal professions.

## **2. Possibilities for national and international comparison**

Globally and within Europe, programmes in Law are characterized by their highly varied context and structure, together with significant differences in terms of admission and the duration of study. In addition, all countries have separate regulations governing graduate lawyers' access to the Bar, the judiciary, tax law and the notarial profession, which have an influence on both the orientation and the intended final level. Of course, it is possible to compare the curricula of different programmes, but a serious international benchmark for objectives, level and orientation for programmes in Law currently remains impossible.

The German CHE benchmark organization is not open to programmes in Law in other countries, despite the fact that this is possible for other disciplines.<sup>2</sup> The EU project Tuning Sectoral Framework for Social Sciences also failed to reach a harmonized set of final attainment levels for programmes

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<sup>1</sup> The professional requirements for the Bar, the judiciary and the notarial profession were changed by Royal Decree on 18 September 2008 (Netherlands Bulletin of Acts and Decrees 2008, 383) when, in the context of admission to regulated legal professions, the HBO degree of Bachelor obtained at a university of applied sciences (*hogeschool*) was equated with a Bachelor's degree in Law obtained at an academic university, if the HBO programme in Law was completed by means of a bridging programme. The bridging programme contains course components in Law offered by a university or the Open University, with a total study load of at least 60 credits.

<sup>2</sup> Gemeinnütziges Centrum für Hochschulentwicklung: [www.che.de](http://www.che.de).



in Law.<sup>3</sup> In other countries, several national benchmarks for programmes in Law do exist, including the Benchmarks for Law in the United Kingdom, which stipulates the knowledge, skills and attitude required by Bachelor's and Master's graduates for quality assessment and accreditation of programmes there.<sup>4</sup> In any case, these are only of limited use for programmes in continental Europe because of the major differences between the common law and civil law legal systems.

There is no doubt that the Bologna and Lisbon Agreements had a harmonizing impact on the content of legal education in the EU. As part of the accession process to the EU, new EU member states have frequently based their programmes on the Bachelor/Master structure in advance, and the old member states are still in the process of reforming and harmonizing their education systems. In this, they sometimes opt for solutions that actually hamper comparability between different countries, as in the example of Germany, which is moving towards a more varied assortment of programmes.<sup>5</sup>

All of this would suggest that a serious international comparison of the objectives, level and orientation of programmes in Law remains impossible or at least of little use.

With regard to the comparison of programmes in the Netherlands itself, it is possible to say that there is a lot of sharing of information and coordination between the faculties of Law in the Netherlands, including on such areas as educational renewal, research, the interpretation of accreditations and the configuration of professional requirements. There is regular national consultation between the Deans in the RDR, as an offshoot of which those responsible for education and the directors of operations meet when necessary to discuss education-related, organizational and financial subjects and share experiences and information. Finally, there are regular national consultations and coordination at administrative level in the National Policy-workers Consultation Body (*Landelijk Overleg Beleidsmedewerkers*). In addition, the RDR and separate faculties also take advantage of good practice examples identified by the panels conducting independent quality inspections and included in their assessment reports to the NVAO (Accreditation Organization of the Netherlands and Flanders). The RDR also engages in discussion with representatives from the varied professional field it serves. For example, it consults with the Council for the Judiciary (*Raad voor de Rechtspraak*) and the Netherlands Bar Association (*Nederlandse Orde van Advocaten*) in order to determine a standard to define the applicable statutory provisions for the so-called civil effect of programmes in Law. This takes the form of a covenant.

As such, it is possible to argue that some kind of national benchmarking does take place, generally of an informal nature, except in the case of national independent quality inspections and the restrictions relating to the aforementioned covenant. In that context, the Discipline Consultation Body also undertakes formal duties.

### **3. Professional requirements**

Access to the judiciary, the Bar and the notarial profession is regulated by and in accordance with statute. In practical terms, this means that requirements are set for the organization of Bachelor's and Master's programmes intended to enable admission to higher programmes that prepare for positions in the judiciary, the Bar, the notarial profession and tax law.

The programmes that opt to prepare for these higher programmes stipulate this in their academic and examination regulations by emphatically including within them the statutory professional requirements and the further definition of these in the covenant described above. The examination

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<sup>3</sup> Excerpt from the 2012 final report: 'Consequently, even the proto list of the competences required by students and future practitioners of law are still at this stage no more than embryonic.' Tuning Sectoral Framework for Social Sciences – Final Report, 2008, p. 45. See also the country lists in Annex 4 of the report (<http://tuningacademy.org/sqf-social-sciences/?lang=en>).

<sup>4</sup> A draft of a revised version has been published: Subject Benchmark Statement: Law (Draft for Consultation, March 2015) (<http://www.qaa.ac.uk/en/Publications/Documents/SBS-consultation-Law-15.pdf>).

<sup>5</sup> Neue Wege in der Juristenausbildung, Essen, 2010, [http://www.stifterverband.info/wissenschaft\\_und\\_hochschule/lehre/juristenausbildung/](http://www.stifterverband.info/wissenschaft_und_hochschule/lehre/juristenausbildung/).



boards for these programmes will issue specific statements to this effect, on the basis of which the higher programmes can determine whether a programme fulfils the intended requirements.

#### **4. Final attainment levels for Bachelor's and Master's programmes**

Every Law programme makes choices when setting its final attainment levels based on national and relevant international comparisons of final attainment levels and in an attempt to achieve the best possible match with what is a very diverse professional field. These final attainment levels are included in the academic and examination regulations of each separate programme. They include at least three categories.

##### *A. Knowledge and understanding*

The graduate lawyer is proficient in the key tenets of the area or areas of law on which the programme focuses. This applies equally to their material and formal and the historical and theoretical aspects.

However, one-dimensional knowledge alone is not sufficient. Programmes therefore aim to develop a 'genuine understanding of the law' in their students, in an academic environment in which 'why' questions are allowed to flourish. This means that, alongside the subject-specific knowledge referred to above, methods are also taught which enable students to keep abreast of the latest relevant developments and changes. The education can also encompass an understanding of the differences between major legal families (such as those between common law and civil law), of the historical and philosophical evolution of the law and, insofar as the nature of the programme requires or permits it, also of comparative law methodology. This means that the graduate lawyer must always be capable of updating his or her legal knowledge on a permanent basis and possibly also specialize in new areas.

##### *B. Academic and legal skills*

The above assumes an increasing focus on acquiring academic and legal skills: lifelong learning and the acquisition of an international attitude. It also assumes that the graduate lawyer is capable of reflecting on the law and translating issues in society into the language that the law uses to solve such issues. During the programme, students are encouraged to search for questions and problems as well as answers and solutions; they are given an opportunity to develop capacities of analysis and learn to think, write and present in a critical way.

The ability to formulate and solve a legal case is also essential. To achieve this, the graduate lawyer must be able to effectively collect, process and evaluate the relevant facts and evidence, and apply the rules of law to them. The lawyer is expected to be capable of legally interpreting a problem in society and outlining potential solutions.

In addition, a lawyer must be capable of conveying his or her legal knowledge and legal judgment both orally and in writing to other lawyers and in other professional environments. This means that language is the lawyer's main working tool. Effective and clear verbal and written proficiency in the Dutch language (or in English if that is the language of instruction for the programme or part of it) is essential. For this, students must have an opportunity during their programme, if relevant for the specific programme, to acquire knowledge of English legal terminology in the current social context.

##### *c. Academic citizenship/attitude*

During the programme, the prospective lawyer should become fully acquainted with the legal culture or cultures. He or she should be enabled to develop an ethical professional attitude and be aware of the social context in which the law operates and, related to that, his or her responsibility within society. The teaching and educational environment assists the student in this. It is important for education to be structured in such a way that it sparks an interest in wider society and evokes a natural curiosity for legal issues and legal thinking, as well as for the role that law plays in society.



## 5. Final level

Programmes need to be transparent regarding how students are able to reach the final level and how they can demonstrate that they have reached it. Test results, assignments and presentations form the primary basis for this.

For Bachelor's programmes in Law, the final level achieved is also reflected in the thesis, dissertation or final project. Responding to a legal question with the help of recognized legal methods and reporting on the underlying research conducted form the main basis for this.

The Bachelor's thesis or its equivalent does not aim to demonstrate that the final attainment levels of the Bachelor's programme have been reached. Some important skills, such as communication, are not tested and neither is the student's understanding of all areas of the law that are of relevance to the Bachelor's programme. Moreover, most Bachelors' programmes in Law award only relatively few credits for this final assignment. In Bachelor's programmes in Law, the acquisition of research skills, in the form of methodology and technique courses, does not generally play a central role. Acquiring research skills is part of the general academic education of lawyers and primarily occurs through the handling of the separate areas of the law. Programmes are at liberty to emphasize certain areas in order to reflect the distinctive appeal of a particular programme, which in turn will be expressed in the final assignment.

The same applies for the Master's thesis, although it differs in generally placing greater emphasis on the development of research skills, if only in view of the fact that achieving any Master's degree in Law in principle enables access to a PhD programme. Alongside the regular Master's programmes, specialist research Master's programmes also exist, which place specific emphasis on the acquisition of research skills. The further in-depth study required for other areas of academic professional practice is in any case only really achieved in the Master's phase. This is expressed in the position played in the curriculum by the Master's thesis, the greater number of credits generally set aside for the final assignment in the Master's programme and the requirements set with regard to its contents.

## 6. General characteristics and objectives of Bachelor's and Master's programmes

It has already been pointed out above that the range of programmes is varied, in terms of their number, the chosen specializations and their emphasis. This does not detract from the fact that programmes in Law have, and must have, characteristics in common. These characteristics need not necessarily be present to the same extent in each programme, but they must at least be reflected at the core of each programme. The specific approach adopted by programmes in this regard is stipulated in the academic and examination regulations for the programme .

In Bachelor's programmes in Law, the following characteristics play a central role:

- a. the social function of the law;
- b. the core concepts in the most important areas of law: private law, constitutional law, administrative law, criminal law, European law, international law and, for tax-related and notarial programmes, tax law;
- c. the law as a coherent system;
- d. the theoretical basic principles and historical development of the law and, for tax-related and notarial programmes, the economic aspects of the law.

Master's programmes in Law involve further in-depth study of knowledge relating to one or several areas of the law or specific subjects within them. Key characteristics include:

- e. the social function of the area covered by the programme, its boundaries and related areas;
- f. more intensive or extensive study of core concepts in one or several areas of the law (private law, constitutional law, administrative law, criminal law, European law and international law);
- g. the position of the area of the law covered within the system of the law as a whole;
- h. the theoretical basic principles and historical development of the law and, for tax-related and notarial programmes, the economic aspects of the law.

Academic programmes in Law also aim to achieve the following:

- i. the acquisition of knowledge and understanding of the law, in which law is considered also in its European, international and comparative law context;
- j. reflecting on the boundaries of the law as well as its related areas;
- k. acquiring academic and legal skills. In this context, this is understood to mean:
  - 1. the capacity to think about the law as an academic;
  - 2. the ability to communicate with fellow lawyers and non-lawyers based on the knowledge and understanding acquired, making use of an analytical attitude and outstanding speaking and writing skills;
  - 3. the ability to apply a relevant set of academic tools;
  - 4. the ability to participate in an academic debate;
  - 5. the ability to gather, evaluate, process and apply knowledge;
  - 6. the ability to apply specific knowledge of an area of the law in a wider academic, historical, philosophical, ethical and socio-cultural context;
  - 7. the ability to deal critically with the rules of law and case law, and seek out and find new solutions;
  - 8. the ability to keep abreast of and explore new developments and new areas of the law;
  - 9. the ability to deal with the increasing globalization, Europeanization and internationalization of the law;
- l. the development of academic citizenship that includes an understanding of a professional ethical attitude and awareness of the social context in which the law operates, as well as the social responsibility that this implies for the academically-qualified lawyer.

## APPENDIX 3: INTENDED LEARNING OUTCOMES

In light of the programme aims above and the teaching method used at the Faculty of Law:

1) Graduates will be well versed with concepts such as entrepreneurship, valorisation, and the role of IP law in commerce, research and innovation policy.

a) Graduates of the IPKM LLM will have expertise on the legal and commercial aspects of IP 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. LLM students will be familiar with IP litigation, international and European IP law, international IP treaties, judicial proceedings and jurisprudence.

b) Graduates of the IPKM MSc will have expertise on the scientific, economic and commercial aspects of knowledge creation, patent drafting, and commercialisation. They will acquire the relevant skills to work at an academic level in an international, multicultural environment as European patent agents, national patent agents, or officials of the European patent office or other European or international governmental and non-governmental organisations in the field of intellectual property and knowledge management, in close interaction with colleagues holding a degree in law. MSc students will be familiar with the role of patent drafting for the purpose of commercial strategies and international patent litigation.

2) Graduates can 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 master's thesis based on independent research. They can 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 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 can comprehend legal texts and judgements, as well as the legal significance of registered rights, most notably inventions disclosed in patent documents. They can convey their understanding to, and exchange views on the relevant issues with a professional or non-professional audience.

### **Match to NLQF and EQF**

The aims and intended learning outcomes of the Master in Intellectual Property Law and Knowledge Management, as set out above, can be matched to the accepted Dutch Qualifications Framework (NLQF) and European Qualifications Framework (EQF) for master's degrees. Please find a further elaboration of the intended learning outcomes and their relation to the NLQF and EQF below. The learning goals of the common core IPKM programme are divided into the following five categories following the Dublin descriptors. The sixth outlines the key learning outcomes of the LLM and the seventh those of the MSc degree.

#### *1) Knowledge and understanding*

Different aspects of property acquisition and protection in international, European, regional and national perspectives are systematically taught, discussed, and practiced in case studies and mock trials throughout the IPKM programme. The programme is taught by resident and non-resident experts hailing from academia, international institutions, valuation, technology transfer, IP

management, and legal, taxation, or patent attorney practice. It builds on the students' knowledge and understanding acquired at bachelor's and master's level, as well during employment. The case studies, assignments and mock trials are specially designed to tap the expertise of individual IPKM students who, after all, have qualifying degrees in law, economics, political science, or science and technology, resulting in:

- a) an in-depth understanding of IP law and procedures and practical skills related to intellectual property, especially where litigation, enforcement, legal advice and IP management is concerned;
- b) a critical appreciation of the role of IP law in the context of policy questions and knowledge management issues, such as the role of IP law in commerce, research and innovation policy, the validation of knowledge, the registration of IP, transfer of technology and management and commercialisation of all human cultural, intellectual and industrial creativity;
- c) the identification of knowledge about the major research questions and research results regarding IP law and knowledge management issues; and
- d) specialised knowledge and skills in specific areas of IP law and knowledge management, connected to specialised modules and the master's thesis.

### *2) Applying knowledge and understanding*

The application of knowledge and understanding is trained inter alia by making use of practical assignments, case studies and mock trials in teaching specific subject matter. Usually, real-life cases are adapted for these teaching purposes in a way that compels students to enhance and deepen their prior knowledge of the subject area, while learning from the prior knowledge of colleagues with a background in another jurisdiction, or with a completely different skill set than their own. To the extent that is possible and useful, the assignments, case studies and mock trials are related to current research and academic discourse, resulting in:

- a) knowledge of research methods and techniques in the field of IP law and knowledge management;
- b) familiarity with the gathering of European and international documents in IP through various digital and other databases;
- c) an ability of self-directed problem-solving acquired through case studies and exercises in the contexts of specific courses and modules;
- d) the ability to conduct independent academic research in a critical manner, exemplified by the master's thesis; and
- e) critical and independent reflections on research results and interpretations thereof concerning IP law and knowledge management issues.

### *3) Making judgements*

Integral to Problem-Based Learning (pbl), students are taught by means of a challenging Socratic methodology involving problem-solving of intellectual property and knowledge management issues in a multidisciplinary setting, they are continuously challenged by their teachers and their peers. They thereby become accustomed to translating prior and textbook knowledge into sound judgements. Through their master's thesis, students furthermore demonstrate their ability to form their own opinion on complex issues involving intellectual property and knowledge management, considering the wider societal context, ethical, policy and commercial dimensions, resulting in:

- a) the capability to review all one's own knowledge in a critical manner;
- b) an attitude of critically appreciating the role of IP law and different policy areas, question the merits as well as the disadvantages thereof; and
- c) the acquisition of an attitude to innovate academic and practical skills continuously in a constantly and rapidly globalising world.

### *4) Communication*

The teaching method of Maastricht University is based on pbl, which also forms the basis of teaching in the IPKM. Pbl requires inviting multidisciplinary contributions from the different students, resulting in an environment where students are systematically and continuously trained in their communicative and cooperative skills, resulting in:

- a) communication in English, both orally and in writing, of the results of study to a public of academic peers followed by critical discussions;



- b) logical reasoning from various perspectives (the different national systems of protection of intellectual property law, the different policy areas related to IP law and the different areas of IP law, multidisciplinary perspectives);
- c) the ability to use modern means of communication, such as Internet discussion boards, etc.;
- d) use of an interactive learning environment, requiring active discussions of peer groups among themselves (including multidisciplinary backgrounds) and with researchers; and
- e) the ability to work in teams, as required by the education method.

#### *5) Learning attitude and skills*

During the programme, students are expected to formulate their research questions and conduct their research autonomously. The writing of weekly assignments, the delivery of presentations and mock trials, as well as the writing of the master's thesis increasingly requires the highest level of autonomy and self-management of the student. Because there is nobody holding their hand, students are forced to turn to one another for advice while making use of the educational background and experience of their peers, resulting in:

- a) an autonomous and critical attitude towards IP law and knowledge management issues based upon the critical appreciation acquired in the course of their studies;
- b) the ability to work in international, multicultural, and multidisciplinary environments;
- c) the ability to interact and work in close corporation with people from different cultural backgrounds;
- d) an attitude to engage in a broad network of peers and to maintain contacts.

#### *6) LLM-specific learning goals*

Throughout the programme, LLM students take classes dedicated to international and cross-border litigation and enforcement practice. Together with the courses on entrepreneurship, valorisation and IP management, they will have a clear picture of the ins and outs of legal practice and (in-house) advisory work in all its facets. The writing of a master's thesis results in a critical understanding of intellectual property litigation and commercial practice. This results in:

- a) a clear overview of the commonalities and differences of various systems of IP protection of different regions, i.e. the United States, the European Union, Japan, Asia, etc., especially in relation to acquisition, litigation and enforcement;
- b) an understanding of and insight into the difficulties in translating science and technology into legal terminology (the work of the MSc graduate);
- c) an understanding of the overall legal and policy tools, including in the field of IP protection, that affect levels of technology transfer, foreign direct investment, indigenous economic growth, etc.; and
- d) an understanding of entrepreneurship, valorisation and IP management, technology transfer, franchising and taxation.

#### *7) MSc-specific learning goals*

Throughout the programme, MSc students take classes dedicated to claim drafting, international and European patent acquisition and procedure, and comparisons to Asian and US practice. Together with the courses on entrepreneurship, valorisation and IP management, they will have a clear picture of the strategic importance of patent filing and the management of intellectual assets for innovative industries. The writing of a master's thesis results in a critical understanding of knowledge protection on commercialisation via patent protection, licensing agreements, joint ventures, etc.

This results in:

- a) a clear overview of the communality and differences of the various systems of IP protection of different regions, i.e. the United States, the European Union, Japan, Asia, etc., especially in the areas of acquisition, patent drafting, claim interpretation, filing, grant and opposition. This also includes the ability to negotiate one's way past the use of three official languages of the European Patent Office (English, French, German);
- b) an understanding of the importance of claim drafting for litigation and enforcement purposes, as well as for knowledge management (the work of the LLM graduate);

- c) an understanding of the commercialisation and valorisation tools that can be used to successfully exploit and commercialise different IP assets generated by different organisations, such as in the fields of technology (patents), content (copyrights etc.), reputation (trademarks), etc.; and
- d) an understanding of the overall legal and policy conditions, including in the field of IP protection, that affect levels of technology transfer, foreign direct investment, indigenous economic growth, etc.

## APPENDIX 4: OVERVIEW OF THE CURRICULUM

### **Advanced master's programme Intellectual Property Law and Knowledge Management LLM:**

#### **Intellectual Property Law and Knowledge Management LLM**

##### ▼ IPKM Common Core Courses GROUP

|   | > period    | > more course data | ECTS |
|---|-------------|--------------------|------|
| Principles of Intellectual and Industrial Property Law <small>LAW5013</small> | 1 2 3 4 5 6 |                    | 5.0  |
| Copyright and Related Rights <small>LAW5014</small>                           | 1 2 3 4 5 6 |                    | 5.0  |
| Law of Trade Marks and Unfair Competition <small>LAW5015</small>              | 1 2 3 4 5 6 |                    | 5.0  |
| Patent Law I <small>LAW5016</small>   | 1 2 3 4 5 6 |                    | 5.0  |
| Patent Law II <small>LAW5018</small>  | 1 2 3 4 5 6 |                    | 3.0  |
| Copyright and Designs <small>LAW5019</small>                                  | 1 2 3 4 5 6 |                    | 5.0  |
| EPC Claim Interpretation <small>LAW5031</small>                               | 1 2 3 4 5 6 |                    | 2.0  |

##### ▼ **Specialisation courses** read less

##### ▼ IPKM LLM Modules GROUP

|  | > period    | > more course data | ECTS |
|--|-------------|--------------------|------|
| Trade Marks, Copyright and Designs <small>LAW5017</small>    | 1 2 3 4 5 6 |                    | 3.0  |
| Comparative IP Litigation <small>LAW5027</small>             | 1 2 3 4 5 6 |                    | 3.0  |
| Global Policy and Economics of IP Law <small>LAW5026</small> | 1 2 3 4 5 6 |                    | 2.0  |
| IP Enforcement and Procedure <small>LAW5028</small>          | 1 2 3 4 5 6 |                    | 3.0  |
| Managing and Financing IP <small>LAW5030</small>             | 1 2 3 4 5 6 |                    | 2.0  |



▼ **Elective courses** [read less](#)

▼ IPKM Electives GROUP

|   | > period  | > more course data | ECTS |
|---|---|--------------------|------|
| Competition Law, IP Licensing and Portfolio Management <small>LAW5020</small>   | 1 2 3 4 <b>5</b> 6                                    |                    | 2.0  |
| Annual IEEM IP Seminar and Professional Update, Macau <small>LAW5025</small>    | 1 2 3 4 <b>5</b> 6                                    |                    | 3.0  |
| Technology Transfer and Transaction Practice <small>LAW5029</small>             | 1 2 3 4 <b>5</b> 6                                    |                    | 3.0  |
| Intellectual Property in the USA <small>LAW5046</small>                         | 1 2 3 4 <b>5</b> 6                                    |                    | 3.0  |
| Intellectual Property in Asia <small>LAW5047</small>                            | 1 2 <b>3</b> 4 5 6                                    |                    | 3.0  |
| Entrepreneurship, IP Management and Valorisation <small>LAW5036</small>         | 1 2 3 <b>4</b> 5 6                                    |                    | 5.0  |
| IPKM/EIPIN Honours Programme <small>LAW5048</small>                             | <b>1</b> <b>2</b> <b>3</b> <b>4</b> <b>5</b> <b>6</b> |                    | 2.0  |
| IPKM Mock Trial Competition <small>LAW5037</small>                              | <b>1</b> <b>2</b> <b>3</b> <b>4</b> <b>5</b> <b>6</b> |                    | 2.0  |
| Community Trade Mark Intensive Module at EUIPO, Alicante <small>LAW5038</small> | 1 2 <b>3</b> 4 5 6                                    |                    | 2.0  |
| Community Design Intensive Module at EUIPO, Alicante <small>LAW5039</small>     | 1 2 <b>3</b> 4 5 6                                    |                    | 1.0  |

▼ **Thesis** [read less](#)

▼ Master Thesis Intellectual Property Law and Knowledge Management GROUP

|  | > period  | > more course data | ECTS |
|--|---|--------------------|------|
| Master Thesis IPKM <small>LAW5095</small>            | <b>1</b> <b>2</b> <b>3</b> <b>4</b> <b>5</b> <b>6</b> |                    | 6.0  |
| Legal English and Methodology <small>LAW5091</small> | <b>1</b> 2 3 4 5 6                                    |                    | 0.0  |

**Advanced master's programme Intellectual Property Law and Knowledge Management MSc:**

**Intellectual Property Law and Knowledge Management MSc**

[> more course data](#)

|  |         | > period |   |   |   |   |   | ECTS |
|--|---------|----------|---|---|---|---|---|------|
| <p>▼ IPKM Common Core Courses <small>GROUP</small></p> |         |          |   |   |   |   |   |      |
| Copyright and Related Rights                           | LAW5014 | 1        | 2 | 3 | 4 | 5 | 6 | 5.0  |
| Principles of Intellectual and Industrial Property Law | LAW5013 | 1        | 2 | 3 | 4 | 5 | 6 | 5.0  |
| Law of Trade Marks and Unfair Competition              | LAW5015 | 1        | 2 | 3 | 4 | 5 | 6 | 5.0  |
| Patent Law I   | LAW5016 | 1        | 2 | 3 | 4 | 5 | 6 | 5.0  |
| EPC Claim Interpretation                               | LAW5031 | 1        | 2 | 3 | 4 | 5 | 6 | 2.0  |
| Patent Law II  | LAW5018 | 1        | 2 | 3 | 4 | 5 | 6 | 3.0  |
| Copyright and Designs                                  | LAW5019 | 1        | 2 | 3 | 4 | 5 | 6 | 5.0  |

▼ **Specialisation courses** [read less](#)

[> more course data](#)

|  |         | > period |   |   |   |   |   | ECTS |
|--|---------|----------|---|---|---|---|---|------|
| <p>▼ IPKM MSc Modules <small>GROUP</small></p> |         |          |   |   |   |   |   |      |
| IP and Life Sciences                           | LAW5032 | 1        | 2 | 3 | 4 | 5 | 6 | 2.0  |
| IP and Computer Science                        | LAW5033 | 1        | 2 | 3 | 4 | 5 | 6 | 2.0  |
| EPC Procedure                                  | LAW5022 | 1        | 2 | 3 | 4 | 5 | 6 | 2.0  |
| EPC Claim Drafting                             | LAW5034 | 1        | 2 | 3 | 4 | 5 | 6 | 4.0  |
| EPC Opposition                                 | LAW5035 | 1        | 2 | 3 | 4 | 5 | 6 | 2.0  |

| ▼ IPKM Electives <small>GROUP</small>                    |         | > |   |   |   |   |   |   | ECTS |
|--|---------|---|---|---|---|---|---|---|------|
| Intellectual Property in Asia                            | LAW5047 | > | 1 | 2 | 3 | 4 | 5 | 6 | 3.0  |
| Community Design Intensive Module at EUIPO, Alicante     | LAW5039 | > | 1 | 2 | 3 | 4 | 5 | 6 | 1.0  |
| Community Trade Mark Intensive Module at EUIPO, Alicante | LAW5038 | > | 1 | 2 | 3 | 4 | 5 | 6 | 2.0  |
| Entrepreneurship, IP Management and Valorisation         | LAW5036 | > | 1 | 2 | 3 | 4 | 5 | 6 | 5.0  |
| Technology Transfer and Transaction Practice             | LAW5029 | > | 1 | 2 | 3 | 4 | 5 | 6 | 3.0  |
| Annual IEEM IP Seminar and Professional Update, Macau    | LAW5025 | > | 1 | 2 | 3 | 4 | 5 | 6 | 3.0  |
| Competition Law, IP Licensing and Portfolio Management   | LAW5020 | > | 1 | 2 | 3 | 4 | 5 | 6 | 2.0  |
| Intellectual Property in the USA                         | LAW5046 | > | 1 | 2 | 3 | 4 | 5 | 6 | 3.0  |
| IPKM/EIPIN Honours Programme                             | LAW5048 | > | 1 | 2 | 3 | 4 | 5 | 6 | 2.0  |
| IPKM Mock Trial Competition                              | LAW5037 | > | 1 | 2 | 3 | 4 | 5 | 6 | 2.0  |

| ▼ Thesis <small>read less</small>   |         |   |          |   |   |   |   |   |   | > more course data |
|---|---------|---|----------|---|---|---|---|---|---|--------------------|
| ▼ Master Thesis Intellectual Property Law and Knowledge Management <small>GROUP</small> |         | > | > period |   |   |   |   |   |   | ECTS               |
| Legal English and Methodology   | LAW5091 | > |          | 1 | 2 | 3 | 4 | 5 | 6 | 0.0                |
| Master Thesis IPKM  | LAW5095 | > |          | 1 | 2 | 3 | 4 | 5 | 6 | 6.0                |

## APPENDIX 5: PROGRAMME OF THE SITE VISIT

| <b>Monday 27 November 2017</b>  |       |  |  |
|---------------------------------|-------|--|--|
| 9.00                            | 9.30  | Arrival and welcome  |  |
| 9.30                            | 12.00 | Preparatory meeting and review of available information  |  |
| 12.00                           | 12.30 | Lunch  |  |
| 12.30                           | 13.30 | Interview with management of all programmes  |  |
| 13.30                           | 14.15 | Interview with students B<br>Rechtsgeleerdheid   | Interview with students B European<br>Law School   |
| 14.15                           | 14.45 | Panel discussion   |  |
| 14.45                           | 15.30 | Interview with teaching staff B<br>Rechtsgeleerdheid   | Interview with teaching staff B<br>European Law School   |
| 15.30                           | 16.00 | Panel discussion   |  |
| 16.00                           | 16.30 | Interview with students B and M Fiscaal Recht  |  |
| 16.30                           | 17.00 | Interview with students M International Tax Law  |  |
| 17.00                           | 17.45 | Interview with teaching staff B and M Fiscaal Recht and M International<br>Tax Law   |  |
| 17.45                           | 18.00 | Break  |  |
| 18.00                           | 18.30 | Interview with alumni M Fiscaal Recht/ M International Tax Law   |  |
| <b>Tuesday 28 November 2017</b> |       |  |  |
| 9.00                            | 10.00 | Preparatory meeting and review of available information; office hour<br>(9.30-10.00)   |  |
| 10.00                           | 11.00 | Interview with students Dutch<br>masters (M Recht en Arbeid, M<br>Forensica, criminologie en<br>rechtspleging and M Internationaal<br>Recht) | Interview with students English<br>masters:<br>10.00-10.30 M International Laws, M<br>Globalization and Law<br>10.30-11.00 M European Law School |
| 11.00                           | 11.30 | Panel discussion   |  |
| 11.30                           | 12.30 | Interview with teaching staff non-fiscal masters   |  |
| 12.30                           | 13.00 | Lunch  |  |
| 13.00                           | 13.30 | Interview with programme committees regular programmes   |  |
| 13.30                           | 14.15 | Interview with board of examiners regular programmes   |  |
| 14.15                           | 14.30 | Break  |  |
| 14.30                           | 15.00 | Interview with students LLM and MSc IPKM (incl. programme committee)   |  |
| 15.00                           | 15.30 | Interview with teaching staff LLM and MSc IPKM (incl. programme<br>committee)  |  |
| 15.30                           | 16.00 | Break  |  |
| 16.00                           | 16.30 | Interview with board of examiners IPKM programmes  |  |
| 16.30                           | 17.00 | Interview with alumni IPKM (Skype)   |  |
| 17.00                           | 17.15 | Break  |  |
| 17.15                           | 18.00 | Interview with alumni Dutch<br>masters   | Interview with alumni English<br>masters   |
| 18.00                           | 18.30 | Panel discussion   |  |

| <b>Wednesday 29 November 2017</b> |       |  |
|-----------------------------------|-------|--|
| 09.00                             | 10.00 | Final interview with faculty management          |
| 10.00                             | 12.30 | Formulation preliminary findings                 |
| 12.30                             | 13.00 | Break and lunch                                  |
| 13.00                             | 15.00 | Formulation preliminary findings                 |
| 15.00                             | 15.30 | Preparation of presentation preliminary findings |
| 15.30                             | 16.00 | Presentation of preliminary findings             |
| 16.00                             |       | Drinks   |

## APPENDIX 6: THESES AND DOCUMENTS STUDIED BY THE PANEL

Prior to the site visit, the panel studied a selection of 5 theses of the advanced master's programme Intellectual Property and Knowledge Management (IPKM) LLM and 5 of the IPKM MSc programme. The student numbers of these theses are available upon request.

During the site visit, the panel studied, among other things, the following documents (partly as hard copies, partly via the institute's electronic learning environment):

- Course materials, sample exams and answer models of the following courses in the advanced master's programmes IPKM LLM and MSc:
  1. Legal English and Methodology
  2. Principles of International Intellectual and Industrial Property Law - Common core
  3. Copyright and Related Rights - Common Core
  4. Global policy and Economics of IP Law – LLM
  5. IP and Life Sciences - MSc
  
- Assessment policy
- Bachelor essay regulations 2017-2018
- Hornbook on legal writing 2017-2018
- Master thesis regulation 2017-2018
- Practicumboek vaardigheden B
- The ELS Basic Stylebook 2017
- Response concerning panel advice previous assessment
- Minutes of meetings Programme Committee 2017
- Annual reports Programme Committee
- Annual reports Boards of Examiners
- Description of case positions and client roles from three main areas of moot court
- Example Portfolio Verdieping gezondheidsrecht
- Vijf Kopstukken, Vijf opstellen van eerstejaars rechtenstudenten, jaargangen 2013, 2014, 2015, 2016, 2017, uitg. Gianni, Maastricht
- MaRBLe-publication: Research-Based Learning: Case Studies from Maastricht University, Ellen Bastiaens, Jonathan van Tilburg, Jeroen van Merriënboer (ed.), Springer Verlag, Berlijn, 2017
- Draaiboek Onderwijs 2017-2018
- Rules and regulations bachelor's programmes 2017-2018
- Rules and regulations master's programmes 2017-2018
- Reglement van orde bij toetsing
- Internship regulations bachelor's programmes 2017-2018
- Internship regulations master's programmes 2017-2018
- University Teaching Qualification 2017 (programme)
- UMagazine on education and research at Maastricht University, october 2017.
- Overview teaching staff Double Degree programme with Aruba (International and European Tax Law, American Specialisation)
- Overview influx master's programmes related to prior bachelor's programme
- Handreiking normering bacheloressay
- Handreiking normering masterthesis
- Overview of assessment methods
- Teacherguide IPKM