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Peer-assisted learning in intellectual property law: a bridge to solidifying learning and enhancing student experience

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TEACHING INTELLECTUAL PROPERTY LAW: STRATEGY AND MANAGEMENT ELGAR GUIDES TO TEACHING

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Chapter Title: Peer-Assisted Learning in Intellectual Property Law: A Bridge to Solidifying Learning & Enhancing Student Experience

Learning outcomes: This chapter will enable you to consider how to incorporate Peer-Assisted Learning (PAL) in your intellectual property subjects. This chapter provides an in-depth exploration of the benefits, experiences and perspectives of PAL leaders and the final year intellectual property students who voluntarily worked within a collaborative environment to supplement their knowledge and develop critical understanding of intellectual property law. The chapter includes practical guidance for both academics implementing PAL in their modules, and for those students undertaking the PAL leader role.

Keywords: *Peer-assisted learning, Collaborative environments, Development of transferable skills, Teaching resources*

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Peer-Assisted Learning in Intellectual Property Law: A Bridge to Solidifying Learning & Enhancing Student Experience

William Page, Jocelyn Bosse & Adrian Aronsson-Storrier¹

1 Introduction

Under various names, Peer-Assisted Learning (PAL) has been a popular learning intervention in higher education for many decades.² The scheme typically relies on experienced later year students to facilitate and lead small discussion groups with students taking first or second year modules. PAL has demonstrably improved student performance and outcomes in the early years of university by offering a qualitatively different experience from the classroom: PAL leaders facilitate learning in a ‘safe’ and collaborative environment where students can develop confidence, independent study skills, and deeper understanding of the curriculum content.³

In many undergraduate law degrees, intellectual property (IP) is a final year elective subject. However, PAL is not usually offered for final year modules, not least because past intellectual property law students tend to have graduated and are unavailable to be PAL leaders for the cohort below. Nevertheless, intellectual property can be a challenging module--partially because it addresses such dynamic and complex subject matter that responds to changes in culture, science, and technology--which often means that students are eager for additional support.⁴ To provide this support, the undergraduate IP module at the University of Reading has included a PAL scheme since 2016, which has drawn upon students who have continued to

¹ The authors wish to gratefully acknowledge the assistance of the PAL leaders and students who participated in focus group interviews in Summer 2021, and for those PAL leaders and participants in both the intellectual property law and land law modules over several years. Particular gratitude is extended to Fern Tawera, Aileen Kimuhu, Cristina Radulescu, Dimitra Kavallari, Ben Thomas, Jethro Clark and Joshua Perretta. Thanks are also due to the University of Reading PAL scheme coordinators Caroline Crolla and Becky Allen for their support; former colleagues Prof. Stavroula Karapapa and Dr Kristopher Wilson who co-taught the IP module in previous years and engaged with the PAL scheme; and to participants at the 2018 EIPTN Conference and the 2019 University of Reading CQSD Teaching and Learning Showcase for feedback on early presentations of this work.

² Keith Topping and Stewart Ehly (eds), *Peer-Assisted Learning* (Lawrence Erlbaum 1998); Maureen Donelan and Peter Kay, ‘Supplemental Instruction’ (1998) 32(3) *The Law Teacher* 287. PAL schemes may alternatively be named SI (Supplemental Instruction) or PASS (Peer Assisted Study Sessions).

³ Amanda Zacharopoulou and Catherine Turner, ‘Peer assisted learning and the creation of a “learning community” for first year law students’ (2013) 47(2) *The Law Teacher*, 192; Phillip Dawson and others, ‘On the Effectiveness of Supplemental Instruction’ (2014) 84(4) *Review of Educational Research* 609; Tracey Carver, ‘Peer Assisted Learning, Skills Development and Generation Y’ (2011) 37(3) *Monash ULR* 203.

⁴ See, e.g., Charles R. McManis, ‘Teaching Current Trends and Future Developments in Intellectual Property’ (2008) 52(3) *St. Louis ULJ* 855.

postgraduate studies (i.e. LLM or PhD students) to be PAL leaders. The use of PAL in a final year module is somewhat unusual, hence, as discussed in this chapter, the usual format of PAL sessions has been modified to better support the needs of final year intellectual property law students.

This chapter brings together the feedback from students and former PAL leaders for the IP module at the University of Reading, gathered through focus groups and unstructured interviews alongside informal feedback drawn from implementing a PAL scheme in the module for several years. In the following sections, the chapter explains: the level of support the IP academic staff needed to provide to the PAL programme; the training and experience of the PAL leaders; the experience of the student participants; and the elements of the PAL scheme that produced a collaborative learning environment for intellectual property students. Overall, the chapter illustrates how PAL operates within the context of a final year intellectual property law module and demonstrates how these pedagogical strategies can be adapted successfully in similar degree programmes and modules.

2 Implementing a PAL Scheme in IP law

2.1 The standard PAL model

Peer Assisted Learning developed from the Supplementary Instruction programme established in 1975 in the USA at the University of Missouri.⁵ The original core SI model involved trained leader students who had completed the relevant module operating as a ‘model student’, ‘attending all course lectures, taking notes, and reading all assigned materials’⁶ before conducting regular timetabled, voluntary and non-remedial tutorial sessions for students enrolled in the module. As adapted in the UK, the model underwent some modest changes, with the later year students no longer being required to (re)attend course lectures and a greater emphasis being placed on PAL leader facilitation of sessions, rather than on tutoring.⁷

⁵ Denna Martin, David Arendale and Associates, *Supplemental Instruction: Improving First Year Student Success in High Risk Courses* (National Resource Center for The Freshman Year Experience, University of South Carolina 1992), 4.

⁶ Ibid 6.

⁷ Donelan and Kay, above n 2, 289. Note that the original model of SI did emphasise that the leader was a facilitator, rather than a ‘mini-professor’, so the change from leaders engaging in tutoring in the USA to facilitation in the UK is perhaps more a question of emphasis. See Martin et al above n 5, 7.

The PAL model is flexible, and there is scope for a degree of variation in the design of PAL schemes at different institutions.⁸ For example, there is divergence between universities on whether PAL leaders are paid for their initial training and facilitating regular PAL sessions. The initial model of SI at the University of Missouri envisaged that PAL leaders would be paid for their contributions, but acknowledged different approaches at other universities, including the possibility of PAL leaders receiving academic credit in lieu of remuneration.⁹ At the University of Reading an institutional decision was made that PAL leaders would be unremunerated, to ensure a consistent approach and to allow the growth of PAL in different departments without restriction due to departmental budgetary constraints. In addition, there was a belief that remuneration may attract PAL leaders driven by financial considerations, rather than focusing PAL leader recruitment on those students with a passion for the subject or for volunteering to help other students.¹⁰ The availability of funding for student PAL leaders would however likely diversify the pool of PAL leaders, and financially acknowledge the significant contributions made by PAL leaders to student success in the module.

In its initial formulation, PAL schemes were designed to support ‘high risk courses’, being those which involve significant and difficult reading from primary and secondary sources, infrequent examination, and large classes with unrecorded class attendance.¹¹ Courses may also be identified as suitable for the additional student support provided by PAL where there is a significant drop-out rates or poor academic results in the subject. While intellectual property can be a challenging subject¹² this was not a factor in selecting the University of Reading Intellectual Property Law module for PAL support – instead a combination of enthusiasm from the prospective PAL leader and academic teaching team, and a belief that students would enjoy further opportunities to discuss intellectual property law concepts and disputes beyond the scheduled class times drove the decision to implement PAL. Consequently, PAL operated somewhat differently in this module, with further scope for PAL groups to discuss IP topics beyond the course syllabus and extend students’ knowledge of the law.

⁸ For example, as implemented in Australia at the QUT Faculty of Law the PAL sessions are structured by an academic member of staff, with the PAL leaders being provided with proposed topics, activities, questions and resources for each session. See Tracey Carver, Peer Assisted Learning, Skills Development and Generation Y: a case study of a first year undergraduate law unit (2011) 37:3 Monash University Law Review 203, 213.

⁹ Martin et al above n 5, 8-9.

¹⁰ The authors continue to wrestle with the extent to which the unpaid labour of PAL leaders is exploitative. Despite the University policies, PAL leaders within the IP module received gift vouchers for their participation in the scheme.

¹¹ Martin et al above n 5, 14.

¹² McManis above n 4.

Studies have shown that PAL schemes are associated with higher grades for student participants,¹³ with these improvements also replicated in studies of the use of PAL in law subjects.¹⁴ Similar improvements in PAL student grades have been identified in the intellectual property law module at the University of Reading. However, as PAL is voluntary and student participants self-select their participation in the programme, it may be that more motivated learners choose to participate in PAL. Thus, comparisons with the other students in the cohort should be treated with caution.¹⁵ The evidenced improvement in student outcomes and the non-remedial nature of PAL sessions remain useful matters to emphasise when introducing PAL to students at the start of the academic year as this can encourage students to sign up to participate.

2.2 Implementing PAL in IP Law at the University of Reading

2.2.1 PAL at the University of Reading

PAL has been operating at an institutional level at the University of Reading since 2015. Over 50 other UK Universities also report some form of PAL scheme operating within the institution, some dating back to the 1990s.¹⁶ In the 2016/2017 academic year Intellectual Property Law was the first module within the School of Law at Reading which adopted PAL, but the scheme has been adopted since with success in several other first and second year law modules. In most modules in the University of Reading the PAL scheme broadly follows the standard UK approach discussed above.¹⁷

Across the University, the PAL scheme is supported by a dedicated member of staff with the title ‘PAL Coordinator’. The PAL coordinator’s role at the University encompasses the initial

¹³ Martin et al above n 5, 21.

¹⁴ Donelan and Kay above n 2, 292.

¹⁵ See discussion of this issue in Carver above n 8, 216 and the references cited therein. Students enrolled in the PAL sessions in intellectual property law at Reading have tended to have slightly stronger academic results in their IP module as compared to their other final year subjects, which suggests a positive impact of PAL on student attainment.

¹⁶ The European Centre for SI-PASS, Status report for European SI/PASS/PAL-programmes, (2020) available at <https://www.si-pass.lu.se/en/sites/si-pass.lu.se/en/files/status-report-european-si-pass-pal-programmes.pdf>, 10 reports 32 UK universities who have adopted PAL, with information on particular PAL subject areas. Chris Keenan, Mapping student-led peer learning in the UK (2014, The Higher Education Academy) available at <https://www.advance-he.ac.uk/knowledge-hub/mapping-student-led-peer-learning-uk>, 11 reports survey responses from 55 UK institutions with PAL schemes.

¹⁷ There is an interesting exception in the Department of Mathematics and Statistics, where the PAL leader activities are recognised and assessed within a distinct credit-bearing module. The module description details the assessment regime and gives an indication of the relevant module structure: <http://www.reading.ac.uk/modules/document.aspx?modP=MA3PAL&modYR=2122>. Such an approach provides advantages for PAL schemes in first or second year modules, but may be less suitable for final year intellectual property law modules, as the relevant PAL leaders may be in LLM or PhD studies with distinct module credit requirements. Providing academic credit to PAL leaders for their participation also restricts their available credits to study other elective taught modules.

two-day training session for PAL leaders as well as ongoing support in the form of session observations and debrief sessions with the PAL leaders. The PAL coordinator also engages in liaison with academic colleagues, and assists with room bookings, student sign-ups, and promoting the scheme within the university. This role and level of institutional support makes it simpler for academics to adopt PAL within their modules, as they can operate in partnership with the PAL coordinator and focus their support for PAL on subject-specific issues. While institutional PAL support makes adopting PAL in a module more straightforward and less time-consuming for the academics involved, there are numerous examples of PAL schemes which operate without institutional organisation, running instead at the departmental, programme or unit level.¹⁸ For those seeking to implement PAL without institutional resourcing, the greatest challenge is likely the delivery of the initial PAL leader training, although support is available from the relevant international and regional PAL organisations.¹⁹

2.2.2. PAL in intellectual property law

The undergraduate Intellectual Property Law module at the University of Reading follows a typical undergraduate curriculum, examining copyright, trade mark and passing off, breach of confidence, and patent law. The module is taught by way of weekly lectures during the autumn and spring term alongside regular small group interactive workshop sessions spread over the academic year. The module is assessed by way of a final 100% open-book examination in the summer, with students given a choice from a range of essay and problem style questions. In a typical year the module is chosen as a final year elective subject by between 100 – 150 undergraduate LLB students, although in 2020/21 a small number of business school students also joined the module. Of the module cohort approximately 20% elect to attend and participate in PAL sessions, which has meant that in most years PAL leaders have run sessions for two groups of PAL students. The most recent academic year also saw significant teaching modifications associated with the impact of COVID-19, with the use of recorded lectures in place of physical attendance in large lecture theatres, and both workshops and PAL sessions occurring online rather than in classrooms. PAL was particularly important for students during the interruptions caused by COVID-19, providing an informal opportunity to meet online and discuss module content.

¹⁸ Keenan above n 16, 12. Note that as discussed below in section 3.1.1, one benefit of the initial cross-institutional PAL leader training was exposure to teaching methodologies from other disciplines, which would be more challenging to replicate for PAL training at the departmental or module level.

¹⁹ See for example the training resources at the European Centre for SI-PASS at Lund University at <https://www.si-pass.lu.se/en/>.

The PAL scheme in intellectual property law has enriched the teaching in the module, beyond the advantages to PAL leaders and participants discussed in the sections below. PAL participants inform the PAL leaders the areas of the module which they are finding challenging, and regular meetings between the academics teaching in the module and the PAL leaders provide useful feedback on student learning throughout the year.²⁰ Given the level of institutional support for PAL at the University of Reading, the time commitment for academic staff in supporting the PAL scheme is relatively modest, primarily comprising recruitment and meetings with PAL leaders over the course of the semester. Some PAL participants may also ask questions within PAL meetings that they would otherwise raise by email or by meeting with the academics on the module to discuss, so the scheme may reduce the overall time an academic devotes to administration in a module.

One of the most significant challenges in operating PAL in a final year elective subject is recruiting PAL leaders. PAL is premised on recruiting leaders who have previously completed the module, which makes recruitment more difficult in a final year subject like intellectual property law, as the PAL leaders will have graduated from the undergraduate LLB programme. We have had success in recruiting PAL leaders from the graduating cohort of LLB students who have returned to the university for postgraduate study, including those students undertaking LLM study in intellectual property law. As PAL leader training occurs before the start of the academic year it is important to be proactive in contacting and recruiting potential leaders well in advance, and the University of Reading postgraduate admissions team has been willing to assist in identifying suitable candidates. For those institutions who do not offer LLM programmes, suitable candidates could be drawn from those in the graduating cohort who are continuing their studies at nearby specialist practical legal training providers²¹ or those students commencing PhD studies. As PAL leaders in IP law at Reading have been admitted to LLM studies they have all achieved above average academic performances in their undergraduate degrees, however the pedagogic literature suggests it is either unnecessary or counterproductive to recruit PAL leaders explicitly or solely based on academic performance.²²

²⁰ See Martin et al above n 5, 15, where similar advantages are reported for those running PAL schemes in other modules.

²¹ For example, a portion of the University of Reading LLB graduating cohort have subsequently enrolled in the legal practice course at the Reading campus of the University of Law, and staff at the University of Law have been willing to advertise PAL leader opportunities to eligible students.

²² Ashar Wadoodi and Joy Crosby, 'Twelve tips for peer-assisted learning: a classic concept revisited' (2002) 24(3) *Medical Teacher* 241, 242

Once recruited and trained, the PAL leaders reported that they needed a relatively low level of support from the academic staff. PAL leaders mostly required the academic lead to answer technical questions raised by the student participants and forward key messages. The feedback from PAL leaders indicated that they preferred this independence because ‘if you have too much oversight, you also run the risk of it feeling like you, as a PAL leader, are retaking the IP module,’ which could deter the engagement of PAL leaders. Consequently, the teaching staff need to maintain a light-touch approach to supporting PAL leaders to ensure they have the space to demonstrate their own creativity.

3 Student Perspectives about Peer-Assisted Learning

The foundation of the Peer-Assisted Learning (PAL) programme is the engagement and dedication of both the participating students and student leaders. The participating students attend the PAL sessions voluntarily alongside their studies and are expected to engage with the group discussion in the collaborative learning environment. Even more dedication is required from the PAL leaders, who voluntarily develop a unique discussion programme and teaching resources tailored towards creating a collaborative learning environment. Given these important differences in student engagement and dedication, the chapter addresses the experience of the PAL leaders and student participants separately.

3.1 The Perspectives of PAL Leaders

An essential component of a successful PAL scheme is the commitment of knowledgeable and engaged students who have previously undertaken the module. The following sections outline the experiences of the PAL leaders, including their strategies for creating collaborative learning environments, as well as their reflections on the transferable skills that they developed as PAL leaders.

3.1.1 Peer Assisted Learning Training and Support

A background in intellectual property law is important for PAL leadership, but to be prepared for the role, PAL leaders should also go through some form of training. Each of the PAL leaders for IP law undertook training run centrally by the University. The PAL leaders reported that the centralised training gave them the benefit of interacting with people from other modules and disciplines, which meant that they were able to see ‘what kinds of things they were thinking of doing for their PAL sessions, [and] ... could adapt that to be suitable for a law PAL class.’ The interaction with students from other disciplines was facilitated through a variety of interactive learning exercises; for example, each PAL leader ran a mock PAL session on a topic outside

their expertise to help develop their ability to facilitate discussion. This was orchestrated through having a pair of PAL leaders wait outside the main room, while the rest of the cohort watched a short, randomly selected TED Talk. Without having viewed the TED talk, the leaders prepared and ran a 20-minute mock PAL session utilising the skills in facilitating discussion acquired during training. One student noted this was beneficial as ‘we got engaged, and by doing something you understand it even better.’ These interactive learning exercises ensured students could build confidence at public speaking, but also allowed them to gain an appreciation of different learning techniques—as one PAL leader expressed it, they were ‘learning *how* people learn.’ Therefore, PAL training should involve engaging exercises developing confidence, a greater understanding of other students and themselves, as well as understanding different pedagogical approaches.

In addition to the training, the PAL leaders also received support by running their PAL sessions in teams. In most years the PAL leaders worked in pairs or groups of three delivering sessions, which is typical of the standard approach in PAL, although in IP law, some cohorts only had one PAL leader working alone. The leaders who undertook PAL sessions solo indicated that they were ‘always going to do it on [their] own’ and did not feel adversely impacted. The teams of PAL leaders noted that part of the success was due to the good working relationship between the PAL leaders; additionally, the higher number of leaders allowed the preparation to be divided and more attention given to individual groups of students during the PAL sessions. This collaborative approach to undertaking PAL responsibilities was especially important, as the leaders ‘really enjoyed ... feeling supported and supporting someone in turn.’ The feedback showed that this teamwork was not only an effective way to run the PAL sessions, but also had the benefit of providing transferable skills for their careers. For instance, the former PAL leaders found that the training and experience had enhanced their communications skills, which they were able to apply in a variety of career paths, including the legal and education sectors. Two former PAL leaders who pursued legal careers highlighted that their PAL training and experience was a useful example during job interviews to demonstrate fundamental skills, such as teamwork abilities.

3.1.2 Creating Collaborative Environments through Peer Assisted Learning

During the PAL sessions, the leaders sought to move away from the ‘very strong [and] very structured learning’ style of classroom teaching at university. The PAL leaders recognised that ‘some brains work slightly differently ... or benefit from different learning methods,’ which means that PAL sessions provide ‘a space for people to learn ... in the way that's best for them.’

To meet this need for alternative teaching methods, the PAL leaders utilised a variety of collaborative activities to help the student participants build their knowledge. In one exercise, the student participants were divided into groups, each of which was given a different question about intellectual property law. Each group wrote as much of a response as they could in two minutes, then swapped papers with another group, who would proceed to add to the previous group's answer. The PAL leaders found this to be a 'fun and engaging activity' for the student participants, and indeed, one of their 'favourite [activities]... during PAL training.' Another strategy was to hand out sticky notes for the student participants to write down anonymous questions for the PAL leader to discuss at the end of the session. The PAL leaders found this to be 'a nice way to gather their questions without putting them on the spot or making them feel uncomfortable.' PAL leaders were also given the autonomy to engage with contemporary IP issues and disputes beyond those formally included within the syllabus. For example, one pair of PAL leaders had their student group analyse the copyright implications of an unlitigated artistic "feud" between musical artists Beyonce and Taylor Swift. Another PAL session involved a debate on the use of non-disclosure agreements and the public interest defence to the breach of confidence doctrine in the context of the then-contemporaneous sexual harassment allegations against former film producer Harvey Weinstein.

However, the PAL leaders for intellectual property also had to consider that the student participants 'feel incredibly under pressure' when they are in their final year of study. Thus, while the central university training had focused on activity-based learning that is popular within first- and second-year students with the time to share and engage with basic legal concepts, the PAL leaders for final year modules needed to balance these engaging teaching methods with effective dissemination of information. Specifically, the IP students were more interested in concrete guidance, which often took the form of sharing exam techniques and answering practice questions during the PAL sessions. The PAL leaders recognised that it required some skill to ensure that they were facilitating a discussion about potential strategy, rather than dictating how the students should answer their final exam questions—a point which had not been addressed during their training.

3.1.3 The Importance of Voluntary Learning

Although PAL for early year subjects has been incorporated as a compulsory class at some institutions,²³ the feedback from the intellectual property PAL leaders was clear that the sessions should be voluntary for the student participants. Some PAL leaders had experiences with students who attended the first PAL session because they incorrectly thought it was compulsory (since it was displayed on their university timetable), and the student only ‘came ready with their notepad just to really sit and write without engaging with the subject’, whereas the other students ‘were ready to just jump into the conversation, discuss, and were open to ask questions.’ The PAL leaders felt that the voluntary nature of the sessions meant you only ‘get people ... who want to be there’ and view the classes as ‘an opportunity’ to engage with other students and develop their knowledge and critical thinking skills. Additionally, the voluntary and informal nature of the PAL sessions helped to create a relaxed environment and productive sessions ‘because you’re more open to talking to each other.’ This environment created a positive relationship between PAL leaders and student participants, as PAL leaders ‘really do want [student participants] to do well, not just during, not just during their final year, but afterwards as well.’ This type of engagement helps create and foster positive relationships, which creates a ‘really valuable’ personal experience for all students involved.

3.2 The experience of Peer-Assisted Learning Participants

A common theme that emerged during interviews was that having PAL leaders who had previously undertaken the intellectual property module was an ‘invaluable resource,’ since their practical guidance about studying the module content and approaching the examination was informed by their own experience. For example, when addressing difficult topics in the module, the PAL leaders often drew upon their anecdotal experiences and shared how they overcame challenges, which gave the student participants ‘more confidence’ to tackle similar problems themselves. In particular, the non-law students who enrolled in the IP module benefited from hearing the insights of former students, as this made them aware of the ‘little things which can really enhance your work’ during assessment. By connecting the content delivered in class to the practical experience of being a student, the participants commented that the PAL leaders ‘acted almost like a bridge ... solidifying my learning’ and giving them ‘more confidence.’

²³ For example, at the University of Manchester (which established the UK national Centre for PASS in 2009) every first year student receives either a PASS group or Peer Mentor group (see <http://www.peersupport.manchester.ac.uk/how-do-i-get-involved/how-do-i-get-involved-as-a-first-year/>).

While benefiting from the insights of law graduates is certainly an attractive feature of PAL, this was not the only benefit. One student participant commented that, due the informal and voluntary nature of PAL, they could be ‘as proactive as [they] want ... to be’. This proactive and spirited engagement with intellectual property attracted a broad cohort of students—some grappling with the basics, others seeking more critical discussions--that engaged with the PAL sessions across both the autumn and spring terms. The 2020 / 2021 intellectual property module cohort differed from previous years, as enrolment in the module was opened beyond law students to a small number of final year business school students. Consequently, these non-law students often engaged within the PAL classes as they ‘didn't have the confidence’ to engage within the seminars taking place within the core module, due to a perceived lack of experience compared to the rest of the cohort. One non-law student commented that due to the implicit hierarchies within higher education they felt apprehensive about approaching lecturers with queries surrounding intellectual property. Whereas the student leaders who ran the PAL classes were ‘easier to ... reach’ which allowed ‘other people [to] feel more confident,’ when asking questions. This level of approachability and academic support allowed students to challenge their own understanding through having open conversations about the functioning of specific intellectual property doctrines. The non-law students attending PAL also emphasised that their interactions with the PAL leaders ‘injected [them] with a lot of confidence’ and that the PAL sessions ‘gave [them] a bit more confidence that I do know what I'm doing’.

To ensure the engagement of students was maintained across both the autumn and spring term, PAL classes were designed to respond to the needs and desires of participating students. One student commented that the ability for students to have a regular ‘recap, or [to] just going back over things’ was a useful resource which allowed them to familiarise themselves with the module content at periodic intervals over the academic year. However, the student observed that a generalised periodic overview of taught material should be further refined within the PAL classes. They noted that before each session the student leaders should seek to gather ‘feedback ... and see what people are ... feeling at the time’, and both surveys and informal discussions were used by PAL leaders to help structure their sessions.

4 Investigating Intellectual Property Law in Collaborative Environments

As discussed above, the positive perception of PAL coupled with effective student engagement techniques can create a collaborative environment where student participants can benefit from shared experiences and collaborative efforts of fellow intellectual property students. The following demonstrates how, in practice, student participants benefited from a variety of attributes unique to PAL.

4.1 Creating Collaborative Environments

One of the cornerstones of an effective PAL programme is that the student participants and PAL leaders can engage in meaningful discussions in an informal setting, which helps student participants build the necessary confidence to engage with the content introduced in the classroom. In this collaborative environment, the students reported that they ‘had more confidence in the PAL sessions to actually say, “Well, actually, hang on, ... why was that right?”.’ Compared to the lecture environment with higher student numbers and less personalised learning experience, the dynamics of the PAL sessions gave them ‘confidence to speak out,’ which in turn encouraged other students to participate. For example, they recalled an instance when the student participants looked at past exam questions and discussed how they would approach it. In the PAL environment, the students offered a variety of ideas and active discussion based on doctrinal analysis, critical thinking, and the extent to which each argument was relevant to the question—a level of discussion they had not been able to achieve during group work in the classroom. The unstructured group discussions not only helped the students to hear multiple ideas and approaches to the assessment; they also found the discussions in PAL sessions more memorable, helping the module content to ‘stick in your head [once] you’ve gone through it again.’ The student participants reported that the PAL sessions were an important way to check their understanding of the material and revisit points of law that they might have ‘missed [during] the lectures and seminars’ due to the volume of content delivered in the classroom setting.

Although the positive atmosphere was important for maintaining student participation, the PAL leaders recognised that, in some ways, ‘the biggest daunting factor was ... actually other students.’ This referred to the way some students exaggerated the difficulty of aspects of the module, which undermined the confidence of their peers or discouraged them from engaging with those topics. The PAL leaders found that they needed to be sensitive to these perceptions; in making extra effort with that material, the student participants reported that the PAL sessions ‘injected [them] with a lot of confidence’ in topics where it had otherwise been undermined. In this way, the supportive and collaborative environment of PAL sessions helped students to develop self-confidence and a clear picture of ‘where [they] need to improve and where... [they are] stronger’ with the course material.

4.2 The Role of Teaching Resources

As mentioned earlier, the student participants viewed PAL leaders themselves as an invaluable teaching resource for understanding and engaging with the intellectual property module content. The PAL leaders often took the approach of, ‘let me show you why you’ve struggled, and let me show you how you can overcome that,’ based on their own experiences as a student. Given that the PAL sessions were smaller than the main classes for the module, the student participants also had the benefit of more ‘individualised feedback.’

However, the PAL leaders also developed more tangible teaching resources, such as PowerPoint slides to help structure the discussion. While the student participants sometimes used the slides to supplement their revision notes, they also recognised the need to go beyond the materials developed by the PAL leader and create their own revisions materials that suit their individual needs. Moreover, the collaborative environment of the PAL sessions, where student participants were able to explore their preferred learning methods, helped them to recognise the individual approach to revision material that would be effective for them. This built skills with benefits beyond the intellectual property module, such as effective legal research, reflective thinking, and teamwork. Therefore, as noted by a student participant, the focus of PAL should be to ‘encourage the discussion’, which ensures students are ‘not just reading [their] notes, but ... going through’ and examining the course material. The student further noted that further examination into course material should consist of a variation of activities, which allow students to engage in high-level discussions in a practical context.

4.3 Approaching Assessment

This section demonstrates how teaching resources were developed to encourage students to apply knowledge and critically analyse a variety of different examples of intellectual property to prepare them for the actual examinations, increase student engagement and develop critical analysis skills.

A unique feature of offering PAL to final year intellectual property students was the range of skills and experiences students had previously acquired. Students who originated from the School of Law usually held the necessary legal skills to engage with the doctrinal discussions explored within the core module, whereas students from non-law backgrounds required greater support in understanding course material and the functioning of law. Despite the student cohort being composed of significant variations in legal skills and the depth of understanding, all students shared a common trait: an inherent anxiety and desire to prepare for the final year

examination. Consequently, PAL sessions should be planned and structured to ensure an inclusive learning environment that caters for the needs of all students. In IP, PAL sessions would often begin with an overview of the doctrinal content provided in the lectures. This provided students with an opportunity to revise and question that understanding of course material. While these doctrinal debates are important, it was common to use case studies to spark group discussion and create collaborative learning environments. These discussions could be based on previous exam questions which required students to individually reflect on how they would structure that answer and what content to include. Students would then be asked to share their structures and the group would share their approaches and views towards specific intellectual property dilemmas. As noted by one student, these exercises reinforced what was put forward by the lecturers, which gave them the confidence to develop unique and abstract arguments with essay and problem-based questions.

While there are obvious benefits to exposing students to past exam questions, due the nature of intellectual property, it would be detrimental to discuss only these examples. As noted above, students want a collaborative environment which seeks to ‘encourage the discussion’, allowing students to engage with a variation of activities. In order to provide engaging examples, the PAL leader drew upon pop-culture references and local examples of intellectual property issues. For example, in one class the PAL leader used a meme they had found on the internet, which the PAL leader identified as raising intellectual property questions. Therefore, students engaged with this example and questioned the extent to which the intellectual property doctrines applied to this case study. In another session student participants engaged in a discussion of a trade mark and passing off dispute between a local restaurant and a national chain, including a comparison of names, logos, menus and even a chicken taste test organised by the PAL leaders.²⁴

Through drawing upon pop-culture references and local examples of contemporary intellectual property issues students can apply and extend their knowledge. This allows students to develop application and critical analysis skills, within informal settings, laying the foundation in which similar arguments can be structured within the final examination. Consequently, PAL classes should seek to provide a fun, yet intellectually challenging environment, where participating students can informally develop essential skills.

²⁴ See Hayleigh Boshier, *Nando's v Fernando's: Food for thought* (2018) IPKat Blog available at https://ipkitten.blogspot.com/2018/03/nandos-v-fernandos-food-for-thought_13.html for a discussion of the relevant dispute.

5 Conclusions

Many institutions have adopted the Peer-Assisted Learning (PAL) scheme to help undergraduate students develop their independent study skills during their early years at university. This chapter showed that PAL can also be a successful learning tool in final year modules, especially intellectual property.

As PAL schemes are flexible and student-driven, and given the variability between cohorts of students, it is difficult to give proscriptive guidance on how PAL schemes in IP should operate in other institutional settings. There are however some clear best practice guidelines which have emerged from our experience and interviews, including that:

- PAL sessions should be optional for student participants;
- Group sizes for each session should be limited to ensure those students attending can actively participate;
- PAL leaders should be given significant independence and autonomy to shape their sessions to be responsive to the needs and interest of students and to extend their discussion to IP topics beyond the course syllabus; and
- While there are divergent of approaches to the remuneration of PAL leaders, we would suggest that PAL leaders should be paid for their labour, in recognition of the significant contributions they make to student learning.

While PAL schemes have been originally designed to support high risk courses or those with high failure rates, our experience has been that the scheme also provides significant benefits to leaders and participants in final year intellectual property modules without those characteristics. In addition to helping students improve their results and understanding of the IP module, the PAL group discussions in IP enabled engagement with topics beyond the course syllabus, extended student knowledge of the law and contributed to a fun and enjoyable student experience of the subject.

Additional resources

- Useful material and training resources are available at the European Centre for SI-PASS at Lund University at <https://www.si-pass.lu.se/en/>
- Chris Keenan, Mapping student-led peer learning in the UK (2014, The Higher Education Academy) available at <https://www.advance-he.ac.uk/knowledge-hub/mapping-student-led-peer-learning-uk> provides an overview of the peer learning practices in the UK alongside examples of innovative practices.
- For studies on the successful use of PAL in law modules, see Maureen Donelan and Peter Kay, ‘Supplemental instruction: Students helping students’ learning at university college London (UCL) and university of central Lancashire (UCLAN)’ (1998) 32(3) *The Law Teacher* 287 and Tracey Carver, Peer Assisted Learning, Skills Development and Generation Y: a case study of a first year undergraduate law unit (2011) 37(3) *Monash University Law Review* 203.