

Research on the connection of teaching content of Intellectual Property Law in Chinese-foreign Cooperative Education

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Abstract: For the Chinese-foreign cooperative legal education in universities, due to the differences in the legal system and teaching methods, the effective connection between the teaching content of Chinese and foreign law has become a problem that needs serious consideration. This paper takes the intellectual property law course in a university in eastern China as an example, through analyzing and sorting out the current situation, problems and necessity of teaching content connection, aiming to provide suggestions from five aspects, that is the guiding ideology, connection principle, connection form, connection channel and connection implementation on improving the connection of teaching content.

Keywords: Chinese-foreign cooperative education; Intellectual property law; Connection

<Implementation Measures for the Regulation of the People's Republic of China on Chinese-foreign Cooperative Education> has greatly standardized and promoted the development of Chinese-foreign cooperation in running universities in our country. Chinese-foreign cooperative education has become a new model for the development of China's higher education towards internationalization, and an important platform for institutions of higher learning to cultivate international talents, to build high-quality disciplines, and to reform and innovate the management system and mechanism. As to the Chinese-foreign legal education in universities, the core of its education is to cultivate high-quality professional legal talents with international vision.

An eastern university and an American university jointly organized a law undergraduate double-degree cooperative school program, the teaching quality has been praised by the university, the parents and employers, and the education effect has been continuously improved. But at the same time, there are still some problems and deficiencies. Among them, the connection between Chinese and foreign legal teaching content is worth thinking and exploring. This paper studies the connection problems of teaching about intellectual property law in Chinese-foreign cooperative education, hoping to help solving the problems.

1. The current situation and problems in the connection of teaching contents of Intellectual Property Law in Chinese-foreign cooperative education

Based on the questionnaire survey and individual interviews, the current situation and problems of the connection of teaching contents of Intellectual Property Law can be summarized as follows:

1.1 Students are satisfied with the course of foreign intellectual property law

As for the "degree of satisfaction with foreign intellectual property law course", the results of the questionnaire show that 19.6% of the students choose "very satisfied", 49% "satisfied", 17.6% "general", only 5.9% "dissatisfied" and 7.9% "very dissatisfied". The degree of satisfaction reached 68.6%. As to the multiple-choice of gains from studying foreign intellectual property law courses, the top three are understanding typical cases of foreign intellectual property law, increasing specific knowledge of intellectual property law, and enhancing the ability to understand and control intellectual property legal English, respectively, accounting for 82.4%, 74.5% and 58.8%, all exceeding 50%. In addition, 49.0% of the students chose to stimulate their interest in learning intellectual property law, and the least percentage of students chose "forming systematic knowledge of intellectual property law", which is 43.1%.

In individual interviews, students pointed out that foreign intellectual property law course tended to focus more on legal practice, and begin with legal precedents, but lacked of analysis on relevant laws and regulations.

1.2 The overall comprehension of intellectual property law is general

With regard to "your overall knowledge of intellectual property law", the results of the questionnaire show that only 2% of the students are very good, 35.3% are good, 52.9% are general, 5.9% are bad and 3.9% are very bad. As a result, students' overall knowledge of intellectual property law was rated as general. comparatively speaking, the degree of mastery of copyright law and trademark law was higher than that of patent law. 44.1% of students chose very good and good in copyright law, 43.1% in trademark law, and only 31.4% in patent law, but neither of them was more than half.

In individual interviews, students' feedback was as follows: firstly, the foreign intellectual property law is set to 48 class hours and 4 credits, which is a small number of class hours. Coupled with language problems, it is difficult to comprehensively study the content of

intellectual property law, and many key contents are not involved or only little involved. Secondly, although relevant legal provisions are provided to students in case analysis, the provisions of foreign intellectual property laws are difficult for Chinese students to understand without necessary explanations, resulting in ambiguities.

1.3 The basic principles of intellectual property law and the Chinese intellectual property legal system are not clear

As for the biggest problem encountered in learning foreign intellectual property law course, “not clear about the basic principles of intellectual property law and Chinese intellectual property legal system” ranked the first, accounting for 82.4%, followed by “scattered and incomplete content, making it difficult to form a systematic understanding of intellectual property law”, accounting for 45.1%. Corresponding to the “understanding of Chinese intellectual property law”, 62.8% of the students chose general, 29.1% did not understand, only 3.9% of the students chose understanding and very understanding. As for “whether they want to know about Chinese intellectual property law”, 86.3% of the students chose “really hope” and “hope”, accounting for a very high proportion.

In individual interviews, the main problems reflected by students are as follows: firstly, the thinking method gained in class is more about analyzing a certain case. This kind of thinking method can pay attention to details, but they have relatively little grasp of the overall framework of intellectual property law, including legislative purpose and legislative logic. Secondly, the specific legal articles are derived through cases analysis, but the cases are too scattered. There is no systematic integration. It is difficult to understand. Basic knowledge points are relatively scattered, and lack of systematic understanding. The interviewed students said that many of them would like to audit the intellectual property law course held by the Chinese teacher for the ordinary law class students, or take the intellectual property Law course which is open to the whole university students as a general education course.

2. The necessity analysis of the connection between Chinese and Foreign Intellectual Property Law teaching contents

The necessity of linking Chinese and foreign intellectual property law teaching content can be summarized into three aspects.

2.1 The inherent requirement of the particularity of the course of intellectual property law

In the whole legal curriculum system, intellectual property law has obvious particularity. Compared with other civil rights, especially real right, the fundamental difference of intellectual property is its object is immaterial, and it's regional characteristics.

Taking a patented new printer for example, this visible and tangible “new printer” is not the object of the patent right, but the object of the real right, which is material. And the object of the patent is not the printer as a material existence, but the technical solution of how to make the new printer, which is immaterial. A good understanding of the immateriality of the object of intellectual property is the basis for students to learn intellectual property law well.

In addition, intellectual property also has regional characteristics. The essence of knowledge is information, and information is free. It does not have the inherent characteristics of property, but through the formulation of laws with the scarcity, exclusivity and transferability of property, it becomes the property in the legal sense. In view of this, intellectual property acquired under a country's intellectual property law is only valid and protected within the country. As to the former new printer, patents filed and granted in China under Chinese patent law are only protected in China. If the new printer is not patented in the U.S., it will not be protected by U.S. Although there is a Patent Cooperation Treaty, it only simplifies the process of applying for a patent, which will eventually be transferred to the domestic law review stage, and there is no international patent that can be used in the world.

2.2 A necessary supplement to the case-based teaching method of foreign intellectual property law

Both questionnaires and individual interviews show that the study of foreign intellectual property laws is mainly completed through case teaching. Foreign teachers will release cases to students in advance, and students will read them before class and discuss them in class. Case teaching method was first proposed by the ancient Greek philosopher Socrates. The characteristics of it are teachers carry out teaching on the main line of cases, organize students to carry out exploratory learning around cases, and understand legal rules and strategies through discussion. Its advantages are as follows: firstly, it is flexible, which can enhance students' interest in learning. Secondly, reasoning in a specific case situation can deepen the understanding of the case. Thirdly, discussion and analysis based on problem solving can improve students' practical ability to analyze and solve problems. Fourthly, it is helpful to teaching and learning, and enhancing understanding in the interaction between teachers and students.

But its disadvantages are also obvious. They are mainly reflected in:

Firstly, case teaching is based on case analysis, which is often inadequate in systematization. The particularity of intellectual property law itself requires students to have a systematic cognition of intellectual property law, so as to help students get out of the way, identify the real fact and avoid “Russell's chicken tragedy”. In terms of systematic understanding, the students said: in terms of teaching content, laws

and regulations are derived in the form of cases, but the cases are too scattered and no systematic integration has been formed, leading to difficulties in understanding.

Secondly, the case teaching method takes individual cases as the carrier and covers only a limited number of necessary knowledge points. The content of case teaching is composed of several cases, the number of cases is limited, and the knowledge points of intellectual property law are limited, so it is difficult to cover relatively complete knowledge points. In the interview, some students said that foreign intellectual property laws tended to focus more on the practical aspects, and the lectures were introduced with cases, and the analysis of relevant laws and regulations was less. What they learned from the foreign intellectual property law course was to analyze individual cases. This kind of thinking may focus on details, but has relatively little grasp of the overall framework of intellectual property law, including the legislative purpose, legislative logic and other systematic cognition.

Comparatively speaking, these shortcomings are the advantages of intellectual property law course hold by Chinese teachers, which can make up for them to some extent.

2.3 Responses to the realistic demands of Chinese and foreign law students for the Connection of teaching content

Every year, many Chinese and foreign law major students would like to audit the intellectual property law class offered by Chinese teacher face to students of law major. The general courses of intellectual property law, which are open to students of other majors in the university, are often coin-operated by students of Chinese and foreign law major students.

Some students said that due to the inadequate time in teaching, the foreign teacher gave students several cases in one class. Although the specific legal provisions were provided at the beginning of the case, the provisions of foreign intellectual property laws were difficult for Chinese students to understand and lacked specific explanations, leading to problems in understanding. Some students also expressed that the study of foreign intellectual property law lacks of the discussion of the latest cases, which is not conducive to grasping the latest trends and frontier issues of intellectual property law. Although the existing discussion cases are classic, they are relatively old. Some cases can be traced back to the past 70 years or even 100 years ago, which makes it difficult to apply to the current Internet industry. The students were confused about the interesting practical issues, such as “knowledge payment”, Douyin video clips, copyright infringement of emojis, whether the sale of Miniso products involves infringement, and so on. They thought it was difficult to solve them with the knowledge they had learned.

During the interview with the students taking both the courses of foreign intellectual property law and Chinese intellectual property law, the students said that they had made a detailed comparison of the study of Chinese and foreign intellectual property law, and compared the concept, classification, specific application and applicable categories of trademark law, copyright law and trade secret law. They believed that they would have a sense of integration in many cases.

In the interview, many students said that they were very interested in the knowledge of Chinese intellectual property law, and they took intellectual property law as their first direction when choosing the direction of graduate study. Therefore, they have more desire and demand to study Chinese intellectual property law.

3. suggestions on improving the connection of teaching content of intellectual property law in Chinese-foreign cooperative education

In order to perfect the connection of teaching content of intellectual property law in Chinese-foreign cooperative education, students' tendentious opinions should be fully considered, and the rules of intellectual property law study can be combined to explore.

3.1 Survey of students' tendentious opinions shown in the questionnaire

The results of the questionnaire on the connection between Chinese and foreign intellectual property law teaching contents show that:

3.1.1 About the effective ways of linking teaching contents between Chinese and foreign intellectual property law

In terms of effective ways to link the contents of Chinese and foreign intellectual property law teaching, PPT and micro video of Chinese intellectual property law synchronized with foreign intellectual property law teaching content ranked first, accounting for 90.2%; This was followed by providing supplementary teaching materials, works and papers on Chinese intellectual property law, accounting for 82.4%; After that, they organized moot court practice and set up interest groups related to intellectual property law, and applied for special funds for scientific research, accounting for 33.3% and 31.4% respectively.

3.1.2 On the necessity of organizing, guiding and answering questions by professional Chinese teachers of intellectual property law

Regarding the question “Do you think it is necessary for professional Chinese teachers of intellectual property law to organize, guide and answer questions in order to realize the effective connection between Chinese and foreign intellectual property law teaching content”, 33.3% and 39.2% of Chinese and foreign law students think it is “very necessary” and “necessary” respectively, with a total of 72.5%, and

19.6% think it is normal. Only 7.9% thought that it was unnecessary.

3.1.3 Effective channels to release information on the connection between Chinese and foreign intellectual property law teaching content

WeChat group and QQ group are the most popular channels for effective information release of Chinese and foreign intellectual property law teaching content, accounting for 39.3%, which should be attributed to the efficiency and convenience of mass messaging. This is followed by Tsinghua online platform, BB platform and other public platforms, accounting for 29.2%, indicating that students are relatively approved of online resource platforms. WeChat public account push also accounts for 23.6%. And the public mailbox, Baidu network disk accounts for relatively low, respectively, at 2% and 5.9%.

3.1.4 The guidance of the connection between Chinese and foreign intellectual property law teaching contents

On the question of the orientation of the connection of the teaching content of Chinese and foreign intellectual property law, 52.9% of the students chose to base on the reality of Chinese intellectual property laws and take the knowledge point as the orientation; 21.6% of the students believed that they should deepen their understanding by focusing on the topics they were interested in. Another 17.7% chose practice-based teaching and case analysis-oriented teaching. Only 3.9% chose to base on understanding the society, practice base observation as the orientation and law application as the orientation of organizing moot court.

3.2 Conclusion: Five aspects should be carried out simultaneously to strengthen the connection of the teaching content of intellectual property law in Chinese-foreign cooperative education

According to the rules of intellectual property law course learning and the students' preference opinions shown in the questionnaire, we can strengthen the connection of the teaching content of intellectual property law in Chinese-foreign cooperative schools from five aspects.

Firstly, in terms of guiding ideology, students are the center of learning, so we should adhere to the principle of student-centered. That is, students construct a systematic knowledge system of Chinese and foreign intellectual property law, cultivate the practical ability to solve problems with legal theory and practice and the scientific research ability that analyze and research problems. We should pay attention to the ideological and political thinking of intellectual property law course, construct innovative thinking of intellectual property, and enhance the awareness of the application and protection of intellectual property.

Secondly, in the principle of connection, we should take the study of foreign intellectual property law as the main line, supplemented by the study of Chinese intellectual property law. The study of foreign intellectual property law mainly focuses on classroom teaching and case teaching, covering the main content of foreign intellectual property law. The study of Chinese intellectual property law is mainly based on extra-curricular learning, guided by knowledge points, corresponding to the content of foreign intellectual property law study, and supported from the perspective of Chinese law. It focuses on the systematic understanding of intellectual property law, the interpretation of unique rules of intellectual property, and the infiltration of intellectual property curriculum ideology and politics, as the necessary supplement to the study of foreign intellectual property law.

Thirdly, in the form of connection, multimedia courseware and short videos of Chinese intellectual property law which are synchronized with the teaching content of foreign intellectual property law are mainly used, supplemented by reference textbooks, works, papers and cases. Among them, the multimedia courseware and short videos take the knowledge point as the unit, which are short and easy to learn. Each video is no more than 15 minutes. For example, we can build online MOOC course□arrange the sequence of knowledge points according to the topics of foreign intellectual property law course. It should be noted that although knowledge points are presented in fragmented short videos, fragmentation does not mean clutter. Attention should be paid to the internal logical relationship between videos, which is a systematic collection of short videos in the form of fragmented short videos but with an internal main line.

Fourthly, in the connection channel, push and release the videos to students through WeChat group or Rain classroom. Set up WeChat group or online rain classroom whose members are Chinese-foreign law students, as a sending ground for information materials related to Chinese intellectual property law. The content of online MOOC will be published according to the teaching progress of foreign intellectual property law course, and then pushed to the WeChat group or online rain classroom, so that students can learn whenever and wherever they need.

Fifthly, in terms of implementation, it is carried out in the form of Chinese teacher of intellectual property law and little teaching assistants who are served by undergraduate students. Chinese teacher of intellectual property law are responsible for the curriculum setting corresponding to foreign intellectual property law, planning the knowledge point system, recording videos, selecting, compiling graphic materials and supporting cases, etc. The little teaching assistants are selected from the students who are studying the foreign intellectual property law. They are selected in the form of two-way selection, that is self-recommendation and teacher selection. There are three main tasks of the little teaching assistants: Firstly, it is to timely inform Chinese teachers of the progress of foreign intellectual property law

course. The second is to push the matching materials of Chinese and foreign intellectual property confirmed by the Chinese teachers to the students who choose the courses. The third is to feed back to the Chinese teachers the common and difficult problems that the students have encountered in the course of learning foreign intellectual property laws, and to push necessary supplementary materials to help students answer their doubts.

Chinese-foreign cooperation education has played a positive role and made significant contributions in promoting the reform of higher education, promoting the development of internationalization, expanding the channels for personnel training, and meeting the diverse needs of the students for quality education. In the context of China is committed to building a human community with a shared future. to build human community with a shared future of mankind, the cultivation of high-quality foreign-related legal talents is especially urgent. Chinese-foreign cooperation education carries a new mission in the new era. Therefore, colleges and universities should shoulder the responsibility and seize the opportunity to continuously innovate and integrate in the actual cooperation education, strengthen the connection between Chinese and foreign teaching content, improve teaching quality and promote the all-round development of students.

References:

- [1]Qian Wang. Course of Intellectual Property Law [M]. Beijing: China. Renmin University Press,2021,2.
- [2]Mengquan Lin, Jin Zhang. The Effect, Challenge and Upgrading of Sino-Foreign Cooperative Education Evaluation[J]. Modern University Education. 2022.5.35.