

Cover Sheet: Request 12147

Intellectual Property Certificate

Info

Process	Certificate New Ugrad/Pro
Status	Pending at PV - University Curriculum Committee (UCC)
Submitter	Amy Mashburn amashbur@ufl.edu
Created	12/4/2017 2:25:38 PM
Updated	9/22/2018 2:50:03 PM
Description of request	Approval of a new certificate in Intellectual Property Law which will provide an intensive foundation in intellectual property law for JD students at the College of Law. Courses emphasize the role of intellectual property in technology, business, and litigation, focusing on the substantive law, policies, and skills related to all areas of intellectual property.

Actions

Step	Status	Group	User	Comment	Updated
Department	Approved	LAW - Juris Doctor 012406001	Tanya Dampier		3/7/2018
Dean's Letter IP.pdf					2/27/2018
College	Approved	LAW - College of Law	Amy Mashburn		3/7/2018
No document changes					
Office of Institutional Planning and Research	Approved	PV - Office of Institutional Planning and Research	Cathy Lebo		5/4/2018
No document changes					
Associate Provost for Undergraduate Affairs	Approved	PV - APUG Review	Tobin Shorey		9/22/2018
No document changes					
University Curriculum Committee	Pending	PV - University Curriculum Committee (UCC)			9/22/2018
No document changes					
Office of the Registrar					
No document changes					
OIPR Notified					
No document changes					
Student Academic Support System					
No document changes					
Catalog					
No document changes					
Academic Assessment Committee Notified					
No document changes					
College Notified					
No document changes					

Certificate|New for request 12147

Info

Request: Intellectual Property Certificate

Description of request: Approval of a new certificate in Intellectual Property Law which will provide an intensive foundation in intellectual property law for JD students at the College of Law. Courses emphasize the role of intellectual property in technology, business, and litigation, focusing on the substantive law, policies, and skills related to all areas of intellectual property.

Submitter: Amy Mashburn amashbur@ufl.edu

Created: 12/4/2017 2:14:17 PM

Form version: 1

Responses

Certificate Name

Enter the name of the certificate. Example: Urban Pest Management.

Response:
Intellectual Property Law

Transcript Title

Enter the transcript title of the certificate. This is limited to 50 characters, including spaces.

Response:
Intellectual Property Law

Credits

Enter the total number of credit hours needed to complete the certificate program.

Response:
19

Level

Enter the program level of the certificate.

Response:
Professional

CIP Code

Enter the six digit Classification of Instructional Programs (CIP) code for the degree program associated with the proposed certificate. The code has the numerical format XX.XXXX. Contact the [Office of Institutional Planning and Research \(OIPR\)](#) to verify the CIP code for the existing degree program.

Response:
22.0101

Degree Program

Enter the degree program associated with the CIP code entered above (e.g. Accounting).

Response:

J.D.

Effective Term

Enter the term (semester and year) that the certificate would start.

Response:

Fall

Effective Year

Response:

2018

Certificate Description

Enter a description of the certificate. This is limited to 50 words or fewer.

Response:

The Certificate in Intellectual Property Law provides an intensive foundation in intellectual property law for JD students at the College of Law. Courses emphasize the role of intellectual property in technology, business, and litigation, focusing on the substantive law, policies, and skills related to all areas of intellectual property.

Requirements for Admission

List any requirements for admission to this new certificate program such as grade point average, background in the discipline, current enrollment status, etc.. Please indicate if the certificate only accepts students of a particular status: for example, current UF graduate students, graduate students in a specific college, non-degree seeking students, or any student status.

Response:

Students seeking admission must successfully complete their first semester of law study and complete an application form.

Requirements for Completion

List all of requirements for completion of the certificate program, such as courses, internships, projects, etc. For each course, indicate prefix, number, title, # credits, and established grading scheme (letter graded, and/or S/U). The title should be identical to the official title of the course as listed in the Graduate Catalog at <http://gradcatalog.ufl.edu>.

Response:

NOTE: All courses listed below are graded unless noted otherwise.

To be eligible for the Certificate in Intellectual Property Law, students must (a) earn at least 15 credits from the Core Curriculum in Part A, (b) take at least 2 courses or seminars from the Related Curriculum in Part B, (c) earn a grade point average of 3.0 from the 15 credit Core Curriculum, and (d) satisfy the certificate writing requirement.

A. Core Curriculum

Each student must earn at least 15 credits from the Core Curriculum in this section, and included

in 15 credits are these three required courses:

- Copyright Law LAW 6572 (2 or 3 credits)
- Patent Law LAW 6573 (2 or 3 credits)
- Trademark Law LAW 6576 (2 or 3 credits)

The balance of the 15 credits must be from the following electives when offered (other courses not listed must be pre-approved by the Director):

- | | | |
|---|-----------|------------------|
| • Advanced Patent Law | LAW 6936] | (2 or 3 credits) |
| • Corporate Espionage Seminar | LAW 6936 | (2 credits) |
| • Entrepreneurship Legal Practicum | LAW 6930 | (3 credits) |
| • European Copyright Law | LAW 6930 | (3 credits) |
| • Intellectual Property | LAW 6570 | (2 or 3 credits) |
| • Intellectual Property Litigation | LAW 6930 | (2 credits) |
| • International Business Transactions | LAW 6261 | (2 or 3 credits) |
| • International Intellectual Property Law | LAW 6930 | (2 or 3 credits) |
| • Law and Computers | LAW 6936 | (2 credits) |
| • Law and Entrepreneurship | LAW 6930 | (3 credits) |
| • Law of Cyberspace | LAW 6930 | (3 credits) |
| • Licensing (IP) | LAW 6936 | (2 credits) |
| • Media Law | LAW 6841 | (2 or 3 credits) |
| • Patent Drafting and Prosecution | LAW 6930 | (2 or 3 credits) |
| • Privacy | LAW 6936 | (2 or 3 credits) |
| • Trade Secret Law | LAW 6930 | (2 or 3 credits) |
| • Trademark Practice and Procedure | LAW 6930 | (2 credits) |
| • WIPO Externship (S/U) | LAW 6946 | (2-6 credits) |
| • USPTO Externship (S/U) | LAW 6946 | (2-6 credits) |
| • In-House IP Externship (S/U) | LAW 6946 | (2-6 credits) |

B. Required Related Courses

Students must take at least 2 courses or seminars from the following related courses and seminars (if offered):

- | | |
|---|----------|
| • Administrative Law | LAW 6520 |
| • Advanced Legal Research | LAW 6798 |
| • Antitrust | LAW 6560 |
| • Art Law | LAW 6936 |
| • Bioethics | LAW 6722 |
| • Biomedical Innovation | LAW 6936 |
| • Business Document Drafting | LAW 6930 |
| • Business Enterprises Survey | LAW 6068 |
| • Business Organizations | LAW 6062 |
| • Civil Procedure II | LAW 6930 |
| • Corporations | LAW 6063 |
| • Criminal Law in Virtual Context Seminar | LAW 6936 |
| • E-discovery | LAW 6930 |
| • Evidence | LAW 6330 |
| • Federal Courts | LAW 6302 |
| • First Amendment Law | LAW 6511 |
| • Florida Civil Procedure | LAW 6303 |
| • Food, Drug & Cosmetic Law | LAW 6936 |
| • Franchising | LAW 6930 |
| • Genetics & the Law Seminar | LAW 6936 |
| • International Financial Crimes | LAW 6936 |
| • International Trade Law | LAW 6262 |
| • Law and Economics | LAW 6555 |
| • Medical Technology and the Law | LAW 6724 |
| • Pretrial Practice | LAW 6930 |
| • Sports Law | LAW 6930 |
| • Trial Practice | LAW 6363 |

C. Grades

Students must maintain a minimum grade point average of 3.0 with respect to the 15 credits from

the Core Curriculum. A student who takes more than 15 credits from within this curriculum will satisfy this requirement if he or she maintains a 3.0 average for 15 of these credits.

D. Writing Requirement

Student must satisfy a certificate writing requirement. This can be done through enrollment in a seminar from among the Core Curriculum in Part A or the Related Curriculum in Part B, provided: (1) the student's seminar paper is on an intellectual property-related topic, and (2) the student earns a B or better in the seminar. A paper which satisfies the J.D. senior writing requirement may also satisfy the certificate writing requirement if it meets the criteria listed above.

NOTE: Because course offerings sometimes change due to faculty sabbaticals, the development of new courses, the presence of visiting or new faculty or for other reasons, the Director may grant waivers to certificate requirements or approve additional courses not currently listed as counting towards certificate requirements in appropriate circumstances. Other courses may qualify as program electives with the Director's approval.

Rationale and Place in Curriculum

Describe the rationale for offering this new certificate and having it on the transcript, its place in the curriculum, how it will enhance the quality of the existing program or department. Also describe its overlap with any existing certificates and programs, and a justification for any such overlap. Note that documentation of consultation will be expected for any certificate with overlapping content.

Response:

The certificate prepares students to practice in the field of intellectual property law. This tends to be a specialized area in the profession, and employers prefer to hire students who have the necessary foundation in the substantive laws relating to intellectual property as well as a demonstrated interest and participation in the field. The Juris Doctor degree does not otherwise provide students the opportunity to select a major or otherwise specialize. Thus, successful completion of the certificate provides students a means to communicate to potential employers that they have completed a rigorous program to prepare them for practice in the field, and that they are able to hit the ground running. This is especially useful for students who do not have technical backgrounds prior to attending law school. Moreover, the certificate will enhance the quality of the depth of courses available at the College of Law, as well as the college's reputation among its peer law schools (the majority of whom offer similar specialties in intellectual property law) and its attractiveness to prospective candidates.

The certificate does not overlap with any other existing certificates or programs.

Student Learning Outcomes

List each student learning outcome with its associated courses, assessment type (e.g. course-related exam/assignment/grade, final paper/project/presentation, standardized exam, capstone) and method (e.g. rubric, faculty committee, single faculty member).

Response:

After completion of the required nineteen credits, students will be evaluated for certification by the faculty director of the intellectual property law program using the criteria set forth above in the "Requirements for Completion" section above. Students must earn a 3.0 average in the above listed core curriculum courses to qualify for the certificate.

Knowledge

SLO #1: Students identify and describe basic principles of intellectual property law.

Associated Courses: Copyright Law, Patent Law, Trademark Law

Assignment: Final Examination

Method: Rubric

Skills

SLO #2: Students identify legal issues raised in a complex hypothetical fact pattern.

Associated Courses: Copyright Law, Patent Law, Trademark Law

Assignment: Final Examination

Method: Rubric

SLO #3: Students analyze legal issues by applying relevant statutes, case law and legal principles to hypothetical fact pattern to predict outcome.

Associated Courses: Copyright Law, Patent Law, Trademark Law

Assignment: Final Examination

Method:

Rubric

SLO#4: Students produce a substantial written work based on original research on a topic related to intellectual property law.

Associated Courses: Any Seminar or other approved method for completing Advanced Writing Requirement (e.g. Independent Research, Note published in a Co-curricular journal)

Assignment: Advanced Writing Requirement

Method: Instructor Certification that paper satisfies Advanced Writing Requirement

February 27, 2018

Professional Certificate Approvers

Re: College of Law's Proposal for an Intellectual Property Law Certificate Program

Dear Committee Members:

I support the College of Law's Intellectual Property ("IP") Certificate program proposal. The certificate will allow J.D. students to obtain a certification that they have completed a structured course of study resulting in mastery of a specialized area of law. As the attached *Memorandum* explains, the proposed IP Certificate would, if adopted, slightly modify an earlier version of an intellectual property law certificate program that was in operation for a number of years at the law school. Recognizing the need to obtain approval, the College used the process as an opportunity to evaluate the strengths and weaknesses of the then-existing program. As the attached *Memorandum* reveals, the program's Director identifies the need for more resources as a "weakness" of the prior version of the certificate program. From an administrative perspective, however, the greatest strength of this program has been its efficiency—for a relatively modest investment in resources, a not insignificant number of students were able to obtain a sought-after certificate in an area of specialization valued by legal employers. In the future, if the certificate is approved, program administrators will collect and analyze recruitment and placement statistics to encourage more data-based assessments of the value of the certificate.

The IP certificate proposal was submitted to the College's Curriculum Committee on September 29, 2017. The Committee subsequently voted unanimously to recommend approval of the proposal to the faculty. That recommendation came before the faculty at a meeting held on October 24, 2017. The IP certificate proposal, with a faculty amendment that added a provision for an in-depth assessment and review by the College every five years, was approved by unanimous vote. The College's reviews every five years would be in addition to the annual assessment required by University policy. The vote and the discussion at the meeting reflect the

faculty's enthusiasm for and commitment to continuation of the College's certificate program in this area of law.

I am familiar with the criteria the University uses to determine whether to approve a new certificate, and I believe the attached *Memorandum* offers sufficient evidence that this proposal meets those criteria. The program embodies the faculty's recognition of the importance of intellectual property law research, scholarship, and teaching, to both the College and UF. The program's future-oriented focus is the result of strategic planning in furtherance of the College's mission. It has already generated interdisciplinary collaborations with UF's College of Engineering. Because of the pervasiveness of intellectual property concepts across disciplines, the certificate program has tremendous potential for other such collaborative efforts, which would include distance learning. The proposal (and the pre-existing program) were created and are sustained by a collaborative process that involves faculty, students, administrators, alumni, and other constituents. The program's Director is a nationally recognized expert in this area of law. See, <https://www.law.ufl.edu/faculty/elizabeth-a-rowe>. A critical mass of adjuncts who have expertise and practical experience are involved with the program and committed to assisting the College with teaching highly-specialized, necessary courses.

Approval of the IP Certificate proposal will further the College's mission to provide students with a well-rounded legal education and help them develop the skills necessary to use that knowledge in practice. In addition, we hope the program will assist in the College's admissions and recruitment efforts, which are vital to maintaining and improving our national ranking. As the attached *Memorandum* shows, the existence of a desirable certificate program, such as the IP certificate, positively affects the decision-making of many prospective students. Offering this certificate program will allow the College to recruit highly-qualified students who might otherwise choose not to attend UF. For matriculating students, the program will enhance their educational experience in many ways. See, <https://www.law.ufl.edu/areas-of-study/concentration/intellectual-property-law>. It is designed to afford students a guided and structured way to navigate the College's extensive and challenging curriculum and to acquire in-depth knowledge of a specialized area of law. See, <https://www.law.ufl.edu/areas-of-study/curriculum-roadmaps/intellectual-property>. The program will create opportunities for students to interact closely with our distinguished faculty, as well as alumni, students, professors, visiting professors, and adjunct attorneys. I also hope the certificate will increase the likelihood that our students will find desired employment upon graduation. In the future, the College will collect and analyze placement statistics, information vital to any valid assessment of the program's costs and benefits.

The only modification the proposal incorporates is to adjust the minimum GPA required from 3.3 to 3.0 to bring the IP Certificate's requirements into conformance with the requirements of other College programs. The College's self-assessment determined that the number of students receiving the certificate ranged between 14 and 18 per year for the last four years of the program's operation. Because the institutional resources committed to the program are not excessive and given the availability of highly qualified adjuncts, I believe these numbers are

sufficient to justify sustaining the program. Consequently, I urge the Committee to approve the proposal as submitted and thank you for your consideration.

Very truly yours,

A handwritten signature in blue ink that reads "Laura A. Rosenbury". The signature is fluid and cursive, with a large loop at the end of the last name.

Laura A. Rosenbury
Dean and Levin, Mabie and Levin Professor of Law

Memorandum

To: The Curriculum Committee
From: Elizabeth Rowe
Date: September 29, 2017
Re: Proposal to Seek University Approval for IP Certificate

The Certificate in Intellectual Property Law (IP Certificate) was approved by the faculty and has been in existence since 2000. It has been determined that the IP Certificate must be approved by the main campus as a professional certificate if we wish to continue offering it to our students. The approval process requires submission of the attached Certificate Approval Form to the main campus, after it has been approved by the curriculum committee, the faculty, and the administration.

In addition, we have been asked by Dean Mashburn to submit, along with the Certificate Approval Form, information regarding:

- 1) the operation of the program;
- 2) the number of students graduating with the certificate over the last four years;
- 3) current and future staffing of the curriculum and reliance upon adjuncts; and
- 4) a balanced assessment of its strengths and weaknesses and challenges going forward.

Accordingly, I am requesting (on behalf of the IP Certificate Program) faculty approval to pursue university approval to continue offering the IP Certificate.

1. Operation of the Program

The IP Certificate Program has been available to JD students since 2000, and it remains very popular among our students and alumni. The current students, as well as the class that graduated this past spring, are adamantly and enthusiastically in support of continuing the Certificate. Most of them have expressed strong views about having chosen to attend UF Law because of the program and the availability of the certificate. As such, the program serves as a strong selling point for recruiting prospective students who are interested in technology and intellectual

property. It offers one of the largest selections of IP courses of any law school in the U.S., despite being very leanly staffed, and most of the courses forming the core curriculum continue to be well-enrolled and in high demand.

Current Structure of the Certificate

To complete the program and receive the certificate currently, students must successfully complete:

- A. 3 required courses
 - Patent Law
 - Copyright Law
 - Trademark Law

 - B. IP-related electives, that together with the above 3 required courses total at least 15 credits

 - C. 2 courses from an approved list of business and litigation-related offerings

 - D. A paper on an IP topic which satisfies the JD senior writing requirement
- and
- E. Maintain a 3.3 GPA¹ in 15 credits from the Core Curriculum (parts A and B above).

¹ Since joining the College of Law in 2005, I have applied the 3.3 GPA in determining certificate eligibility because that is what I understood the requirement to be based on all the materials posted. I have recently become aware, however, that the IP certificate is the only certificate at the law school with the 3.3 GPA requirement, and that all of the other certificates require a 3.0. In an effort to harmonize the GPA requirements of this certificate with the others at the law school, I am therefore proposing in the Certificate Approval Form to the main campus a 3.0 GPA eligibility requirement, subject to the faculty's approval of this proposal.

2. Number of Students Who Graduated with a Certificate Over the Last Four Years

Year	Received
Class of 2013	14
Class of 2014	14
Class of 2015	17
Class of 2016	18

Since 2008 about 240 students have enrolled in the program. More generally, the required core courses in the program have been among the larger upper-level courses in the JD curriculum (see Table A below). Moreover, about 30% of our admitted students express an interest in IP (see Appendix B). This is an indication that a significant number of the broader law school student body benefits from having the IP courses available as part of the JD curriculum, and that the courses are in demand.

Table A. Sampling of course enrollments from 2014-17

Course / Term	Fall 2017	Spring 2017	Fall 2016	Spring 2016	Fall 2015	Spring 2015	Fall 2014	Averages
Copyright Law	69	33		72			56	57.5
Trade Secret Law		57				47		52
Trademark Law	73	22			61		66	55.5
Patent Law	46		55		47		26	43.5

3. Current and Future Staffing

I am currently the only full-time faculty member whose primary area of research is in intellectual property and who teaches a full load of intellectual property courses (typically Patent Law, Trademark Law, and Trade Secret Law).² In addition, I also serve as director of the certificate program, including mentoring and course planning for current students and prospective students.

² I have also taught a Corporate Espionage seminar, and will be teaching Intellectual Property in the spring.

Professor Jeff Harrison, another full-time tenured faculty member has regularly taught one required IP course each year -- Copyright Law.

The remainder of the IP courses that are staples are taught by adjuncts (Entrepreneurship Law Practicum, Intellectual Property Litigation, Licensing, and Patent Prosecution). One international visitor (Prof. Loewenheim) has regularly taught the European Copyrights or the International Intellectual Property course.

The vast majority of the other courses that count as electives toward the certificate or required related courses are already part of the law school curriculum, and are thus “borrowed” faculty resources from courses that would exist independent of the IP certificate. Among these courses are: Media Law, First Amendment Law, Administrative Law, Advanced Legal Research, Business Organizations, Corporations, E-Discovery, Federal Courts, International Trade Law, and Trial Practice.

There is currently no dedicated staff support for the certificate program. The program has had sporadic staff support from a member of the faculty support team to assist on discrete tasks.

Future Staffing & Vulnerabilities

The Copyright course depends entirely on Prof. Harrison’s availability to teach it. When he is away or on sabbatical, we typically need a visitor to cover the course.

Similarly, if I were unavailable to teach my 3 staple courses we would need at least one visitor and one adjunct to cover those courses. At most other law schools Patent Law and Trademark Law are taught by separate tenured/tenure-track faculty, so our program benefits from having the efficiency of one faculty member who teaches both courses.

The recent departure of Professor Lyriisa Lidsky has left coverage in question for three of her courses which counted as electives for the certificate: Media Law, First Amendment Law, and Internet Law.

4. Strengths, Weaknesses & Challenges

Strengths

- a. Adds curriculum depth for students interested in law and technology and business
- b. Prepares students who wish to practice in the field of intellectual property law
- c. Responds to strong student interest in the field (see Appendix B)
- d. Creates loyalty to the College among alumni who participated in the program, due to the more personalized mentoring and experiences
- e. Provides skills training relating to the field
- f. Certificate signals to potential employers a student's interest and that the student has taken the most classes in these fields that are viewed by faculty and practitioners as most important to prepare them
- g. Helps students (particularly those without technical backgrounds) in marketing themselves to IP employers
- h. Provides our students the opportunity to participate, and be competitive in, three IP job fairs
- i. Valued by alumni and employers
- j. Attractive to prospective applicants and students (see Appendix A and Appendix B)
- k. Provides curricular guidance and mentoring to students interested in the field significant
- l. Capitalizes on existing strengths and course offerings in the JD curriculum
- m. Capitalizes on existing extracurricular offerings such as the Journal of Technology Law and Policy and the Intellectual Property and Technology Law Association to make available a more enriching program for students interested in intellectual property
- n. Creates an identified group of alumni with strong ties to the College who regularly serve as mentors for current students, hire recent graduates, and support the law school

- o. Will assist in recruiting IP and/or technology faculty who will find it desirable to be part of an institution with strong offerings in the field

Weaknesses & Challenges

- a. Lack of certainty about the commitment to the certificate creates challenges for student recruitment and anxiety among current students
- b. Limited financial resources have been made available for further developing and expanding the program
- c. The program could be strengthened with the addition of a transactional clinic
- d. Inadequate staff support
- e. Increasing full-time faculty who are scholars and teachers in the area would serve to improve the College's reputation in the field and generally
- f. The best job opportunities for students in the field are outside Florida
- g. Having more conferences and speakers in the area would increase the program's visibility (both among academics and practitioners) and provide additional opportunities for students to network
- h. Opportunities exist to develop multidisciplinary relationships within the university and outside
- i. Opportunities exist to develop better placement and experiential opportunities for students
- j. Some students enroll in certificate and do not complete it (but that is not necessarily a failing, since for many students it makes sense to take a broader array of courses)

Appendix A

Admissions Data by Area of Interest Expressed

This chart was compiled by Mary Jane Angelo based on a review of the records on the number of admitted students who indicated an interest in particular fields of law. For the last three years, she tallied how many matriculated (and for 2016 admitted) students had indicated an interest in the listed fields of practice.

Intellectual Property consistently ranks among the highest (second only to criminal law) for expressed areas of interest among prospective and admitted students.

<u>Certificates</u>	<u>2016 Admitted</u>	<u>2015 Matriculated</u>	<u>2014 Matriculated</u>
Criminal	139	135	119
Intellectual Prop	114	82	97
International	90	25	64
Environmental	55	38	51
Trusts & Estates	21	20	35
Family	7	12	12
<u>Non-Certificate</u>			
Immigration	87	48	52
Real Estate	74	81	87
Business/Corps	64	30	50
<u>Total Students</u>	399	311	308

Appendix B

Admissions Office Data re IP Interest

Intellectual Property Law Interest	Fall 2015	% Expressed Interest	Fall 2016	% Expressed Interest	Fall 2017	% Expressed Interest
<i>All applicants</i>	450/1441	31%	763/2759	28%	799/2914	27%
<i>Admitted students</i>	277/842	33%	293/962	30%	261/894	29%
<i>Matriculants</i>	97/310	31%	103/314	33%	81/301	27%