

**Accreditation of IPReg Examination Agencies –
Assessor Report Final Version 31 March 2020**

Applicant organisation:	School of Law Brunel University London
Authors:	████████████████████
Date of visit:	Wednesday 26 February 2020
Examination Agency staff met with:	Dr Peter Petkoff Senior Lecturer, Dr Olga Grigula Lecturer Dr Paula Westenberger Lecturer. Externals: Lucy Wojcik Chartered Patent Attorney, Dr Arthur Boff Chartered Patent Attorney. Course Administrators: Ananda Kunicki, Chloe Young
Date of report:	30 March 2020
Recommendation:	That the PgCert IP and LLM IP be accredited subject to a number of recommendations and one measure. There is a measure to be satisfied in relation to the PgDip IP. There is a significant measure to be satisfied in relation to any proposals re the trade mark attorney FLQ
IPReg Office Report Summary:	<p>Report recommends accreditation in relation to:</p> <ul style="list-style-type: none"> • <u>PG Certificate and LLM iteration (patent pathway; both of which are live offers):</u> subject to a (Significant) Measure relating to “distance learning” and a number of Recommendations. <p>Report cannot currently recommend accreditation in relation to:</p> <ul style="list-style-type: none"> • <u>PG Diploma (patent pathway):</u> (Significant) Measure identifies that documentation is currently absent that would enable a recommendation to be made; • <u>Trade Mark iteration of PG Certificate (not currently live):</u> (Significant) Measure identifies that documentation is currently absent that would enable a recommendation to be made. <p>The assessors have offered the opportunity to Brunel to submit this documentation (and other documentation relating to the other offers as above) and we are attempting to work out a schedule for these to be reviewed ahead of the May Board meeting which will consider the assessor report.</p>

1. General comments

An initial application for accreditation was received from the School of Law dated 4 January 2020.

Clarification was sought from the School of Law, by the Assessors, on 14 January as to the remit of the review.

The initial application documentation appeared to cover the following courses:

1. Post Graduate Certificate in Intellectual Property (Part time / Distance Learning)
2. LLM in Intellectual Property (the teaching and assessment relating to the patent attorney FLQ) both of which were last accredited by IPReg in 2015.

The initial application also referred to a Postgraduate Diploma in Intellectual Property. This award is referred to at paragraph 14 in the programme specification for the LLM Intellectual Property Law however there is no explanation either in this programme specification or any other documentation (supplied to the Assessors) as to the specific circumstances in which a Postgraduate Diploma in Intellectual Property will be awarded. The Assessors explained, in their letter of 14 January, and on the visit that without documentation setting out in what circumstances a Postgraduate Diploma in Intellectual Property will be awarded they would be unable to assess whether this award satisfies IPReg Accreditation Standards.

At an earlier date the School of Law had requested of IPReg that the accreditation exercise cover both the currently delivered patent qualification element of the pathway (patent attorney FLQ) as well as the historically delivered trade mark qualification (trade mark attorney FLQ) with the ambition both iterations be delivered from autumn 2020.

The initial application contained no separate documentation regarding a trade mark attorney FLQ. The Assessors explained, in their letter of 14 January, that if the School of Law wished, as part of this accreditation, to include a course which might be accredited as a trade mark attorney FLQ, that they would need to provide the following additional documents by 7 February:

- Draft programme specification for trade mark qualification
- Draft programme learning outcomes for trade mark qualification (eg modular block outline)
- Explanation as to how Professional Ethics will be dealt with
- Evidence that proposed programme is at the required level
- Modes of teaching provision
- Methods of assessment

On 7 February the School of Law provided some further documentation in relation to a trade mark attorney FLQ including a letter remapping the School of Law syllabus against the IPReg trade mark syllabus and explaining that "...the format of a reaccreditation for [the] TM syllabus would only make sense if it is integrated in the existing PGCert programme which was the case historically. The PGCert programme can only have four 15 credit modules and any other provision will have to be a PgDiploma or an LLM to accommodate a greater number of modules." Newly drafted programme specifications (LLM and PGCert) and module block outlines (which add a number of hours and topics to two of the existing 15 credit modules) were included. On the visit the IP team explained that they are proposing one pathway with 4 modules (of 15 credits each) to cover both the patent attorney FLQ and the trade mark attorney FLQ.

The Assessors decided that to ensure that IPReg Accreditation Standards are being met or will be met by any of the courses of study and pathways offered by the School of Law that each would be examined separately, in the following order:

The award of a PgDip in Intellectual Property,

The existing courses of study and examination pathways leading to a Pg Cert in Intellectual Property and LLM in Intellectual Property,

The proposed course of study and examination pathway leading to a trade mark attorney FLQ.

The award of a PgDip in Intellectual Property:

The IP team explained that this award is rare "...Brunel does not have a direct entry for a PgDip. However it is possible that an LLM candidate may be awarded a PgDip if they do not get the required 180 credits for an LLM and they may still qualify for an IPReg exception if they have passed all their IPReg modules...". The LLM requires 180 credits, the PgCert 60, the IP team explained that the diploma lies somewhere between 60 and 160 credits. Although the PgDip Intellectual Property is referred to in the LLM programme specification it does not clarify how this award satisfies IPReg requirements¹. Please see para 9 Measure 2.

¹ The Assessors assume that the award would be made if a candidate successfully completed 120 credits of which 60 satisfy IPReg requirements UK Quality Code for HE Part A

2. Quality

Assessment against the Required Features:

- *For a Foundation Level Qualification, the course provides the Foundation Level Qualification Core Subjects and Learning Outcomes (General Transferable Skills) as specified by IPReg*

LLM IP and PgCert IP:

Programme specifications for the LLM and PgCert (existing programme specification (p18) and newly drafted programme specification 7 February 2020), and modular block outlines (existing p18 and newly drafted 7 February 2020) were provided. Both the existing and newly drafted documents (ie 2 programme specifications -LLM, 2 programme specification- PgCert IP, 1 modular block outline - Patent Law and Practice, 2 modular block outlines- Managing IP, 2 modular block outlines -Trade Marks and Allied Rights, 1 modular block outline -Copyright, Design and Allied Rights) were discussed on the visit. A mapping exercise report (p910) was also provided.

The newly drafted LLM programme specification makes it clear that candidates passing all four compulsory modules will “gain exemption” from the FLQ for Patent [and Trade Mark] Attorney[s] administered by IPReg.

CREDITS

The four modules comprising the PgCert IP, of 15 credits each, currently meet the requirement for 60 QAA credits of study of the IP law and Professional Ethics subjects set out in Schedule A. However, the two new module block outlines have additional hours of study (an additional 8 hours are being proposed) and the Assessors discussed with the IP team the expectation that one QAA credit is generally taken to be equivalent to ten hours of learning.

The PgCert IP modules satisfy the required features as follows:

15 credits of the 20 credits of study of patent law are found in the 15 credit Patent Law and Practice module.

5 of the 20 credits of patent law are found in the 15 credit Managing IP module p888
Although the team have explained that the workshops are based on a text “almost entirely focused on Patent practice” it needs to be clarified in the documentation (eg modular block outline) that patent law as such is covered in the Managing IP module.

10 credits of study of Trade Mark law are found in the 15 credit Trade Marks and Allied Rights module.

10 credits of study of Design and Copyright law are found in the 15 credit Copyright, Design and allied rights module.

10 credits of study of fundamentals of the English Legal System law (ELS) are found in the 15 credit Managing IP module. The team explained that in addition 8 hours of ELS are delivered in 2 additional induction weeks built into the first 2 weeks of the Patent module and 4 hours of induction to the Trademark module. This is unclear in the current documentation.

It is unclear to the Assessors when the January intake study ELS.

1 credit of Professional Ethics is covered in the Managing IP modules and it is also taught in context.

LEVEL

The LLM programme specification refers to an award at FHEQ Level 7. The programme specification for the PgCert refers to an award at FHEQ Level 7 however the programme and intermediate learning outcomes (para 24) are at level 5 and are drafted differently and at a lower level than those in the LLM programme specification. However LLM and PgCert students are taught together. The modular block outlines refer to FHEQ Level 7, although the learning outcomes are drafted at a lower level. IPReg require learning outcomes at a minimum level of 6.

The team have explained to the Assessors that “Brunel historically had the equivalent of Level 7 as Level 5 which was amended last year to Level 7 to make Brunel programme specifications in line with the national specification. Unfortunately [the] QA department omitted the PgCert specifications from the amendment exercise in error”. Although amended specifications have been emailed to the Assessors showing level 7, the drafting of the learning outcomes remains the same and therefore requires review.

- *For an Advanced Level Qualification, the course provides the Advanced Level Qualification Learning Outcomes [when in place]*
Not applicable
- *The course syllabus defines appropriate outcomes and attributes for each unit or module offered*

CORE LEVEL QUALIFICATION CORE SUBJECTS AND LEARNING OUTCOMES

SCHEDULE A: Core Subjects

The IP team satisfied the Assessors that the IP law subjects and Professional Ethics topics as set out in Schedule A are taught and examined, however the documentation ie programme specifications, modular block outlines and student study packs do not make this clear. Neither does the existing mapping document. The documentation does not make it clear that English Legal System is both covered and examined to the required extent and level.

SCHEDULE B: General Transferable Skills

The IP team satisfied the Assessors that these are being taught. However the documentation (in particular wording of the learning outcomes) does not currently make clear that skills are being taught at level 6 (please see paragraph on LEVEL above).

- *Regular review is undertaken to ensure continuing relevance*

The Assessors were provided with quality management review of courses documents eg Periodic Programme Review document March 2018 (p 759) and minutes of the Student Experience Committee (p769) in advance of the visit.

The recommendations for further enhancement including consistency of marking practices, use of grade descriptors and templates, student feedback being used to improve for the next assessment (p 9 of the Periodic Programme Review) were discussed. During the visit it became clear that the IP team need to review and enhance some of their processes in relation to assessment (see below).

As a result of a further request College Level reports and programme reviews and recommendations were supplied. There are no reports for 18/19 as the review process has been altered. The programme level monitoring was done by the Board of Studies meeting. As the School of Law was going through the mock Teaching Excellence Framework exercise subject areas were not required to complete programme level monitoring reports. The Assessors discussed the Board of Studies minutes for Oct 2019 and Oct 2018, it was noted that the Director of Intellectual Property attended the latter meeting.

SUBSTANTIAL LEVEL OF PRACTITIONER INPUT

In terms of fitness for purpose, relevance to the profession etc the Assessors were very impressed with the level of input into the courses from practicing professionals and that two of the practitioners took time out to attend the accreditation visit. It was clear from meeting the students that the sessions delivered by practitioners ensure that employability skills are more than adequately covered.

Although student experience committees, which are organised centrally, have action plans which are closely monitored at School level, no PgCert IP students had attended any of the meetings (minutes of which were supplied to the Assessors). The students that the Assessors met were unaware of the existence of these meetings and did not think that they have a student representative. The team have since explained that this is a one off lack of communication and that “there is an LLM IP representative...[who] has been asked ... to get in touch with the IP cohort and gather any items they have for the Students Experience Committee...”.

As a result of a further request module block reviews were supplied. The team explained the process for individual course quality management development and review. It is comprehensive at University and School level. As part of the quality assurance process individual module convenors review the module feedback and fill in Annual Modular Study Assessment Block Reviews, however the content is not necessarily discussed with other module lecturers. The IP team have very few formal internal team meetings and/or training to review eg IP examination results, student feedback, or to discuss enhancing the design of modules and courses and sharing best practice in teaching methods and marking practices etc. The practitioners have never seen the results of their individual student feedback surveys and/or individual student results.

Please provide comment on availability of evidence sources as per Annexure ‘Evidence Sources Checklist’.

At the request of the Assessors, College Level reports, Board of Studies meeting minutes, Annual Modular Study and Assessment Block Review documents for 18/19, 17/18 and 16/17 were provided.

3. Student choice, access and teaching arrangements

Assessment against the Required Features:

- *Students are informed, in a clear and timely manner, when a module/exam is not an IPReg Core Subject and it is not mandatory to qualification as an attorney*

Information is provided to students through a study guide (p41) and study packs (p60).

IPReg core subjects are clearly identified in the newly drafted programme specifications. It is not specifically stated in the study guide and study packs that the students are studying IPReg core subjects.

- *Students have appropriate and timely access to support, resources and teaching staff*

Students first point of call is a centralised student services desk. If necessary they are directed to academic staff. Students have full access to academic staff on the Wednesdays of their teaching sessions. They can contact any academic member of staff and any visiting lecturer by email or phone at any other time.

- *Cohort extremes, such as vulnerable or non-traditional route students, are supported*

There are University wide accessibility processes to help and support students. The IP team are consulted where appropriate.

Modes of delivery including full time, part time, distance learning/online:

The Assessors were provided with documentation relating to the part time provision of the PgCert. The year lasts for 35 weeks of which 20 weeks are teaching weeks, two weeks of self study exercises, and 4 weeks of examinations. On the teaching weeks students attend the School of Law on Wednesdays 1-5 pm for four hours of teaching.

The Assessors were not provided with any documentation or learning materials specifically about or designed for a distance learning or online course. The team explained that their understanding of distance learning involves residential block weekends without any modification of the part time learning materials or the part time mode of delivery.

Teaching & learning methodology

The sessions can comprise eg pre-reading from a text book, articles, cases and practitioners handbooks, 1-2 hours of teaching, 1 hour of seminars (unseen questions) and 1 hour of consolidation. With classes of approximately 15 students these are highly interactive sessions eg involving role plays. Other sessions involve pre- reading from a text book and the lecturer providing a “helicopter view” of the subject under discussion with plenty of opportunities for questions and contextual examples. Discussion and watching relevant videos etc are also used.

Apart from text books and a study pack setting out a reading list no distance learning materials are provided and there are no online materials and exercises.

Extra tutorials are delivered pre-exams.

Admissions policy: including admissions criteria/ acceptance prior learning/ process:

The admissions criteria for LLM students and PgCert students are different. Pg Cert students are required to have a STEM degree 2.2 or above. LLM students are not required to have a STEM degree. In the rare case of a prospective PgCert student not satisfying those criteria a telephone interview is carried out by the Director of Intellectual Property Programmes to determine if their experience is relevant and if they have the potential to succeed (criteria re exercising this discretion are not documented).

The IP team reported difficulties in teaching LLM and PgCert students of mixed abilities and experience in the same groups, especially in respect of the Managing IP module which is practitioner focused. LLM students tend to underperform in this module.

Student numbers and resources

Currently student numbers studying the PgCert IP are approximately 15. If student numbers increased eg above 40 the IP team confirmed that the School of Law has employed three more full time IP lecturers to ensure staff student ratios and teaching methods would remain the same.

The IP team had asked the University for confirmation of the staff student ratio, no information had been forthcoming. Currently with 4 full time members of academic staff and five regular visiting practitioner members and with approximately 15 PgCert IP students (plus additional LLM students) staffing ratios are adequate.

Academic support / individual student progression/ feedback opportunities/ personal tutors. Students are allocated personal tutors (from the full time academic staff); one to one sessions can be arranged and tutors are very approachable.

Both academics and practitioners make themselves available to students on Wednesdays and via email and telephone.

In terms of individual student progression and feedback opportunities only one formal formative assessment is set, in the patent module, with written feedback given. No other formal formative assessments with written feedback are available in any of the other modules.

The team have explained that students have the opportunity to discuss drafts of seminar questions or past papers and answer problem questions in class.

Please provide comment on availability of evidence sources as per Annexure 'Evidence Sources Checklist'.

The Assessors asked for any documents relating to the admissions policy and criteria which specifically relate to the PgCert and LLM in Intellectual Property in particular where a prospective candidate does not have 2.2 degree (see above).

The team were also asked to supply staff student ratios (see above).

4. Assessment and appeals procedures

Assessment against the Required Features:

- *The assessment methods applied are fair*

The Assessors were provided with Senate Regulations (p717).

A further request was made for the Law Staff Assessment Handbook, readable versions of the external examiners reports for all four compulsory modules for the last three years and responses and action plans.

The Assessors also requested assessment criteria and marking schemes for the examination appears that had been supplied.

Sample answers and scripts for last years examinations (showing a pass, borderline and distinction) were provided on the day of the visit.

In addition to the overall examination results the Assessors asked for individual module results.

Apart from one formal formative assessment in one module there are no other formal formative assessments where students submit work which is marked and returned to them.

Summative assessment methods are either by a two hour exam (3 modules) or coursework (1 module). The setting of assessments are governed by University wide procedures (Law Assessment Handbook) and there is managed by a centralised assessments department. How results are calculated, grades etc are set by the University.

IP examination papers are written by the IP academics and practitioners, reviewed by colleagues on a Scrutiny Panel and then reviewed by external examiners.

- *Assessment methods allow for proper testing of the student's knowledge and competence against the syllabus topics*

The Assessors had sight of a number of past exams and past exam scripts and were satisfied that they allow for proper testing against the syllabus topics for Patent Law, Trade Mark Law, Design and Copyright law and Professional Ethics. However it is unclear from the documentation if and where ELS is examined as there is no separate examination for this subject. The Director of Intellectual Property explained that it is examined throughout the modules and that he has oversight of the subject across all four modules.

Marking policies are governed by the School of Law. Although the IP team draft model answers there are no marking schemes. Some external examiners have noted large discrepancies in the marks given by the first marker and the reviewer. The Director of Intellectual Property has explained how this came about.

The Assessors were provided with the individual module results for a number of years. It was noted that the introduction by the University of Step- marking (Law Staff Assessment Handbook) has altered the shape of the results bell curve graph.

- *Students with special educational needs or disabilities are not disadvantaged*

This is governed by University wide procedures. Tailored arrangements are provided for IP students where feasible. The Director of Intellectual Property is usually notified by the Special Needs Office when this is required.

- *Students have clear information about the types of assessment, their dates and indications as to what constitute pass or fail marks, well in advance*

Students have information in the Study Guide, which is a standardised University format, as to the nature of the examination length etc. However they do not have information relating the individual learning outcomes of each module to what is expected of them in that module assessment and how that translates into marks and grades. It is not clear from the Study Pack (which follows a University template) what constitutes a pass or fail.

- *Assessment results are issued within a reasonable time frame, allowing students sufficient time to apply for re-sits or to enrol for new courses*

This is governed by University wide procedures. There is a new online assessment system called Wiseflow. The Director of Intellectual Property explained that the “second marking” on Wiseflow is actually moderation ie the colleague can see the marks given by the first marker.

- *Students are provided with a written outline of appeal procedures governing examinations and course assessments*

This is governed by University wide procedures

- *There is at least one re-sit opportunity within a reasonable timeframe after results are available*

The IP team confirmed that there was at least one resit opportunity, timing is dependent on whether a student starts in September or January.

- *All final results are moderated in accordance with QAA requirements*

The Assessors were provided with external examiners reports. The examiners are satisfied with threshold standards, academic standards and achievement of students are comparable with those at other HEIs with which they are familiar. However the Assessors were concerned as to the number of issues raised by external examiners which receive responses from the IP team but do not appear to have led to any actions for example:

Professor Ngangjoh Hodu 2017: “I am satisfied with the standard required in each of these modules although perhaps a good case could be made for a more stricter standard”; “The only issue I would identify although has probably been resolved by now is the issue of coordination between internal

markers". 2018: "I would suggest a more consistent approach to the assessment of some of these programmes"; "... great discrepancies in the assessment of first and second marker in at least two of the modules. More communications between the examiners could be helpful" - IP team suggested in their response that a marking workshop would be held- it was not clear to the Assessors that this had happened. "I haven't seen the result of anything suggested in the last years". 2019 "I have not been able to have access to blackboard and have been complaining about this for at least five months and nothing has been done".

Professor Torremans 2017: "I was ... not contacted. Last time we had a phone line...I felt that to be a better solution...I could only imagine that no problems arose"; "Undue emphasis on problems leaves the structural insight of the students untested. Effective, full and timely feedback on assessments is very valuable to students". The IP team's response was "... "we are required to focus on problem questions as part of our IPReg accreditation... feedback is always delivered in timely fashion...we provide continuous feedback during our workshop/seminar sessions..." 2018: " It strikes me that an open discussion between markers, both in advance of the marking process and during it is of crucial importance. Coordination and mutual support are vital... A more streamlined process with stricter and better publicised timings would assist all involved."

The Director of Intellectual Property explained that they are working to resolve issues concerning external examiners. He explained that the specific concerns reflected "a particularly challenging transitional season which is now over... [and that they] do always take onboard any criticisms from the Externals and discuss with them how [they] propose to resolve them".

Please provide comment on availability of evidence sources as per Annexure 'Evidence Sources Checklist'.

The Assessors were provided with data re student profiles but no data re degree classification, employment statistics, trends etc were available from the alumni /careers office.

5. External assurance

Assessment against the Required Features:

- *The programme is subject to external review by the QAA, or an equivalent external assurance agency, that is acceptable to IPReg*

There were no actions specifically relevant to the PgCert IP as a consequence of the Higher Education Review March 2016 (p647)

- *Student feedback is sought and acted upon as appropriate*

Examples of student feedback were supplied (p802), action plans were requested but apart from the modular block reviews there does not seem to be any action plans discussed by the full IP team and used to enhance the PgCertificate and LLM programme at the IP tutor level. All action is monitored at School level through the annual modular and programmes reviews.

- *Mechanisms are in place to ensure that course/assessment content is up-to-date*

The IP team are expected to use only up to date materials and to have subscriptions to electronic IP services linked with the relevant IPReg offices, professional updates IP blogs, UK IPO handbooks and discussions with practitioners. However there are no formal IP team training, sharing of best practice etc sessions arranged.

Please provide comment on availability of evidence sources as per Annexure 'Evidence Sources Checklist'.

The further documentation requested was supplied where it existed.

During the visit the Assessors met with three current PgCert IP students and discussed the following areas:

Course content:

The students said that the course content eg ELS was what they expected although they would have liked it to be linked more to IP (for example how IP courts worked), more on infringement and remedies . They are unclear as to which module ELS is part of.

The Patent Law and Managing IP modules were good and really useful. They appreciated being taught by practitioners.

Teaching methods:

The students thought that the balance between academics and practitioners was excellent, they had been taught by 8/9 people so far on the course which gave them access to a wide range of experience. Lectures comprised power point presentations, case studies, discussion of opposing views.

Some students find time to do the prereading some do not. The students who do prereading said that the average amount of self study varies but is less than 4 hours per week except during

examination periods. They said that the prereading is specified by the tutors and would probably take a couple of hours.

One student said that they would like more lectures and less discussion as they find the prereading impossible to balance with full time work.

Students like the small class size, 7/10 students seem to attend on average, this allows informal questions and discussion. The students commented that the LLM students are very quiet in class.

They receive handouts (Trade Mark Law) slides (Patents) both hard copy and online. They receive extra materials eg U-tube video links.

There are no interactive online materials eg MCQs.

Student support and feedback:

Some of the students had attended the freshers day for Law, they had not been told that this was a general law introduction ie not tailored to the IP course. They felt that it was designed for FT students and did not take into account they are working.

They had had one piece of written work marked with written feedback (an essay in Patent law) which had been very useful. They would appreciate more self study exercises/ coursework to hand in and receive written feedback on.

They would appreciate more written answers to exercises carried out in workshops.

They had been assigned a personal tutor, however one to one sessions were sometimes timetabled for a Thursday which was impossible for them to attend.

Students can and do email tutors (academics and practitioners) with questions. They find all the staff very approachable.

They did not think that they have a student representative and were unaware of the student committee meetings, they are given access to online questionnaires before the examinations but felt that this was too early. Not all of them had responded.

There are no formal study groups set up for self study, so no advantage taken of peer working off site.

Overall:

Best things about the course include exposure to guest lectures and applicability of subject matter to practice "relevance to day to day". They felt the content and balance was good.

Students were confused as to whether the aim of the course was to prepare them for practice which they felt it does or to enable them to pass the UK PEB final examinations?

6. Other

- *Any planned major changes to the provision for which accreditation is sought*
- *Any examples of innovative course/assessment pathway features which benefit students*

Trade Mark Attorney FLQ:

The proposal received 7 Feb is to contain the trade mark syllabus within the existing four PgCert modules and to double the number of hours through additional on campus lectures and workshops and online lectures and self study exercises. It was explained that this is partly determined by the format of the Brunel PgCert which cannot have more than four 15 credit modules. The additional hours to be allocated within a dedicated Trade marks module and the Managing IP module, the learning outcomes "...will remain with the parameters of the existing Modules and Programme Specs and the only change may reflect additional hours added to Managing IP and Trade Marks modules to reflect the equivalent of 32 hours for 2 x15 credit modules which will cover the required TM syllabus...".

The Assessors explained that the proposal to award the trade mark attorney FLQ, in addition to the patent attorney FLQ, to students who successfully complete the current four credit compulsory modules (60 credits) does not satisfy the IPReg requirements, as the maximum credits of trade mark law covered by the current course is 15 and the requirement is for 30 credits.

The Assessors suggested that the team look at either a 2 pathway model covering the requirements in both para 4 and 5 IPReg Accreditation Standards or a dual attorney FLQ which requires at least 71 credits (para 6).

Whichever option is chosen the IPReg will need to be assured, through sight of appropriately detailed documentation, that both the requirements for the patent attorney FLQ and trade mark attorney FLQ are satisfied.

Please see para 9 Measure 3.

ELS:

There is a proposal to have a completely separate ELS programme taught by the law team in the School of Law and shared with law students. This would have a higher legal skills content.

Please see para 8 Recommendation 6.

Additional part time PGCert IP:

There is a proposal to launch a weekend part time course based on the same number of face to face sessions as the current part time Wednesday course.

Please see para 9 Measure 1.

7. Areas where expectations are met/any features of good practice

Identification of areas where there is confidence the expectations are met

Identification of any features of good practice

1. The University wide policies, procedures and processes governing the delivery of examinations are extensive and comprehensive.
2. The foundation level core subjects including professional ethics (excepting English Legal System - see recommendations) set out in Schedule A appear to be covered.
3. The University and School of Law quality assurance processes are extensive and comprehensive (however see recommendation below re quality assurance at IP team level).
4. Students interviewed by the Assessors feel that the PgCert IP is taught in a way which is highly relevant to their practice and that the IP team (academics and practitioners) are professional, approachable and extremely giving with their time and advice.

8. Areas where expectations are not met/any recommendations for action

Identification of areas where confidence is limited that the expectations are being met

Identification of any recommendations for action

LLM IP and PgCert IP

In respect of the LLM IP and PgCert IP it is recommended that:

Recommendation 1

Credits- all module block outlines have the correct number of hours of study allocated and the School of Law keep in mind that one QAA credit is generally taken to be equivalent to ten hours of learning.

Recommendation 2

Credits- Prospective students receive clear written advice re the amount of self study required especially where they are being advised that they can work full time. Teaching methodology be adopted to promote prereading in order to ensure that the required number of study hours for a certificate is being met (so far as is possible) in order to maintain consistency of standards.

Recommendation 3

Credits and progression- Formal written formative assessments with written feedback, at least one piece) be adopted for each module to endorse the required student study hours and help with student progression.

Recommendation 4

The newly drafted Programme Specifications adopt the correct wording re the patent attorney FLQ and drop the words “gain exemption”. The PgCert IP programme specification makes it clear that there are no “optional blocks”.

Recommendation 5

Schedule A : the IP law subjects and Professional Ethics topics as set out in Schedule A are covered however the programme specifications, modular block outlines and student study packs do not make this clear. Neither does the existing mapping document. These documents be redrafted to ensure that all stakeholders can identify exactly where the Schedule A subjects are being covered and assessed . It is suggested that the mapping document be put into table format clearly indicating exactly where each of the subjects and transferable skills (as required by IPReg Schedule A and B) is taught ie in which teaching session of which module.

Recommendation 6

The teaching and assessment of the English Legal System be reviewed to ensure it or any new iteration (see para 6 above) satisfies IPReg requirements.

Recommendation 7

Level : The minimum level required by the IPReg is 6. The School of Law reassess the level of the PGCert to ensure that learning outcomes, teaching and assessment is aligned to at least level 6, that this is appropriately reflected in all the documentation (including the study guide and study packs). Please note that the wording of the learning outcomes currently stated in the newly drafted PgCert IP programme specification do not reflect level 6 and are not compatible with those set out in the LLM programme specification, despite LLM and PgCert students being taught together.

Recommendation 8

Schedule B :The School of Law review the documentation and in particular student study guide and study packs to ensure that it is clear what transferable skills are being learnt and assessed, and at what level. That the Schedule B transferable skills be included in the mapping document (see above). That transferable skills requirements are clearly explained to students in study packs.

Recommendation 9

A specific statement be included in the study guide and study packs as to how and where the content of the University course covers the IPReg core subjects.

Recommendation 10

Specific detailed clear and transparent assessment criteria based on learning outcomes and the minimum level required of students are published so that students can be clear as to what is expected of them and know what they need to demonstrate and to what level to achieve a pass. These should be used to create marking schemes and will aid consistency of marking.

Recommendation 11

The process for IP team internal annual review is reviewed to ensure that all IP team members, both academics and practitioners, are included in quality assurance and quality enhancement cycles.

That the examiners are involved in the quality assurance cycle and that their recommendations are considered and acted upon where appropriate.

Formally minuted IP team review meetings and training sessions eg to share best practice, discuss marking strategies and future enhancements to the programmes be adopted.

Student engagement in quality assurance is enhanced eg each cohort of IP students elect a student representative, who has an opportunity to introduce themselves to all IP students and who can either attend the School of Law student experience committee meetings or submit ideas, questions etc to it in writing.

Recommendation 12

Admissions - written criteria re exercising discretion where a student does not have a STEM degree 2.2 or above be drafted to ensure consistency.

9. Conclusion

Recommendation as whether to accredit (with or without measures being taken) and why

PgCert IP and LLM IP

We recommend that the subject to Measure 1 (set out below) being taken and the recommendations above being considered and actioned appropriately that Brunel University be accredited to deliver the patent attorney Foundation Level Qualification. This recommendation is based on the materials and documentation submitted to IPReg before and during the visit on Wednesday 26 February. If any changes are made or proposed to the patent attorney FLQ programme as a result of changes to the PGDiploma or proposal re trade mark attorney FLQ (see below) then these changes will need to be fully explained in writing to IPReg and may require a reassessment of the PgCert IP.

All measures and recommendations (apart from those areas to be kept under review) relating to the PgCert IP and LLM IP to be considered, actioned and discussed with the IPReg before the next iteration of the programme commences in September 2020.

Measure 1: Distance learning or additional part time provision of PgCert IP

Although “distance learning” is mentioned in the newly drafted programme specification no details of the provision of a distance learning PgCert were provided to the Assessors eg distance learning schedule, study pack, training materials etc were not provided at the accreditation.

However there is a proposal to launch a weekend part time course based on the same number of face to face sessions as the current part time Wednesday course. To be accredited the School of Law would need to provide further information to IPReg as to how this is to be delivered, identifying the similarities and any differences from the current provision. It is recommended that if this is accredited the course be described as a part time weekend course not a distance learning course so as not to confuse stakeholders.

This measure to be considered, actioned and discussed with the IPReg before the first iteration of the programme commences eg in September 2020.

PgDiploma in Intellectual Property

Currently although this award is mentioned in the programme specification for the LLM Intellectual Property Law it is not clear from that document how this award satisfies IPReg requirements. We are therefore, as things currently stand, unable to recommend accreditation. We recommend that the following measure be taken:

Measure 2

If the School of Law wish to offer an award of wider scope than the PgCert IP which incorporates the teaching and assessment relating to the patent attorney this award of a PgDip Intellectual Property must be clearly explained either in the LLM Intellectual Property programme specification or in other documentation (which is easily accessible by stakeholders). The document must make it clear that a student obtains the patent attorney FLQ by successfully completing only those parts of the wider course relating to the patent attorney FLQ as defined in the IPReg Accreditation Handbook.

This measure to be considered, actioned and discussed with the IPReg before the next iteration of the programme leading to this award commences in September 2020.

Trade Mark Attorney FLQ

The current proposal to award the trade mark attorney FLQ, in addition to the patent attorney FLQ, to students who successfully complete the current four credit compulsory modules (60 credits) does not satisfy the IPReg requirements, as the maximum credits of trade mark law covered by the current course is 15 and the requirement is for 30 credits.

We are therefore, as things currently stand, unable to recommend accreditation. We recommend that the following measure be taken:

Measure 3

If the University wishes to offer the trade mark attorney FLQ a clear written explanation as to how either paragraph 5 or paragraph 6 of the IPReg Accreditation Standards in the IPReg Handbook are going to be met and what if any changes are proposed to the current PgCert IP need to be submitted to IPReg. In addition the following documents will need to be submitted to IPReg:

- Draft programme specification for trade mark qualification
- Draft programme learning outcomes for trade mark qualification (eg modular block outline)
- How Professional Ethics will be dealt with
- Evidence that proposed programme is at the required level
- A mapping document specifying exactly where Schedule A and B requirements are met in each session of each module.
- Draft study pack for any new modules
- Modes of teaching provision
- Methods of assessment, assessment criteria and draft assessment examples
- Relationship with patent attorney FLQ

This measure to be considered, actioned and discussed with the IPReg by (date to be discussed with IPReg). In addition all documentation for prospective students must make it clear that any trade mark attorney FLQ is subject to being accredited by IPReg.

PLEASE NOTE THAT IN RESPONDING TO RECOMMENDATIONS AND OR MEASURES THE RESPONSE MUST CLEARLY INDICATE WHICH RECOMMENDATION OR MEASURE IS BEING ADDRESSED.

Annex – Evidence Sources Checklist

Evidence sources checklist	Evidence source	Provided
Quality	Programme Specification	Y
	Programme Learning Outcomes (to include how the IPReg Competency Framework has been used as a reference tool)	Y IN PART NO REFERENCE TO IPREG COMPETENCY FRAMEWORK
	How Professional Ethics is dealt with in the programme	Y
	Quality assurance arrangements including the most recent internal and external reports covering the last 3 years (i.e. 14/15, 15/16, 16/17) including action plans	Y
	Evidence that the programme is at the required level	Y IN PART
	External Examiners Report and related action plans from the last 3 years	Y
	How previous accreditation reports, recommendations and requirements have been dealt with	N
	<i>Other – please specify</i>	
Student choice, access and teaching arrangements	Programme Admissions Policy	Y
	Programme Specification	Y
	Modes of teaching provision	Y IN PART NOT RE DISTANCE LEARNING
	The assessment strategies employed	Y
	Staff/student ratios	N

	How the extremes of cohort entry will be supported	Y
	<i>Other – please specify</i>	
Assessment and appeals procedures	Methods of assessment (how much by assignment, project, examination etc.)	Y
	Sample examination papers/essay titles/tests – one example of each of last year's (16/17) examinations	Y
	Sample answers/scripts for last year's examinations to include one example of each of the following – pass, borderline and distinction	Y
	Pass and fail rates for the last 3 years	Y
	Resits Policy	Y
	<i>Other – please specify</i>	
External assurance	Information on teaching staff/membership of professional bodies/practitioner input	Y IN PART
	Most recent QAA Institution Audit Review (or equivalent) and any associated action plans and information as to how to comply with QAA general guidance for assessment and educational qualifications	Y
	The most recent (within the past years) student satisfaction surveys and any changes made as a result of feedback	Y IN PART
	Staff & Student Liaison Committee information & minutes of meetings (past two years)	Y
	Progression, awards and destination data to include student profiles, results and outcomes (i.e. employment statistics, if known) by degree classification, domicile, ethnicity, gender and disability), any reports re: trends over last 3 years, information re: student progression (i.e. students not yet complete, passed 2 or more attempts)	Y IN PART
	<i>Other – please specify</i>	
Other	Any planned major changes to provision	Y
	Examples of innovation	N

Annex B – Brunel University Letter – Response to Assessor Report Measures 1 and 2

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27 April 2020

Dear Victoria

Responses to the IPREG Measures

I hope that you and your colleagues are keeping well in these strange times! I am enclosing herewith our responses to the Measures proposed in the IPREG Report and I hope that I have managed to cover fully all aspects.

Measure 1: Distance learning or additional part time provision of PgCert IP

In response to Measure 1 we wish to clarify that the intention of Brunel Law School is to offer in a residential option of our existing part-time PgCert programme without any modification of teaching content, teaching format and assessment format. The only difference is that the same Part-time PgCert programme will be available to candidates who would rather attend the course in several residential weekends rather than once a week. Each module will be delivered in one residential weekend (16 hours in two days) and will reflect the number of hours of teaching of the non-residential PT PgCert. From the perspective of Quality Assurance we would only consider this programme if it is possible to deliver it as a mirror image of our non-residential PgCert programme. They will be registered as a separate cohort and will be examined together with the main PT cohort which attends the course every Wed. The assessors indicated that this format should be described as a PT and not as a distance learning and we are happy with this clarification. We would be happy to provide any additional information should this be necessary and hope that at this stage this could be considered as a sufficient response to Measure One. We do not intend to advertise this programme this coming September and hope that any outstanding issues (if any) might be address as additional recommendations.

Measure 2 - Pg Diploma in Intellectual Property

If the School of Law wish to offer an award of wider scope than the PgCert IP which incorporates the teaching and assessment relating to the patent attorney this award of a PgDip Intellectual Property must be clearly explained either in the LLM Intellectual Property programme specification or in other documentation (which is easily accessible by stakeholders). The document must make it clear that a student obtains the patent attorney FLQ by successfully completing only those parts of the wider course relating to the patent attorney FLQ as defined in the IPReg Accreditation Handbook.

This measure to be considered, actioned and discussed with the IPReg before the next iteration of the programme leading to this award commences in September 2020.

Regarding Measure Two we believe that we have made extensive submissions which clarify that the LLM programme specs indicate very clearly that there is no a direct entry to a Brunel PgDip award and that the PgDip in IP has always been part of the IPREG accreditation not a wider scope of the PgCert in IP as indicated in the current report but reflect the possibility that an LLM candidate wishing to seek an IPREG award may fail to achieve the credits necessary to obtain an LLM award but may nevertheless pass all the exams required for an IPREG award. I have raised the recommendations with our Quality Assurance administrator but they are as perplexed as I am why are the current programme specifications not clear. Paragraph 14 of the LLM Programme specs clearly indicates that PgDip is not a direct entry award

14. Intermediate awards and titles and FHEQ Level of Award	Postgraduate Diploma in Intellectual Property Law (FHEQ Level 7) Postgraduate Certificate in Intellectual Property Law (FHEQ Level 7)
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and Section ‘Other Relevant Information’ also states clearly that in order to obtain an IPREG award candidates have to pass all appropriate IPREG accredited modules as CORE modules.

Other relevant information (e.g. study abroad, additional information on placements)	Candidates who wish to obtain an IPReg exemption for Patent Attorneys’ FLQ must take the following modules as CORE modules: (Patents Law and Practice, Trade Marks and Allied Rights, Copyrights, Design and Allied Rights and Managing Intellectual Property) Candidates who wish to obtain an IPReg exemption for Trade Mark Attorneys’ FLQ must take the following modules as CORE modules: (Managing Intellectual Property, Trade Marks and Allied Rights, Copyrights, Design and Allied Rights and Comparative and International Trade Mark Law) ²
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It seems to me that the specs are quite clear that PgDip reflects the unlikely scenario where a candidate has chosen IPREG core modules and have passed them but has failed to achieve an LMM and has as a result of that been awarded a PgDip. I do hope that this makes sense and it does indeed reflect the historical reasons for having an accreditation for a PgDip award.

Trade Mark Attorney FLQ

After careful consideration we have incorporated changes which we hope address fully Measure Three regarding our Trade Mark FLQ. In response to Measure Three we have annotated some of the points in the IPREG Report to elucidate the steps we have taken to address them and the reasons behind our current approach.

Measure 3

If the University wishes to offer the trade mark attorney FLQ a clear written explanation as to how either paragraph 5 or paragraph 6 of the IPReg Accreditation Standards in the IPReg Handbook are

going to be met and what if any changes are proposed to the current PgCert IP need to be submitted to IPReg. In addition the following documents will need to be submitted to IPReg:

- Draft programme specification for trade mark qualification – we have introduced the TM FLQ as an alternative route to the current PgCert in IP and have incorporated those changes in the existing LLM and PgCert Programme specifications which are attached. We believe that this would be a more appropriate way of launching the TM FLQ initially. We have been advised by Brunel Quality Assurance that this will be the more efficient way to distinguish the two routes in the current programme specifications rather than produce separate programme specifications.
- Draft programme learning outcomes for trade mark qualification (eg modular block outline) - we have introduced a new module in Comparative and International Trade Mark law which in terms of syllabus and credits addresses the recommendations of the IPREG report.
- How Professional Ethics will be dealt with – we have made minor modifications of the module Managing Intellectual Property which will now run in conjunction with our induction sessions in the beginning of the Autumn term and will cover English Law Fundamentals and Professional Ethics for both Patent and Trade Mark Candidates. We also take a more holistic view on Professional Ethics and undertake a continuous assessment of the Professional Ethics content throughout the entire course.
- Evidence that proposed programme is at the required level – we have supplied the draft programme specs (PgCert and LLM) which reflect the proposed changes and indicate that the programme is at Level 7.
- A mapping document specifying exactly where Schedule A and B requirements are met in each session of each module.
- Draft study pack for any new modules – attached draft study pack for Managing IP and Comparative and International Trade Mark Law attached
- Modes of teaching provision – PT (PgCert), PT and FT (LLM)
- Methods of assessment, assessment criteria and draft assessment examples – Coursework and exam. We have attached a draft assessment example for the new module Comparative and International Trade Mark Law. The assessors have already been able to consider the assessments for the other relevant modules during the accreditation exercise.
- Relationship with patent attorney FLQ – The Programme shares modules with the PA FLQ. Candidates who wish to take both Patent and TM FLQ at Brunel have the option to register to do the LLM Programme in Intellectual Property which will enable them to do both routes at the same time.

I hope that these responses address all the outstanding issues! As always I remain at your disposal in those strange times should you require any further information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. [unclear]', written in a cursive style.

PG Certificate in Intellectual Property (patent) Accreditation Assessor Report Recommendations – Brunel University Implementation Plan

Recommendation 1

Credits- all module block outlines have the correct number of hours of study allocated and the School of Law keep in mind that one QAA credit is generally taken to be equivalent to ten hours of learning.

Recommendation 1 will be addressed accordingly between October 2020 and March 2021 as part of our internal university programme audit and through minor programme/module modifications in consultation with the Dean of Education, QAA officer and the Pg Studies Director.

Recommendation 2

Credits- Prospective students receive clear written advice re the amount of self study required especially where they are being advised that they can work full time. Teaching methodology be adopted to promote prereading in order to ensure that the required number of study hours for a certificate is being met (so far as is possible) in order to maintain consistency of standards.

Recommendation 2 will be actioned for each module before the beginning of each term and in September 2020 for the Programme Study Pack so students receive this information upon arrival. A lot of this is already actioned in the Trade Marks and Managing IP study pack but the same action points will be adopted in connection with the remaining modules. The process will be completed by January 2021.

Recommendation 3

Credits and progression- Formal written formative assessments with written feedback, at least one piece) be adopted for each module to endorse the required student study hours and help with student progression.

Recommendation 3 will be actioned at the beginning of each term for each individual module. And will be clearly indicated in the text of the Study Pack. The process will be completed by January 2021.

Recommendation 4

The newly drafted Programme Specifications adopt the correct wording re the patent attorney FLQ and drop the words “gain exemption”. The PgCert IP programme specification makes it clear that there are no “optional blocks”.

Recommendation 4 will be addressed accordingly together with Rec 1 and other recommendations which require minor modifications between October 2020 and March 2021 as part of our internal university programme audit and through minor programme/module modifications in consultation with the Dean of Education, QAA officer and the Pg Studies Director.

Recommendation 5

Schedule A : the IP law subjects and Professional Ethics topics as set out in Schedule A are covered however the programme specifications, modular block outlines and student study packs do not make this clear. Neither does the existing mapping document. These documents be redrafted to ensure that all stakeholders can identify exactly where the Schedule A subjects are being covered and assessed. It is suggested that the mapping document be put into table format clearly indicating exactly where each of the subjects and transferable skills (as required by IPReg Schedule A and B) is taught ie in which teaching session of which module.

Recommendation 5 will be actioned between October 2020 and December 2020.

Recommendation 6

The teaching and assessment of the English Legal System be reviewed to ensure it or any new iteration (see para 6 above) satisfies IPReg requirements.

A new syllabus has been drafted and implemented as Part of the Managing IP module and hours have been increased in terms of lectures, self-study, final, continuous and formative assessments and those have been submitted as part of the accreditation process and our initial responses. The proposed new format has been approved by the external IPREG assessors.

Recommendation 7

Level : The minimum level required by the IPReg is 6. The School of Law reassess the level of the PGCert to ensure that learning outcomes, teaching and assessment is aligned to at least level 6, that this is appropriately reflected in all the documentation (including the study guide and study packs). Please note that the wording of the learning outcomes currently stated in the newly drafted PgCert IP programme specification do not reflect level 6 and are not compatible with those set out in the LLM programme specification, despite LLM and PgCert students being taught together.

We have addressed this query about appropriate level as part of the accreditation discussions and are happy to confirm that Recommendation 7 will be addressed fully and accordingly between October 2020 and March 2021 as part of our internal university programme audit and through minor programme/module modifications in consultation with the Dean of Education, QAA officer and the Pg Studies Director.

Recommendation 8

Schedule B :The School of Law review the documentation and in particular student study guide and study packs to ensure that it is clear what transferable skills are being learnt and assessed, and at what level. That the Schedule B transferable skills be included in the mapping document (see above). That transferable skills requirements are clearly explained to students in study packs.

This will be actioned by September 2020 for the PgCert Study Pack and before the beginning of each term for the individual modules.

Recommendation 9

A specific statement be included in the study guide and study packs as to how and where the content of the University course covers the IPReg core subjects.

This will be actioned by September 2021 for the PgCert study pack and before the beginning of each term for each individual module in consultation with IPREG.

Recommendation 10

Specific detailed clear and transparent assessment criteria based on learning outcomes and the minimum level required of students are published so that students can be clear as to what is expected of them and know what they need to demonstrate and to what level to achieve a pass.

These should be used to create marking schemes and will aid consistency of marking.

This will be actioned during the Exam Scrutiny Panels designed to set and oversee that the exam format is appropriate each term.

Recommendation 11

The process for IP team internal annual review is reviewed to ensure that all IP team members, both academics and practitioners, are included in quality assurance and quality enhancement cycles.

That the examiners are involved in the quality assurance cycle and that their recommendations are considered and acted upon where appropriate.

Formally minuted IP team review meetings and training sessions eg to share best practice, discuss marking strategies and future enhancements to the programmes be adopted.

Student engagement in quality assurance is enhanced eg each cohort of IP students elect a student representative, who has an opportunity to introduce themselves to all IP students and who can either attend the School of Law student experience committee meetings or submit ideas, questions etc to it in writing.

Recommendation 11 will be actioned by the IP Team between September 2020 and March 2021.

Recommendation 12

Admissions - written criteria re exercising discretion where a student does not have a STEM degree 2.2 or above be drafted to ensure consistency.

This will be addressed between now and September 2020 in consultation with the Admissions Office.

PG Cert in Intellectual Property (trade mark) Supplemental Report

IPReg Assessors recommendation to IPReg Board re Brunel University London response to the IPReg Measure 3 (contained in the Accreditation of Examination Agencies Assessor Report Final Version 30 March 2020 “the Assessors Report”) 6 May 2020

Recommendation to the IPReg Board

The Assessors recommend that, subject to the recommendations and questions (set out below) being considered and actioned appropriately, Brunel University be accredited to deliver the trade mark attorney Foundation Level Qualification. This recommendation is based on the materials and documentation submitted to the IPReg by Brunel University in a letter dated 27 April 2020.

Please note that, as of 6 May 2020, the Assessors have not had sight of any new documentation in relation to Measure 1 and 12 recommendations³ in relation to the LLM IP and PGCert IP or Measure 2 in relation to the PGDiploma in IP (see the Assessors Report). The Assessors recommendation above, re the trade mark FLQ, is dependent on the IPReg Board being satisfied that those other measures and recommendations have also been considered and actioned appropriately by Brunel University.

Brunel University response to IPReg Measure 3

In a letter dated 27 April 2020 Brunel University explain how they intend to meet Measure 3 and attach related documents (including draft programme specifications LLM and PgCert, modular block outline for a new module Comparative and International Trade Mark Law, redrafted modular block outline Managing Intellectual Property, a Mapping document, draft study pack for Comparative and International Trade Mark Law and a draft assessment.

Please note that although the letter refers to a draft study pack for Managing Intellectual Property it was not included.

The Assessors Report 30 March 2020 stated:

Trade Mark Attorney FLQ

The current proposal to award the trade mark attorney FLQ, in addition to the patent attorney FLQ, to students who successfully complete the current four credit compulsory modules (60 credits) does not satisfy the IPReg requirements, as the maximum credits of trade mark law covered by the current course is 15 and the requirement is for 30 credits.

We are therefore, as things currently stand, unable to recommend accreditation. We recommend that the following measure be taken:

Measure 3

If the University wishes to offer the trade mark attorney FLQ a clear written explanation as to how either paragraph 5 or paragraph 6 of the IPReg Accreditation Standards in the IPReg Handbook are going to be met and what if any changes are proposed to the current PgCert IP need to be submitted to IPReg. In addition the following documents will need to be submitted to IPReg:

- Draft programme specification for trade mark qualification
- Draft programme learning outcomes for trade mark qualification (eg modular block outline)
- How Professional Ethics will be dealt with
- Evidence that proposed programme is at the required level

³ Please see Annex A.

- A mapping document specifying exactly where Schedule A and B requirements are met in each session of each module.
- Draft study pack for any new modules
- Modes of teaching provision
- Methods of assessment, assessment criteria and draft assessment examples
- Relationship with patent attorney FLQ

This measure to be considered, actioned and discussed with the IPReg by (date to be discussed with IPReg). In addition all documentation for prospective students must make it clear that any trade mark attorney FLQ is subject to being accredited by IPReg.

Assessors recommendations, comments and questions:

From reading the documentation supplied we understand that Brunel wish to offer both a:

- Two pathway model leading to the award of either patent attorney FLQ **or** a trade mark attorney FLQ by covering the requirements in both para 4 and 5 IPReg Accreditation Standards (draft Programme Specification PgCert IP Law) and
- A pathway through the LLM programme to a dual attorney FLQ (draft Programme Specification LLM IP Law) as per para 6 IPReg Accreditation Standards.

1. Two pathway model patent attorney FLQ/trade mark attorney FLQ

Students who embark on the PgCert IP study four compulsory core modules of 15 credits each. We have indicated below where the Assessors understand the IPReg required credits are covered (*in italics*):

Patent attorney FLQ (para 20 programme specification)

- Patent Law and Practice (*15 credits patents law*)
- Trade Marks and Allied Rights (*10 credits trade mark law*)
- Copyrights Design and Allied Rights (*10 credits design and copyright law*)
- Managing Intellectual Property (*10 credits fundamentals of ELS plus 5 credits patent law plus 1 credit professional ethics*)

Trade Mark Attorney FLQ (para 20 programme specification)

- Comparative and International Trade Mark Law (*15 credits trade mark law*)
- Trade Marks and Allied Rights (*15 credits trade mark law*)
- Copyrights Design and Allied Rights (*10 credits design and copyright law*)
- Managing Intellectual Property (*10 credits fundamentals of ELS plus 5 credits patent law plus 1 credit professional ethics*)

a) Please confirm that the Assessors understanding as stated above is correct.

b) Please note that we think that there is mistake at para 25 of the PgCert IP Programme Specification as it states that Patent Law and Practice is a compulsory module for the Trade Mark FLQ? Please confirm.

c) There seems to be an inconsistency between the two programme specifications (LLM and PgCert) as to when ie in which term each of the modules is taught. The LLM programme specification para 25 says that Patent Law is taught in term 1 and Comparative and International Trade Mark Law in

term 2 whereas the PgCert programme specification para 25 says that both modules are taught in the Autumn term. The Assessors were under the impression that the PGCert students are taught in the same classes as the LLM students. If the modules are taught in different terms how does a student attending the PgCert IP over two terms choose between studying Patent Law and Practice **or** Comparative and International Trade Mark Law. Please explain.

d) We also note that in para 27 (PgCert IP programme specification) although the level has been changed to level 7 the wording of the learning outcomes remain the same (please refer to the Assessors Report).

2. Dual patent attorney FLQ and trade mark attorney FLQ as part of LLM programme

We assume (although it is not clear from the LLM programme specification) that to be awarded this dual qualification a candidate would need to successfully study five compulsory core modules of 15 credits each (again we have indicated below where the Assessors understand the IPReg required credits are covered (*in italics*)):

- Patent Law and Practice (*15 credits patents law*)
- Trade Marks and Allied Rights (*15 credits trade mark law*)
- Copyrights Design and Allied Rights (*10 credits design and copyright law*)
- Managing Intellectual Property (*10 credits fundamentals of ELS plus 5 credits patent law plus 1 credit professional ethics*)
- Comparative and International Trade Mark Law (*15 credits trade mark law*)

a) Please confirm that above assumptions are correct. Please note that if the Assessors are correct then the above needs to be made clear in the LLM programme specification.

3. Trade mark modules

Mapping document

a). Thank you for the mapping document, we assume that the Brunel syllabus in the left hand column divided into 9 sessions (1 professional ethics and 8 trade mark sessions) reflect what is taught in both the 15 credit Trade Mark and Allied Rights module and 15 credit Comparative and International Trade Mark Law? Please confirm. We suggest that the mapping document identify where each of the 8 Trade Mark sessions are taught eg is Trade Mark I-IV taught in the Trade Mark and Allied Rights module?

Schedule A:

As we have mentioned above it not at present clear to the Assessors how the modules Trade Marks and Allied Rights and Comparative and International Trade Mark Law relate to one another.

b). Please confirm that it is not intended to change the structure or content of the module Trade Marks and Allied Rights (which is part of the current PgCert IP and, as such, forms part of the pathway intended to lead to the Patent Attorney FLQ). If that module were to be changed in any way to accommodate the trade mark pathway, then the Assessors would have to reconsider the question of proper coverage of Schedule A subject matter in the patent attorney FLQ.

c). Further, if, as seems likely, the module Trade Marks and Allied Rights is a precursor to a more detailed study of the trade mark subject matter of Schedule A in the module Comparative and International Trade Mark Law, then this should be made explicit in the Programme Specification so that trade mark students understand that, for progression purposes, they will need to start the course

in January rather than at the beginning of the Autumn term, so as to order the modules correctly. Please confirm.

Coursework (draft):

The Assessors have considered the coursework which forms the only mode of assessment in the new trade mark module. We appreciate that this has been prepared quickly. As an indicator of the standard required it is adequate and, in the Assessor's view, represents an appropriate level for students at this stage. However, the material reflects the speed with which it has been prepared and the Assessors wish to make it clear that they are not approving the coursework questions for use as they stand. In particular, it is noted that:

There is no indication whether the two questions, both compulsory, are equally weighted

The materials supplied are incomplete and have not been proofread – eg question 1 is missing the materials referred to as being enclosed with the letter and a crucial word is missing from the question itself between 'prepared' and 'class 5' (limit/ abandon/fight for ??)

The questions are drafted in such a way that it is not clear what is required by way of answer. For example, the model answer to question 1 covers a range of subject matter beyond actions needed to respond to the provisional refusal. Similarly, in question 2, without knowing any detail of 'the Examiner's failure to carry out a proper examination', it is difficult to know how a student can draft a meaningful Statement of Grounds.

In addition we had hoped to see a marking scheme please refer to Recommendation 10 in the Assessors Report.

4. New Managing Intellectual Property module

We are pleased to see that the "Main Aims" now includes professional ethics. We note that the "Main topics of study" has been altered to include not only patents but also trade marks and that a course work examining Fundamental of ELS has been added.

5. Other corrections required:

LLM Programme specification:

Para 5: missing word "Intellectual" before "Property Regulation Board".

We do not understand reference to "patent foundation examinations" this is outdated terminology please remove.

Para 14: remains unclear from this document what a student has to successfully complete to achieve a PgDip (please refer to the Assessors Report).

Para 25: the words "Candidates who wish to obtain an IPReg exemption..." is incorrect it should simply say "to obtain a patent attorney FLQ candidates should take the following modules as core modules... to obtain a trade mark attorney FLQ candidates should take the following modules as core modules... to obtain a dual patent attorney FLQ and trade mark attorney FLQ candidates should take the following modules as core modules...".

IPReg Assessors [REDACTED]

6 May 2020

Trade Mark Assessor Report – Brunel Response

Page 9 - LLM clarification: “A pathway through the LLM programme to dual attorney FLQ (draft Programme Specification LLM in IP Law as per para 6 IPReg Accreditation Standards” – the pathway provides options for dual qualification, as well as singular qualification as either patent or trade mark.

Page 9 - two pathway model: a) correct; b) provided incorrect version, correct programme specification being processed; c) typo in draft version, confirmation that patent modules will be delivered in Autumn term and the trade mark modules in the Spring term; d) accepts that learning outcomes require review, planned for actioning as part of Brunel university-wide audit of learning outcomes.

Page 10 - LLM: considers the Programme Specifications of the Postgraduate Certificate and LLM are sufficiently clear (a position accepted by the May Board); accepts that “exemption” language is no longer appropriate (a historical inheritance from the Joint Examination Board) and will arrange for removal.

Page 10 - Mapping document: welcome the feedback and will action as part of the implementation plan.

Page 10 - Schedule A: Trade Mark Foundation module for both patent and trade mark attorneys; Comparative and International Trade Mark Law module is advanced and necessarily sequential.

Page 10 - Trade Marks and Allied Rights: confirm no intention to change.

Page 10 - sequence of modules: entire patent syllabus in Autumn term so that Spring term covers both trade mark syllabus and copyright.

Page 11 - Coursework draft questions: welcome the feedback and confirm not intending to use that set of exam papers, provided as an indicator of standard of assessment; all examination papers subject to review by Scrutiny Panel and External Examiner.

Page 11 - LLM Programme Specification: typo will be rectified.

Page 11 - LLM/PG Diploma Programme Specification: considers the Programme Specification is clear (a position accepted by the May Board).

Page 11 - Programme Specification: as above, accepts that “exemption” language is no longer appropriate (a historical inheritance from the Joint Examination Board) and will arrange for removal.