

Research on Optimization of Teaching Methods for Intellectual Property Courses

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Abstract: Under the new situation, the cause of intellectual property rights is booming, and the construction of intellectual property majors has been explored for a certain period of time and certain achievements have been made, and more than one hundred colleges and universities have set up undergraduate majors in intellectual property. Combining the demand for the setting of intellectual property majors in local universities and the current situation, the following problems exist in the setting of intellectual property majors and talent cultivation in local universities: first, the sensitivity of the setting and cultivation mode of intellectual property majors to adapt to the needs of local industrial and economic development is insufficient; second, there are certain limitations in the setting of intellectual property courses, and the proportion of core courses is not enough; third, there is a certain difficulty in the cultivation of composite talents. Responding to existing problems, the IPR professional settings and teaching optimization in local universities can be explored or improved in the following three aspects: firstly, to clarify the professional positioning of IPR and match the professional settings with industrial demands; secondly, to improve the core curriculum of IPR and improve the teaching quality of IPR professional; thirdly, to increase the practical training courses of IPR and improve students' practical ability.

1. Introduction

As a legal system that stimulates innovative activities and distributes the benefits of innovation, the intellectual property system is increasingly important in today's technological, economic and social development. Intellectual property talents are the ones who stimulate innovation, lead it and safeguard it. After a certain period of exploration, the construction of intellectual property profession has made certain achievements and delivered talent support for the construction of a strong intellectual property country. At the same time, there are still certain problems in the construction and training of intellectual property professionals. In the context of accelerating the development of intellectual property, the construction of intellectual property disciplines and the cultivation of intellectual property talents is a crucial part of the process. In view of this, this paper discusses the current situation of the construction of intellectual property majors, the needs and

problems of setting up intellectual property majors in local universities and the countermeasures for optimization.

2. Understanding of intellectual property major

According to the Catalogue of Undergraduate Specialties of General Colleges and Universities (2020 Edition), “Intellectual Property” is a speciality under the “Law Speciality Category” of the “Law Discipline Category”. In fact, in the earlier 1987 catalogue of undergraduate majors, the name of the major was “Intellectual Property Law”, which was changed to “Intellectual Property” from the 2012 catalogue, i.e. the word “law” was dropped. According to scholarly interpretation, this is due to the terminology used in the relevant policy document, which proposes “the establishment of a secondary discipline of intellectual property”, so that the word “law” is no longer used, perhaps in response to the outline[1]. The relevant policy document proposes the creation of a specialisation in intellectual property in management and economics. On this basis, at the policy level, intellectual property should become a secondary discipline under law, management and economics.

According to the traditional view of the disciplinary system, IP law is a secondary discipline under jurisprudence, but as the importance of IP has increased in recent years, relevant policy documents have explicitly proposed the development goal of establishing a primary discipline of IP. It is then necessary to clarify the distinction between intellectual property law and intellectual property. Intellectual property law is a property law distinct from property law and debt law. It addresses the questions of whether knowledge or intellectual property can be legally recognised, what its legal status is, and how to structure its protection system. The discipline of intellectual property, on the other hand, tends to focus on the creation and use of intellectual property. The value, use and protection of intellectual property is different from that of movable or immovable property, for example, the exploitation and use of the value of patents is a specialised activity that requires skill and specific expertise. By this distinction, IP jurisprudence follows a jurisprudential mindset, the core of which is the legal regulation of IP. The discipline of intellectual property is a legal and business management mindset, which is centred on maximising the value and efficiency of intellectual property, and which also includes knowledge of the economics associated with intellectual property, knowledge of management, and also a body of knowledge such as the examination of patent applications and the examination of trademark applications. Specifically, the following characteristics exist in the IP profession:

First is cross-fertilisation. Intellectual property rights include patents, trademarks, copyrights, etc., i.e. they contain two categories: innovative intellectual achievements and commercial marks. This means that the scope and vision of intellectual property is diverse and open, involving the fields of technological innovation, cultural creation, commercial trade and so on. This corresponds to different disciplines and professions, such as science and technology, management, law, economics, philosophy, etc. Intellectual property rights require a balance between the protection of private rights and the preservation of the public interest, and the achievement of this balance of interest needs to be examined using the perspectives of different disciplines.

Second is modernity. Compared to traditional property rights, IPRs are relatively new. In terms of legislation, the rules of traditional civil law are not directly applicable to intellectual property. The definition of the object and the scope of protection of intellectual property rights are very different from those of ordinary corporeal objects. The specific rules for the acquisition of rights, the exercise of rights and the protection of rights in intellectual property are different from the traditional rules of property rights. Moreover, IP is closely linked to technology and economic development, and when technological advances give rise to new IP objects or industrial development gives rise to new demands for IP protection, the IP system needs to respond, and is

highly contemporary. This further requires that IP studies keep pace with technological and economic developments and have a broad perspective.

3. The needs and problems of setting up intellectual property majors in local universities

Existing studies have conducted some research on the setting and cultivation of intellectual property majors, although such macro studies tend to ignore the positioning of different universities[2], such as the different characteristics and realistic needs of local universities in terms of student quality and local industrial development. Take Foshan City in Guangdong Province as an example, it has a great demand for IP talents, and needs IP professionals in the areas of high-quality IP creation, IP finance, IP protection, IP operation and transaction and transformation and application. In Foshan's 14th Five-Year Development Plan, it is clearly stated that Foshan should build a national intellectual property demonstration city of high standard and effectively support the high-quality development of intellectual property in the city's key industries. In the context of Foshan's industrial needs and policy support, how to combine local industries and intellectual property rights has become an important issue in cultivating local intellectual property talents. Combining the needs of local universities' IPR major settings and the current situation, the following problems exist in the setting of IPR majors and talent training in local universities.

Firstly, the sensitivity of the setting and cultivation mode of intellectual property majors to adapt to the needs of local industrial and economic development is insufficient. The intellectual property system originates from the needs of market economic development, so the intellectual property system cannot exist in an abstract manner and cannot be separated from the market as well as the needs of economic and social development. The cultivation of intellectual property talents needs to dovetail with industrial needs and serve local industries and economic development. At present, there are problems in the training of intellectual property talents, such as poor connection between the training of talents and practical needs, and satisfying the needs of society[3].

Secondly, there are certain limitations in the IP curriculum, and the core curriculum is not given sufficient weight. Intellectual property is an interdisciplinary subject, one in which the sciences of law, management, science and technology are interlinked[4]. At present, the curriculum of undergraduate courses in intellectual property in colleges and universities broadly includes basic courses in law, core courses in intellectual property, courses in intellectual property management and, in some colleges and universities, courses in a particular scientific or technical discipline. Among them, the basic law courses include a dozen core law courses, and the core IP courses do not take up enough weight. For some schools there are also polytechnic courses, which are generally based on the needs of industrial development and the special characteristics of the school. It can be seen that, where several modular courses are required, the IP core courses are not given sufficient weight.

Thirdly, there is a certain degree of difficulty in training composite talents. In the intellectual property curriculum of local universities, although courses in law, management or science and technology are offered at the same time, there is, however, a certain degree of difficulty for students to learn in multiple disciplines due to the interdisciplinary teaching. For example, courses in law are taught by teachers from this faculty, while courses in management and science and technology are taught by teachers from the corresponding faculty. At this point, teachers from other faculties inevitably teach IP students as if they were students of their own major, and students have some difficulty in accepting their knowledge. On this basis, cross-faculty teaching may lead to heterogeneity rather than compounding, and there is some difficulty in achieving the goal of training complex talents in IP.

4. Suggestions for optimising teaching methods in intellectual property

Taking into account the needs and existing problems in the establishment of IPR majors in local universities, the establishment and teaching optimization of IPR majors in local universities can be explored or improved in the following three aspects.

4.1. To consider industry needs in the positioning of intellectual property major

Define the professional positioning of intellectual property rights and align professional settings with industrial needs. Intellectual property involves not only law, but also many disciplines such as science and technology, management and economics, and is somewhat complex. For this reason, a systematic knowledge system needs to be formed in the training of talents. For example, IP intensive industries need professional IP managers, IP trading platforms need professional IP operators, and IP information utilisation needs professional IP information personnel. These series of industries or market demands all require IP talents with systematic knowledge and need composite and application-oriented talents[5]. This requires local universities to clearly define the positioning of intellectual property in their professional settings and to align with the real needs of industrial development and the market economy.

4.2. To improve the teaching quality in intellectual property courses

Improving the core curriculum of intellectual property and improving the quality of teaching in intellectual property. The core intellectual property courses are an important part of the systematic knowledge of training intellectual property talents. According to the classification of specialized intellectual property law, Patent Law, Trademark Law and Copyright Law are the three major basic parts of the intellectual property professional curriculum. For the course setting weight of these three intellectual property laws, the course hours in some universities are 48 hours each, and this course setting weight is reasonable, with relatively sufficient time to teach these three intellectual property laws. However, in the curriculum of some local universities, these three courses are only set to 24 or 32 credit hours, which does not provide sufficient teaching time. Therefore. When setting up core courses on intellectual property, local universities should give full attention to the core courses on intellectual property, improve the curriculum and ensure the teaching time and teaching quality of the core courses on intellectual property.

In the curriculum, student group presentations and case discussions can be added as appropriate. Teaching and learning are interlinked, therefore, teachers should pay attention to students' learning status, so that students are in an interested state of learning and deeply involved in the subject. When preparing lessons, teachers need to prepare vivid and clear courseware. In the classroom, courseware is one of the most important mediums for students to learn, so teachers need to pay attention to issues such as logical frameworks, specific content and the use of images in the production of courseware. In addition to the teacher's lecture, students can also make group presentations on hot IP topics and popular IP cases. Group presentations help to exercise students' research skills, presentation skills and help to enhance their professional competence.

4.3. To increase intellectual property case teaching and practical training courses

Increase IP case teaching and practical training courses to improve students' practical skills. The teaching of intellectual property rights in local universities basically adopts a classroom teaching approach, which lacks practical skills and may lead to difficulties in increasing students' interest in learning intellectual property rights and also in exercising their practical skills. Therefore, in order

to enhance students' practical skills in IPR and to cultivate their professional knowledge in a more systematic manner, attempts can be made to increase the proportion of case teaching in the classroom and to increase the teaching design of judgments in IPR courses[6], and add practical training courses to hone students' practical skills.

In terms of case studies, they can be divided into knowledge-based cases and practice-based cases. Knowledge-based cases are mainly cases that focus on the understanding of a certain point of knowledge. For example, when explaining the novelty, inventiveness and utility of a patent, it may not be easy to understand what novelty, inventiveness and utility are in purely legal concepts, and cases from patent examination practice or judicial practice may be chosen to develop this. When explaining the originality of a work, teachers can choose a case in judicial practice to determine whether the work meets the originality; and when explaining the distinctiveness of a trademark, teachers can choose a case in trademark examination practice or a case in judicial practice to determine the distinctiveness of a trademark. The practical cases focus on the students' ability to analyse IP cases in a comprehensive manner. For example, students are shown intellectual property cases that have had a large impact on society in recent years, such as the Qiaodan trademark case, the Wang Laoji and Jia DuoBao red can herbal tea dispute, and the Meihualao and Gongsuo Liancheng copyright dispute, so that students can sort out and analyse the focus of disputes in these major and difficult cases and improve their case handling skills[7]. In terms of practical training courses, the school can work with local courts, local IP offices and other relevant institutions to allow students to undertake internships in IP-related departments, or work with relevant enterprises and law firms so that students can be exposed to corporate IP management practices, IP litigation practices and other content[8]. This will, on the one hand, enhance students' interest in intellectual property, combining theory with practice, and on the other hand, enhance their practical skills and prepare them for future employment.

5. Conclusion

With the development of science and technology and the economy, the intellectual property system has become more and more important as an incentive for innovation and protection of innovation, and the construction of the intellectual property profession and the development of the discipline are facing new opportunities and challenges. Intellectual property is a cross-cutting and integrated discipline that is closely linked to scientific and technological progress and economic development. Under the new situation, the sensitivity of the setting and cultivation mode of intellectual property majors to adapt to the needs of local industrial and economic development is insufficient. There are certain limitations in the setting of intellectual property courses, the proportion of core courses is not enough, and there is a certain difficulty in cultivating composite talents. In response to these problems and challenges, local universities need to clarify the professional positioning of intellectual property and align professional settings with industrial needs in the development process, and on this basis, improve the core curriculum of intellectual property, improve the quality of teaching in intellectual property, and increase the teaching of intellectual property cases and practical training courses in specific teaching to improve the practical ability of students. Through the systematic improvement of each link, the students' professional ability in intellectual property will be comprehensively enhanced, providing talent support for the development of local as well as national intellectual property business.

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