BACKGROUND AND REQUEST

CASE WESTERN RESERVE UNIVERSITY
Master of Laws in Intellectual Property (LL.M.)

RECOMMENDATION:

This program clearly meets the Chancellor's standards for graduate degree programs. The Regents' Advisory Committee on Graduate Study recently voted unanimous approval for the new degree program. There were no serious concerns raised in the review.

Request: Case Western Reserve University School of Law requests approval for a Master of Laws (LL.M.) in Intellectual Property degree program.

Program Mission and Background: The proposed new "Master of Laws in Intellectual Property" degree program is open only to students who have obtained a first law degree. The purpose of the proposed program is to advance students who have obtained a Juris Doctorate (J.D.) degree or equivalent, and provide them with a deeper understanding of the doctrine and policy of American Intellectual Property Law. The program will be the only IP LL.M. degree in Ohio primarily aimed at foreign lawyers.

Intellectual property is an umbrella term that includes patents, trademarks, copyrights, and trade secrets. Intellectual Property has rapidly assumed center stage in the global marketplace and information economy, presenting exciting, important and complex issues facing not only our legal system, but also the business, entertainment and technology communities.

As a result of the Intellectual Property "explosion," there is a growing global demand for specialized training in intellectual property law, particularly American Intellectual Property Law. Foreign governments and IP policymakers, particularly in light of various international IP-related treaties, have increasingly looked at the United States IP laws and institutions as models, or as comparative checkpoints, as they construct, review, and/or reform their own IP systems. Even when foreign governments do not adopt United States models, which will often be the case, they will want to understand how their systems differ, or seek to acquire important insights as they commence designing their own IP systems. Moreover, as international commerce grows, foreign lawyers will

need to understand the impact of American IP laws and institutions on the matters raised by their clients, whether those clients are American or foreign nationals.

Enrollments: It is anticipated that there will be no more than three to ten students enrolled per year. CWRU's LL.M. in Intellectual Property expects to attract students from around the world and has not designed a program that assumes a concentration of students from any one country. As a result, the marketing initiatives and the program will be flexible to meet changes in the market and the needs of those whom the program attracts. Admission decisions will be based on the ability of the student to thrive in an academic program, as evidenced by the applicant's academic record and professional accomplishments, and on the candidate's ability to add to the richness of the academic and extra-curricular programs of the J.D. students.

All efforts will be made to enroll and retain students of diversity. By adding to the diversity of the student body, the proposed program for foreign lawyers enhances the opportunity to attract people of color from the United States to CWRU's law school.

Curriculum: The proposed curriculum will require 24 hours of graduate course credits. Students will be required to take at least three of the following four courses: Patent Law, Trademark Law, Copyright Law and Cyber Law. They also will be required to take Introduction to American Legal Institutions. Students must also satisfy a thesis requirement by satisfactorily completing a substantial paper in connection with the IP LL.M. director. For all students, the course schedule will be determined with the advice of the director of the IP LL.M. program, taking into account the student's prior course work and experience, the career goals of the student, and the sequencing of the courses. All courses are offered through the law school's J.D. curriculum.

Faculty, Facilities and Resources: Currently, there is enough full-time and adjunct faculty to accommodate the proposed new degree program, and the existing facilities are adequate. If demand for the program grows and CWRU is able to attract more than ten qualified students, they will need to evaluate whether to increase enrollment limits, which may require additional administrative and faculty personnel to be hired. This step will not be taken without an explicit faculty review of the costs and benefits of a larger program. The proposed program will have a positive impact on the J.D. program. Although the proposed program will add additional costs and burdens to staff and faculty, the benefits of the program will strongly outweigh the costs. If the decision is made to decrease the size of the J.D. classes in the future, significant facilities and staff will be available for even more LL.M. candidates.

Evidence of Need: There is significant evidence of demand for an IP LL.M. at Case Western Reserve University's School of Law. There are only 17 IP LL.M. programs in the United States. The programs at "peer" institutions are either thriving or performing well. In the last 20 years, IP has assumed a prominent role in global economic policymaking, particularly in Europe and Asia. There is good reason to believe that demand will increasingly grow for intellectual property attorneys. The reputation of an IP LL.M. program would benefit from being closely associated with the Center for Law, Technology & the Arts, which was ranked in the top 20 for IP programs by U.S. News & World Report.

As the process of international IP harmonization continues, many of those involved in the process will want to understand United States IP systems to make the harmonization process more effective and efficient. Advances in software and digital technology have tested the limits of copyright and trademark law; patent law is frequently at issue as our understanding of genomics and the life sciences evolves and new discoveries are made. And more traditional industries regularly turn to trade secrets for protection of their valuable information, with some industries preferring it to patent protection. All of these exciting developments add to the important role for IP in more conventional creations and commercial practices. Authors and publishers still copyright books and music, established trademark owners such as Coca-Cola continue to renew their trademarks and protect their valuable formulae as trade secrets, and inventors still apply for patents on "can-openers and mouse traps."

There currently are more than 75 U.S. law schools competing for foreign law graduates. CWRU has maintained a competitive edge by capitalizing on the strengths of the law school curriculum and the three core values on which the LL.M. program is grounded. The law school seeks approval of the proposed new LL.M. in Intellectual Property degree that will meet

market demand and capitalize on the strengths of the law school's curriculum. The proposed program will be administered on the same successful model as the current degree program within the office of Foreign Graduate Studies.

End of Comment Period: April 27, 2009
No Comments Received, Recommend Approval

Approved	
	5/27/09
Eric D. Fingerhut, Chancellor	Date

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