

**EDUCATION AND EXAMINATION REGULATIONS GOVERNING THE ADVANCED MASTERS Intellectual Property Law and Knowledge Management (LLM) and Intellectual Property Law and Knowledge Management (MSc)**, as referred to in Article 7.13 of the *Wet op het Hoger Onderwijs en Wetenschappelijk Onderzoek (WHW)*, Higher Education and Scientific Research Act), for the academic year 2018-2019, approved and adopted by the Board of the Faculty of Law of Maastricht University (UM).

## **CHAPTER 1 GENERAL PROVISIONS**

### Article 1 **Applicability**

These regulations are applicable to the curriculum and examinations of the advanced master's programmes listed in the heading, which will be referred to as 'the programme' in the remainder of this document. The programmes are offered by the Faculty of Law, which will be referred to as 'the faculty' in the remainder of this document.

### Article 2 **Definitions**

In these regulations the following definitions apply:

- a. *WHW*: *Wet op het Hoger Onderwijs en Wetenschappelijk Onderzoek* (Higher Education and Scientific Research Act), referred to as 'the Act';
- b. Student: a person who is registered at Maastricht University for education and/or taking examinations, tests, or any other examination component of the programme;
- c. Course/skills training/tutorial/module: a study unit within the meaning of the *WHW*;
- d. Examination: an examination or test taken in order to complete a study unit;
- e. Study load: the master's programme has a study load of 60 ECTS credits; each credit represents a study load of 28 hours;
- f. Board of Examiners: the Board of Examiners referred to in Section 7.12 of the *WHW*;
- g. Director: the director of the Advanced Master Programme;
- h. Programme Coordinator: staff member of the International Affairs Office in charge of administrative affairs of the Programme.
- i. Examiner: a staff member appointed as such by the Board of Examiners as well as an external expert appointed as such;
- j. Products: papers, assignments and other individual work carried out by students which are considered to be part of the examination;
- k. Board of Admissions: the collective of the Director and the Deputy Director(s) in charge of admitting students to the Advanced Masters, as appointed by the Faculty Board; in addition, the Faculty Board may appoint external member(s);
- l. Profile: a coherent set of courses within a master's programme offered by the faculty.

The other terms in these Education and Examination Regulations have the meaning conferred to them by law.

### Article 3a **Objectives of the IPKM LLM programme**

The objectives of the IPKM LLM programme are the following:  
Graduates of the master's programme in Intellectual Property Law and Knowledge Management (LLM) possess the knowledge, insight and skills in the field of Intellectual Property Law and Knowledge Management, which they need to be able to independently

practise legal professions at academic level, such as that of academic researcher. In addition, they are able to participate in professional qualification programmes that may build on this master's programme. The student also possesses specialist knowledge of and insight to apply the knowledge and skills obtained in this study to an area of science that s/he is familiar with.

Article 3b

### **Objectives of the IPKM MSc programme**

The objectives of the IPKM MSc programme are the following:

Graduates of the MSc programme in Intellectual Property Law and Knowledge Management possess the knowledge, insight and skills in the field of intellectual property law and knowledge management which they need to be able to independently practise legal/patent professions at academic level, such as that of academic researcher. In addition, they are able to participate in professional qualification programmes that may build on this master's programme. The student also possesses specialist knowledge of and insight to apply the knowledge and skills obtained in this study to an area of science that s/he is familiar with.

Article 4

### **Form, organisation and duration of the programme**

The Advanced Master programmes are one-year, full-time programmes with a study load of 60 ECTS credits for IPKM (LLM/MSc) The Advanced Masters IPKM (LLM/MSc) are also offered as two-year, half-speed programmes with a total study load of 60 ECTS credits divided over two years.

Article 5

### **Examination**

The programme is completed by meeting all requirements listed below.

Article 6

### **Language of instruction**

The teaching activities and examinations in the Advanced Master's programmes will be given in English. Texts in other languages may also be used in both teaching and examinations, in particular French and/or German texts. See annex 2 for further details.

## **CHAPTER 2**

### **Content of the Advanced Master's Programmes**

Article 7a

#### ***Advanced Master's Programme in Intellectual Property Law and Knowledge Management (LLM)***

The advanced LLM programme in Intellectual Property Law and Knowledge Management includes the following components and related credits:

- *Common core courses (3 credits) and, where available, related (2 credits) LLM skills (mandatory):*
  - a) the course Principles of International Intellectual and Industrial Property Law (5 ECTS)
  - b) the course Copyright and Related Rights (5 ECTS)

- c) the course Law of Trade Marks, Geographical Indications and Unfair Competition (5 ECTS)
- d) the course Patent Law I (5 ECTS)
- e) the course Patent Law II (3 ECTS)
- f) the course Copyright and Designs (5 ECTS)
- g) the course EPC Claim Interpretation (2 ECTS)
- *IPKM LLM modules (mandatory):*
  - h) the module Global Policy and Economics of IP Law (2 ECTS)
  - i) the module IP Enforcement and Procedure (3 ECTS)
  - j) the module Comparative IP Litigation (3 ECTS)
  - k) the module Trade Marks, Copyright and Designs (3 credits)
  - l) the module Technology Transfer and Transaction Practice (3 ECTS)
- *IPKM electives (optional):*
  - m) intensive on IP in Asia (3 ECTS)
  - n) intensive on IP in the USA (3 ECTS)
  - o) intensive on Plant Variety Protection and Biotechnology (3 ECTS)
  - p) the module Managing and Financing IP (2 ECTS)
  - q) the module Competition Law, IP Licensing and Portfolio Management (2 ECTS)
  - r) the module Entrepreneurship, IP Management and Valorisation (5 ECTS)
  - s) the Annual IEEM IP Seminar and Professional Update, Macau<sup>1</sup> (3 ECTS)
  - t) the Community Trade Mark Intensive Module at EUIPO, Alicante<sup>1</sup> (2 ECTS)
  - u) the Community Design Intensive Module at EUIPO, Alicante<sup>1</sup> (1 ECTS)
  - v) an IPKM Mock Trial Competition<sup>1</sup> (2 ECTS)
  - w) the IPKM/EIPIN Honours programme<sup>1</sup> (2 ECTS)
  - x) Upon request to the programme Director and following approval by the Board of Examiners, modules offered in the context of IPKM may be chosen as elective. This includes mandatory MSc courses, but can be further extended to courses offered at the Brightlands campuses, or UM Campus Brussels.
- *IPKM LLM thesis (mandatory):*
  - y) the skills training on Legal English and Methodology, leading to independent research resulting in a thesis (6 ECTS)

#### Article 7b

##### **The Regulation of Innovation in Europe: Law, Policy and Practice**

Courses offered in the context of the joint programme between IPKM and Queen Mary University of London may be used towards obtaining the IPKM LLM degree, up to a maximum of 40 EC credits. Upon request to the programme Director and following approval by the Board of Examiners, the number of remaining IPKM (elective) courses and credits for the fulfilment of the LLM degree will be established. An IPKM LLM thesis is in any event part of the requirement for obtaining the IPKM LLM degree.

#### Article 7c

##### ***The Advanced Master's Programme in Intellectual Property Law and Knowledge Management (MSc)***

The advanced MSc programme in Intellectual Property Law and Knowledge Management includes the following components and related credits:

- *Common core courses (3 credits) and, where available, related (2 credits) MSc skills (mandatory):*
  - a) the course Principles of International Intellectual and Industrial Property Law (5 ECTS)
  - b) the course Copyright and Related Rights (5 ECTS)
  - c) the course Law of Trade Marks, Geographical Indications and Unfair Competition (5 ECTS)
  - d) the course Patent Law I (5 ECTS)
  - e) the course Patent Law II (3 ECTS)

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<sup>1</sup> Subject to availability

- f) the course Copyright and Designs (5 ECTS)
- g) the course EPC Claim Interpretation (2 ECTS)
- *IPKM MSc modules (mandatory):*
  - h) the module IP and Life Sciences (2 ECTS)
  - i) the module IP and Computer Science (2 ECTS)
  - j) the module EPC Procedure (2 ECTS)
  - k) the module EPC Claim Drafting (4 ECTS)
  - l) the module EPC Opposition (2 ECTS)
- *IPKM electives (optional):*
  - m) intensive on IP in Asia (3 ECTS)
  - n) intensive on IP in the USA (3 ECTS)
  - o) intensive on Plant Variety Protection and Biotechnology (3 ECTS)
  - p) the module Managing and Financing IP (2 ECTS)
  - q) the module Competition Law, IP Licensing and Portfolio Management (2 ECTS)
  - r) the module Entrepreneurship, IP Management and Valorisation (5 ECTS)
  - s) the Annual IEEM IP Seminar and Professional Update, Macau<sup>2</sup> (3 ECTS)
  - t) the Community Trade Mark Intensive Module at EUIPO, Alicante<sup>2</sup> (2 ECTS)
  - u) the Community Design Intensive Module at EUIPO, Alicante<sup>2</sup> (1 ECTS)
  - v) an IPKM Mock Trial Competition<sup>2</sup> (2 ECTS)
  - w) the PREMIUM IPKM/EIPIN Honours programme<sup>2</sup> (2 ECTS)
  - x) Upon request to the programme Director and following approval by the Board of Examiners, modules offered in the context of IPKM may be chosen as elective. This includes mandatory LLM courses, but can be further extended to courses offered at the Brightlands campuses, or UM Campus Brussels.
- *IPKM MSc thesis (mandatory):*
  - y) the skills training on Legal English and Methodology, leading to independent research resulting in a thesis (6 ECTS)

## Article 8

### **Additional provisions regarding the electives of the advanced master's programmes**

1

A maximum of 6 (IPKM) credits may be obtained by completing an internship. If a student obtains 6 credits by completing an internship within a single continuous course period, s/he may be exempted from taking the courses scheduled for that period, on condition that the internship complements the programme in terms of content. A proposal to that effect must be submitted to the Internship Coordinator for approval by the Director.

2

A maximum of 6 (IPKM) credits may be obtained by participating in a moot court approved by the faculty and on condition that the student is invited to participate. If a student obtains credits by participating in a moot court and the related preparations are mainly made within a single continuous course period, s/he may be exempted from taking the courses scheduled for that period.

3

Students may only make use of one of the possibilities mentioned above under article 8 paragraphs 1 and 2.

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<sup>2</sup> Subject to availability

## Article 9

### **Additional provisions regarding written assignments**

1

The master's thesis referred to in Articles 7a and 7b, is mandatory and must complement the programme in terms of content. The thesis shall be at least 8000 words in length. In case the thesis exceeds 10.000 words, approval of the supervisor is required.

2

The student chooses the topic of the thesis in consultation with the supervisor, and in line with the advanced master's thesis procedure and regulations available via the Academic Paper Dossier on the website. These regulations indicate further provisions on the procedure and deadlines for the master's thesis.

3

If one or more written assignments must be carried out as part of the programme, these assignments must be done individually unless the person responsible for the study unit concerned decides otherwise.

## Article 10

### **Additional provisions regarding internships (IPKM)**

1

Internship vacancies can be offered through the faculty. However, the student can also present a proposal for an internship for approval by the Director, who will then decide on the proposal within four weeks.

2

The Board of Examiners appoints a supervisor from the teaching staff for every internship. Credits can only be awarded for an internship if the supervisor approves the student internship report and forms a positive opinion of the information received from the Internship Office about the student's performance during the internship.

3

The student may complete no more than one internship under the guidance of a faculty supervisor.

4

In order to facilitate student internships, the Director and the Board of Examiners formulate additional guidelines, which must be complied with by the student.

## **CHAPTER 3 SITTING EXAMINATIONS**

### Article 11

#### **Scheduling and frequency**

1

The student is given the opportunity to sit examinations twice a year at a date and time determined by the Board of Examiners: the first opportunity is immediately after the study unit and the second opportunity in the course of the academic year, if possible after completion of the following course period.

2

The examiner may determine, through indication in the coursebook or EleUM prior to the start of the course, that written and/or oral assignments carried out in the course of the curriculum are also part of the examinations.

3

In special cases, the Board of Examiners may decide that an examination will be sat at a time other than that determined according to Paragraph 1, or that an extra resit will take place.

## Article 12

### **Forms of assessment**

1

The examinations are, in principle, written examinations. Written examinations also include computerised examinations. Based on a small number of candidates or the nature or content of a course, the Board of Examiners may decide that an examination will be taken orally or that an examination will include one or more written assignments, and/or oral assignments carried out in the course of the curriculum. The Board of Examiners will announce any such decision no later than two weeks before the examination date scheduled.

2

If they so request, students with a chronic disability or chronic illness will be given the opportunity to sit examinations in a manner which best accommodates their individual disability or illness. The Board of Examiners will, if necessary, request expert advice before taking a decision in such matters.

## Article 13

### **Oral examinations**

1

Oral examinations will be given to a maximum of one person at a time unless the Board of Examiners decides otherwise.

2

An oral examination is given by two examiners unless the Board of Examiners decides otherwise.

3

Oral examinations take place in public unless the Board of Examiners, upon a motivated request of the student or the examiner, decides otherwise.

## Article 14

### **General provisions on assessment**

The Board of Examiners may formulate additional regulations regarding examinations.

## **CHAPTER 4**

### **EXAMINATION RESULTS**

## Article 15

### **Determination and announcement**

1

The examiner determines the result of a written examination within four weeks, or 20 working days, whichever period is longer, after the date on which it is sat and provides the Education Office with the necessary information so that they can inform the student of the result. In special cases, the Board of Examiners may decide to deviate from this timeframe.

2

After an oral examination, the examiners immediately determine the result and provide the student with a written statement to that effect. If several students sit the same examination one after another, then the determination and announcement may be delayed for a maximum of one week.

3

If an examination is given in a fashion other than in writing or orally, the Board of Examiners will determine beforehand how and when the student will receive a written statement regarding the result.

Article 16

**Period of validity**

1

The period of validity for examination results is, in principle, unlimited.

2

For a component for which the examination was taken more than six years ago, the Board of Examiners may require an additional or a replacement examination.

Article 17

**Right of inspection**

1

Within ten working days after the date on which an examination result is announced, a student who has sat a written examination has the right to inspect his/her examination assessment at times and locations specified by the Board of Examiners. During this same period, other interested parties may, if they so request, be given the opportunity by the Board of Examiners to inspect the examination questions and assessment criteria.

To the extent that tests consist of multiple choice questions, no blanket permission will be given to inspect the assessment of the examination. In urgent cases, permission for inspection will be given by the Board of Examiners on an individual basis.

2

In the case of a computer-based examination, individual permission will be granted by the Board of Examiners to inspect the assessment of the work done if a written request is submitted to that end.

3

In consultation with the lecturer concerned, students may inspect assessments of written products within ten working days after the announcement of the results.

Article 18a

**Fraud**

1

'Fraud', including 'plagiarism', means actions or omissions by a student which make it impossible in whole or in part to properly evaluate his/her knowledge, understanding and skills.

2

'Plagiarism' means the presentation of ideas or words from one's own or someone else's sources without proper acknowledgment of sources.

3

If the Board of Examiners determines that a student has engaged in fraud with respect to an exam or exam component, the Board of Examiners can take appropriate measures.

4

In serious cases of fraud, the Board of Examiners can propose to UM's Executive Board that the student(s) concerned be permanently deregistered from the programme.

5

The Rules and Regulations include further provisions about what constitutes fraud and which disciplinary measures the Board of Examiners can impose.

Article 18b

**Unsuitability (Iudicium Abeundi)**

1

In exceptional circumstances and after carefully weighing the interests at stake, the Board of Examiners may, stating reasons, ask the Dean to request that the Executive Board terminate or deny a student's registration for a programme if, through his/her conduct or statements, the student shows that he/she is unsuitable to practice one or more professions for which the programme enrolled in is training him/her or is unsuitable for the practical preparation for the profession.

2

If the Dean of the faculty is asked by the Executive Board for a recommendation on a proposed termination or denial of registration based on the reasons stated in paragraph 1, the Dean will in turn ask for a recommendation from the Board of Examiners. The recommendation to the Dean will be supported by reasons.

Article 19

**Right of appeal**

1

If a decision by the examiner is announced to a student against which the student has the right to appeal, then the form on which the decision is announced will also notify the student that s/he has the right to appeal against the decision with the Board of Examiners.

2

If a decision by the Board of Examiners is announced to a student against which the student has the right to appeal, then the form on which the decision is announced will also notify the student that s/he has the right to appeal against the decision with the Board of Appeal for Examinations pursuant to Article 7.61 of the Act (this article has been attached to these regulations), as well as of the deadline for lodging such an appeal.

## **CHAPTER 5 EXEMPTION**

Article 20

### **Exemption from examinations and combination of programmes**

1

The Board of Examiners has the power to exempt a student from specific examination components if s/he has successfully completed examination components at an institute of higher education, which are equivalent with regard to content, study load and level.

2

Students who combine the IPKM/LLM and the IPKM/MSc programmes are allowed to incorporate the mandatory common core courses (30 credits) in both programmes. The remaining 30 credits per programme need to be filled in differently for each programme.

3

The power referred to in Paragraph 1 shall not be used if the student, by obtaining exemptions and/or combining the IPKM/LLM and IPKM/MSc programmes, needs to collect less than 24 additional credits other than the master's thesis in order to complete the programme.

4

No exemption is granted for the master's thesis.

5

The Board of Examiners does not grant exemptions in relation to exam components obtained outside of the programme during a period where the student was barred from taking exams within the programme due to fraud.

## **CHAPTER 6 MASTER'S DEGREE EXAMINATION**

Article 21

### **Degree; certificate**

1

Twice a year, the Board of Examiners decides on requests for awarding the master's certificate and final grade.

2

As proof that the master's examination was successfully completed, the Board of Examiners issues a certificate. The certificate is signed by at least two members of the Board of Examiners. The certificate is awarded in public unless the Board of Examiners decides otherwise in special cases.

3

Students who have successfully completed the master's degree examinations are awarded the LLM or MSc degree with the name of the master's programme added.

4

When the certificate is awarded, the examinee is also given a separate list of grades and a diploma supplement.

5

A student who has fulfilled the requirements for the master's examination, may request the Board of Examiners to stay the conferral of the degree, providing reasoned arguments.

6

The Board of Examiners may award the *cum laude* designation if the examinee has demonstrated exceptional competence. The student has demonstrated such exceptional competence in any case if s/he, without making use of resit arrangements has scored an average of 8/10 for all examination components with no score under 7/10. The epithet '*cum laude*' shall be recorded on the certificate.

## **CHAPTER 7 ADMISSION**

Article 22

### **English-language skills**

1

For all Advanced Master's Programmes English language proficiency must be demonstrated. The following evidence of proficiency in English will be accepted:

- a degree relating to an English-language bachelor's programme;
- An IELTS certificate (International English Language Testing System): at minimum overall score of 6.5 with no less than 6,5 in writing;
  - o alternatively an overall score of 7 or higher;
- An internet-based TOEFL certificate (Test of English as a Foreign Language): at minimum an overall score of 90 with no less than 25 in writing;
  - o alternatively an overall score of 100 or higher;
- a Cambridge certificate: CPE (Certificate of Proficiency in English) or (Certificate in Advanced English) equivalent to the test above will be accepted.

2

The Board of Admissions has the power to accept evidence of language skills other than those listed in paragraph 1, provided that these are comparable with regard to content and level.

Article 23

### **Certificate of Admission to the master's programme in Intellectual Property Law and Knowledge Management (LLM)**

A Certificate of Admission to the master's programme in Intellectual Property Law and Knowledge Management (LLM) is issued to:

a) those

- who have obtained a recognized Master's degree of Laws (or related fields) the level of which is comparable to that of a Dutch master's degree; and
- who possess sufficient English-language skills in accordance with the requirements set down in Article 22, and
- who have demonstrable knowledge of or practical experience in intellectual property law or knowledge management; and
- who have submitted a letter of motivation, written in English, the content of which has convinced the Board of Admissions, and
- who have submitted two letters of reference sent directly by the referee to the Board of Admissions, or enclosed in the application in a closed envelope, written in English, the content of which has convinced the Board of Admissions, and
- who have submitted an authenticated copy of grades obtained during their university studies, the content of which has convinced the Board of Admissions;

b) those

- who have obtained the degree of Bachelor of Laws (or related fields) at a Dutch University; and
- whose Bachelor degree is of a level equivalent to a *cum laude*; and

- who possess sufficient English-language skills in accordance with the requirements set down in Article 22, and
  - who have demonstrable knowledge of or practical experience in intellectual property law or knowledge management; and
  - who have submitted a letter of motivation, written in English, the content of which has convinced the Board of Admissions, and
  - who have submitted two letters of reference sent directly by the referee to the Board of Admissions, or enclosed in the application in a closed envelope, written in English, the content of which has convinced the Board of Admissions, and
  - who have submitted an authenticated copy of grades obtained during their university studies, the content of which has convinced the Board of Admissions;
- c) those
- who have obtained the degree of Bachelor of Laws (or related fields) at a University outside the Netherlands the level of which is comparable to that of the Dutch bachelor's degree, and
  - whose Bachelor degree is of a level equivalent to a cum laude or a 2.1 (upper second) degree; and
  - who possess sufficient English-language skills in accordance with the requirements set down in Article 22, and
  - who have demonstrable knowledge of or practical experience in intellectual property law or knowledge management; and
  - who have submitted a letter of motivation, written in English, the content of which has convinced the Board of Admissions, and
  - who have submitted two letters of reference sent directly by the referee to the Board of Admissions, or enclosed in the application in a closed envelope, written in English, the content of which has convinced the Board of Admissions, and
  - who have submitted an authenticated copy of grades obtained during their university studies, the content of which has convinced the Board of Admissions.

#### Article 24

#### **Certificate of Admission to the MSc programme in Intellectual Property Law and Knowledge Management**

A Certificate of Admission to the MSc programme in Intellectual Property Law and Knowledge Management is issued to:

a) those

- who have obtained a recognized Master's degree of Science or Technology (or equivalent) the level of which is comparable to that of a Dutch master's degree; and
- who possess sufficient English-language skills in accordance with the requirements set down in Article 22, and
- who have demonstrable knowledge of or practical experience in intellectual property law or knowledge management; and
- who have submitted a letter of motivation, written in English, the content of which has convinced the Board of Admissions, and
- who have submitted two letters of reference sent directly by the referee to the Board of Admissions, or enclosed in the application in a closed envelope, written in English, the content of which has convinced the Board of Admissions, and
- who have submitted an authenticated copy of grades obtained during their university studies, the content of which has convinced the Board of Admissions;

b) those

- who have obtained the degree of Bachelor of Science or Technology (or equivalent) at a Dutch University; and
- whose Bachelor degree is of a level equivalent to a cum laude degree; and
- who possess sufficient English-language skills in accordance with the requirements set down in Article 22, and

- who have demonstrable knowledge of or practical experience in intellectual property law or knowledge management; and
  - who have submitted a letter of motivation, written in English, the content of which has convinced the Board of Admissions, and
  - who have submitted two letters of reference sent directly by the referee to the Board of Admissions, or enclosed in the application in a closed envelope, written in English, the content of which has convinced the Board of Admissions, and
  - who have submitted an authenticated copy of grades obtained during their university studies, the content of which has convinced the Board of Admissions;
- c) those
- who have obtained the degree of Bachelor of Science or Technology (or equivalent) at a University outside the Netherlands the level of which is comparable to that of the Dutch bachelor's degree, and
  - whose Bachelor degree is of a level equivalent to a cum laude or a 2.1 (upper second) degree; and
  - who possess sufficient English-language skills in accordance with the requirements set down in Article 22, and
  - who have demonstrable knowledge of or practical experience in intellectual property law or knowledge management; and
  - who have submitted a letter of motivation, written in English, the content of which has convinced the Board of Admissions, and
  - who have submitted two letters of reference sent directly by the referee to the Board of Admissions, or enclosed in the application in a closed envelope, written in English, the content of which has convinced the Board of Admissions, and
  - who have submitted an authenticated copy of grades obtained during their university studies, the content of which has convinced the Board of Admissions.

## Article 25

### **Capacity restriction the Advanced Master Programmes**

1

Restrictions on student intake may be imposed if the number of students exceeds the teaching capacity of the IPKM programme

2

The Board of Admissions assesses the applications submitted in terms of admissibility and determines a ranking order. Only applications that have been submitted on time will be included in the ranking. The Board of Admissions honours the applications for admission in the order determined by it in accordance with Paragraph 3.

3

The ranking order is determined on the basis of the following criteria:

- a) results obtained in the bachelor's or master's programme on the basis of which the application for admission has been made; and
- b) the nature of the bachelor's or master's programme on the basis of which the application for admission was made; and
- c) the level of knowledge of international and/or European economic law (for the IEEL programme) and the level of knowledge in intellectual property law or knowledge management (for the IPKM programmes); and
- d) the level of English-language skills; and
- e) the content of the letter of motivation; and
- f) the content of the two letters of reference; and
- g) relevant extracurricular activities.

## **CHAPTER 8 STUDY COUNSELLING AND GUIDANCE**

Article 26

### **Study progress and counselling & guidance**

The Faculty Board ensures that the students registered for the degree programme are given adequate counselling and guidance. The study advisers are given access to relevant information on the student in order to be able to provide the student with individual counselling.

The faculty provides students, at their request, with an overview of the study results obtained by them.

## **CHAPTER 9 MONITORING STUDY PROGRESS**

Article 27

### **Study progress requirement**

1

In line with the Modern Migration Policy Act, students with a student visa must earn at least 50% of the credits allotted to an academic year to keep their visa. This requirement does not apply to exchange students or students who have transitioned from a university of applied sciences.

2

The study progress requirement is 30 credits each academic year. In principle, a student's total number of credits for an academic year includes all credits earned, including those earned as a result of exemptions.

3

UM is obligated to report to the IND each year if there are students who have not met the study progress requirement. The report on the study progress made by students over the past academic year is submitted in November.

4

If a student has not met the 50% requirement, s/he may be eligible for exemption from the study progress requirement. A student may only use the same reason for exemption once.

Article 28

### **Reasons for exemption:**

1

If the Faculty Board intends to issue a negative decision about whether a student meets the study progress requirement, that student will be given the opportunity to present personal circumstances that may have led to him/her not meeting the requirement.

2

Students may be eligible for exemption based on the following personal circumstances:

- Illness or pregnancy;
- Physical, sensory or other functional disability;
- Special family circumstances;
- Board position or administrative or social activities that the Institutional Board deems to be in the interests of the institution or the education the student is undertaking;
- An insufficiently feasible degree programme;
- Other causes that lead to considerable unfairness (hardship clause).

## **CHAPTER 10**

### **FINAL PROVISIONS AND IMPLEMENTATION PROVISIONS**

#### Article 29

##### **Mandate**

1

The exercise of the powers and authorities assigned to the Faculty Board and the Director(s) of the programme(s) concerned as specified in these regulations can be delegated to a staff member of the Education Office.

2

The exercise of the powers and authorities assigned to the Board of Examiners as specified in these regulations can be delegated to its chairperson or to one or more members of the Board of Examiners.

3

The Board of Admissions is mandated by the Faculty Board to take decisions on behalf of the Faculty Board with regard to the admission of candidates to the master's programmes referred to in these Regulations.

4

The Faculty Board mandates the dean to issue decisions on whether or not students have met the study progress requirement. The letters concerned may be signed by the dean. If the dean is absent, the person entrusted with the Education portfolio will be authorised to sign the letters. Hearings may be held on behalf of the Faculty Board.

Hearings and appeals are conducted on behalf of and with the permission of the Faculty Board by the chair of the Board of Examiners, or another member of the Board of Examiners designated by the chair to act as his/her deputy, and the Director of Studies, or an examiner designated by the Director of Studies to act as his/her deputy (this examiner may not be a member of the Board of Examiners).

#### Article 30

##### **Changes**

1

Changes to these Regulations can be made by a separate decision of the Faculty Board, after consulting the Director(s) of the programme(s) concerned.

2

In derogation of Paragraph 1, the Faculty Board may decide, upon consultation with the Director(s) of the programme(s) concerned, to add to the programme a subject to be taught by a guest lecturer.

3

No changes to these Regulations will be implemented which apply to the academic year in progress unless it can be reasonably assumed that the interests of the students will not be harmed as a result.

#### Article 31

##### **Hardship Clause**

The Board of Examiners is authorised to deviate from these Regulations in individual cases if, in its opinion, in view of the special circumstances, strict application of the Regulations would lead to unreasonable treatment or serious unfairness.

In cases regarding admissions the Faculty Board decides.

Article 32

**Unforeseen cases**

In those cases not covered by these Regulations, the Faculty Board decides.

Article 33

**Date of commencement**

These regulations will come into force on 1 September 2018 and will expire on 1 September 2019. Duly approved and adopted by the Faculty Board on 15 May 2018.

## **ANNEXES**

### **to the 2018/2019 Education and Examination regulations governing the Advanced Masters Intellectual Property Law and Knowledge Management (LLM and MSc)**

#### **ANNEX 1**

#### **Artikel 7.61 Wet op het Hoger Onderwijs en Wetenschappelijk Onderzoek**

##### **Artikel 7.61. Bevoegdheid college van beroep voor de examens**

1.

Het college van beroep voor de examens is bevoegd ten aanzien van de volgende beslissingen:

- a. beslissingen als bedoeld in de artikelen 7.8b, derde en vijfde lid, en 7.9, eerste lid,
- b. beslissingen inzake het met goed gevolg hebben afgelegd van het afsluitend examen, bedoeld in artikel 7.9d,
- c. beslissingen, niet zijnde besluiten van algemene strekking, genomen op grond van het bepaalde bij of krachtens titel 2 van dit hoofdstuk, met het oog op de toelating tot examens,
- d. beslissingen, genomen op grond van het aanvullend onderzoek, bedoeld in de artikelen 7.25, vijfde lid, en 7.28, vierde lid,
- e. beslissingen van examencommissies en examinatoren,
- f. beslissingen van commissies als bedoeld in artikel 7.29, eerste lid, en
- g. beslissingen, genomen op grond van de artikelen 7.30a en 7.30b met het oog op de toelating tot de in dat artikel bedoelde opleidingen.

2.

Het beroep kan, wat de openbare instellingen betreft in afwijking van hoofdstuk 7 van de Algemene wet bestuursrecht, worden ingesteld terzake dat een beslissing in strijd is met het recht.

3.

Alvorens het beroep in behandeling te nemen zendt het college van beroep het beroepschrift aan het orgaan waartegen het beroep is gericht, met uitnodiging om in overleg met betrokkenen na te gaan of een minnelijke schikking van het geschil mogelijk is, wat de openbare instellingen betreft in afwijking van afdeling 7.3 van de Algemene wet bestuursrecht. Ingeval het beroep is gericht tegen een beslissing van een examinator, geschiedt de in de voorgaande volzin bedoelde toezending aan de desbetreffende examencommissie. Indien de examinator tegen wie het beroep is gericht, lid is van de examencommissie, neemt hij geen deel aan de beraadslaging. Het desbetreffende orgaan deelt binnen drie weken aan het college van beroep, onder overlegging van de daarop betrekking hebbende stukken, mede tot welke uitkomst het beraad heeft geleid. Is een minnelijke schikking niet mogelijk gebleken, dan wordt het beroepschrift door het college in behandeling genomen.

4.

Het college van beroep beslist binnen tien weken gerekend vanaf de dag na die waarop de termijn voor het indienen van het beroepschrift is verstreken, wat de openbare instellingen betreft in afwijking van artikel 7:24, tweede lid, van de Algemene wet bestuursrecht.

5.

Indien het college van beroep het beroep gegrond acht, vernietigt het de beslissing geheel of gedeeltelijk. Het college is niet bevoegd in de plaats van de geheel of gedeeltelijk vernietigde beslissing een nieuwe beslissing te nemen, wat de openbare instellingen betreft in afwijking van artikel 7:25 van de Algemene wet bestuursrecht. Het kan bepalen dat opnieuw of, indien de beslissing is geweigerd, alsnog in de zaak wordt beslist, dan wel dat het tentamen, het examen, het toelatingsonderzoek, het aanvullend onderzoek of enig onderdeel daarvan opnieuw wordt afgenomen onder door het college van beroep te stellen voorwaarden. Het orgaan waarvan de beslissing is vernietigd, voorziet voorzover nodig opnieuw in de zaak met inachtneming van de uitspraak van het college van beroep. Het college kan daarvoor in zijn uitspraak een termijn stellen.

6.

Indien onverwijlde spoed dat vereist kan de voorzitter van het college van beroep een voorlopige voorziening treffen op verzoek van de indiener van het beroepschrift, onverminderd het bepaalde in artikel 7.66, tweede lid, en artikel 8:81 van de Algemene wet bestuursrecht. De voorzitter beslist op dit verzoek na het desbetreffende orgaan dan wel de desbetreffende examinerator te hebben gehoord, althans te hebben opgeroepen.

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**Unofficial translation of 'Artikel 7.61 Wet op het Hoger Onderwijs en Wetenschappelijk Onderzoek' for information purposes only:**

**Article 7.61. Powers of the Examination Appeals Board**

1.

*The Examination Appeals Board is empowered to take the following decisions:*

- a. decisions as referred to in Article 7.8b, paragraphs 3 and 5, and Article 7.9, paragraph 1,*
- b. decisions on whether a student has passed his or her final examinations, as referred to in Article 7.9d,*
- c. decisions that are not of general application and are taken on the basis of provisions laid down in or pursuant to Title 2 of this chapter, with regard to exam admissions,*
- d. decisions taken on the basis of additional assessment, referred to in Article 7.25, paragraph 5, and Article 7.28, paragraph 4,*
- e. decisions taken by boards of examiners and examiners,*
- f. decisions taken by committees as referred to in Article 7.29, paragraph 1, and*
- g. decisions taken on the basis of articles 7.30a and 7.30b regarding admission to the degree course referred to in that article.*

2.

*The appeal may be lodged in regard to a decision that is contrary to the law. In the case of public institutions, this shall take place in deviation from Chapter 7 of the General Administrative Law Act.*

3.

*Before processing the appeal, the Appeals Board will send the letter of appeal to the body against which the appeal is directed, inviting it to consult with the persons concerned to see whether an amicable settlement of the dispute is possible. In the case of public institutions, this shall take place in deviation from Chapter 7.3 of the General Administrative Law Act. If the appeal is directed against a decision made by an examiner, the letter of appeal referred to in the first sentence will be sent to the board of examiners concerned. If the examiner against whom the appeal is directed is a member of the Board of Examiners, s/he shall take no part in the deliberations. The body concerned will notify the Appeals Board of the outcome of those deliberations within three weeks and will submit the related documents to the board. If it has not been possible to reach an amicable settlement, the board will handle the appeal.*

4.

*The Appeals Board will reach a decision within ten weeks of the day after the submission deadline for the appeal. In the case of public institutions, this shall take place in deviation from Article 7:24, paragraph two of the General Administrative Law Act.*

5.

*If the Appeals Board deems the appeal founded, it will set aside the contested decision either in full or in part. The board is not empowered to take a new decision to replace the one that was fully or partially set aside. In the case of public institutions, this shall take place in deviation from Article 7.25 of the General Administrative Law Act. The Appeals Board may decide that a new decision be made or, in the event that a decision had been withheld, that a decision be taken, or it may rule that the examination, the entrance examination, the additional assessment or any part thereof may be retaken under conditions to be set by that same board. If required, the body whose decision was set aside*

*will provide for the case again in accordance with the ruling of the Appeals Board. The board may impose a deadline for compliance with its ruling.*

6.

*If prompt action is required, the chair of the Appeals Board may make a provisional decision at the request of the party who submitted the appeal, without prejudice to the stipulations in Article 7.66, paragraph 2, and Article 8.81 of the General Administrative Law Act. The chair will reach a decision regarding the request once the relevant body or relevant examiner has had an opportunity to state its or his/her case, or has been called upon to do so.*

## **ANNEX 2**

### **belonging to Article 6**

#### **Language of instruction**

The choice for the language of instruction of the programme is in line with the UM Code of Conduct on language in accordance with the Dutch Higher Education and Research Act (WHW) art. 7.2.

Because of the specific educational nature and profile of the Advanced Masters Intellectual Property Law and Knowledge Management (IPKM), teaching and examinations are conducted in English. This guarantees the quality of education, because:

- The content of the programme has an international orientation and focus, as IPKM prepares its graduates for a career in international and cross-border acquisition, prosecution and maintenance of intellectual property rights. IPKM is accredited by the European Patent Office (EPO) and is member to Pan-European Seal professional internship programme of the EPO and the EU Intellectual Property Office (EUIPO). The official languages of these European IP offices are English, French and German (and in addition for EUIPO Spanish). IPKM has chosen to educate in the English language as the most-used language in practice. This is evidenced by official publications, patent documents, and handbooks, which are predominantly available in English.
- The academic community is internationally oriented, and the staff is international, as the subject matter taught is closely related with aforementioned international and European organisations. EPO, EUIPO and the World Intellectual Property Organisation all employ persons from all over the globe. Furthermore, comparative law and practice is at the heart of the IPKM. Students are, therefore, exposed to teachers from various European, Asian and trans-Atlantic jurisdictions. External teachers and expert lecturers travel from the US, Asia and Europe to share their knowledge.
- The labour market demand is internationally oriented, as technology transfer and intellectual property licensing and management is not restricted by national borders. International law firms, multinational and research-driven corporations, international IP offices and organisations, technology transfer offices, and patent attorney firms all wish to hire English-speakers who have been educated in an international classroom.
- The student intake and current population is internationally diverse, and English is the common language. IPKM has an intake of persons with a prior degree in law, economics, political science, and science and technology. The common language of this multidisciplinary group is English. Furthermore, IPKM caters for an international career in intellectual property law and knowledge management. This is visible in the student population that comprises participants from all over the world, with a population hailing from over twenty different jurisdictions in any given year.