



**TOPIC:** University of Maryland University College: Post-baccalaureate Certificate in Intellectual Property, Digitization and Multi-Media

**COMMITTEE:** Education Policy

**DATE OF COMMITTEE MEETING:** January 26, 2011

**SUMMARY:** The proposed program will provide entrepreneurs, businesses, information and information technology professionals with needed expertise to profit from and manage intellectual property made accessible via digital networks. The program will provide working adults with strategies, resources and critical thinking skills to navigate difficult questions related to harnessing the power of mass digitization of copyrighted works and making those works available to the public.

Access to creative works via digital networks and devices such as cell phones, tablets, laptops. Additionally, the use of personal computers has become ubiquitous. Many social networking sites such as You Tube, Facebook, and Flickr serve as mass distributors of third party copyrighted material. These social media platforms have greatly expanded publishing and marketing venues readily available to individuals and companies. Individuals and business are using the power of digital networks for mass marketing of diverse copyrighted works, including text, video, audio, images, photos and graphics. The program will equip creators and users of intellectual property to harness the power of digital networks in an ethical and legal manner.

The development of social networks has created new distribution channels for copyrighted content such that 1.5 million pieces of creative content are shared on a daily basis, 24 hours of video are uploaded per day on social networks and users of blogs and Facebook are estimated at 200 million and 400 million, respectively. Intellectual property-related industries provide a higher compensation rate for workers: in 2007, average compensation per employee in intellectual property industries was \$73,554, compared to the total U.S. compensation per employee of \$56,817. By making intellectual property management expertise available to Maryland residents and the nation, UMUC will facilitate the enhancement of critical skills that are associated with higher salaries and will provide enhanced job opportunities in an employment sector that rivals traditional industries.

**ALTERNATIVE(S):** The Regents may not approve the program or may request further information.

**FISCAL IMPACT:** No additional funding is necessary. The program will be supported through tuition and reallocated funds in the first two years.

**CHANCELLOR'S RECOMMENDATION:** That the Committee on Education Policy recommend that the Board of Regents approve the proposal from University of Maryland University College to offer the Post-baccalaureate Certificate in Intellectual Property, Digitization and Multi-Media.

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COMMITTEE RECOMMENDATION:

DATE:

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BOARD ACTION:

DATE:

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SUBMITTED BY: Irwin Goldstein (301) 445-1992 irv@usmd.edu

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**University of Maryland University College**  
*Office of the Provost*

January 12, 2011

James E. Lyons, Sr., Ph.D.  
Secretary  
Maryland Higher Education Commission  
839 Bestgate Rd., Suite 400  
Annapolis, MD 21401

Dear Dr. Lyons:

I am writing on behalf of University of Maryland University College (UMUC) to request approval of a new Post-Baccalaureate Certificate in Intellectual Property, Digitization, and Digital Media, to be offered as a free-standing certificate and not part of any existing degree program. UMUC has sufficient internal resources to launch this certificate, and therefore no new resources are required. If approved by the Maryland Higher Education Commission, the new certificate will be offered beginning with the Fall 2011 semester.

The PBC is intended to help fill a critical need in the State of Maryland and the nation for individuals who have the knowledge needed to participate in the growing business sector that deals with the use and dissemination of creative works in digital environments. This certificate will be unique in the State of Maryland, as there are no existing programs that address this subject area.

We look forward to adding the proposed Post-Baccalaureate Certificate in Intellectual Property, Digitization, and Digital Media to our graduate-level offerings. If you have any questions or need additional information about the proposed program, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg von Lehmen".

Greg von Lehmen, Ph.D.  
Provost

cc: Dr. Irwin Goldstein  
Dr. Michael Frank

**UNIVERSITY SYSTEM OF MARYLAND INSTITUTION PROPOSAL FOR**

- New Instructional Program
- Substantial Expansion/Major Modification
- Cooperative Degree Program
- Within Existing Resources or
- Requiring New Resources

**University of Maryland University College**

Institution Submitting Proposal

**Post-Baccalaureate Certificate in  
Intellectual Property, Digitization and Digital Media**

Title of Proposed Program

**Post-Baccalaureate Certificate**

Degree to be Awarded

**Fall 2011**

Projected Implementation Date

**TBD**

Proposed HEGIS Code

**TBD**

Proposed CIP Code

**Graduate School of Management and  
Technology**

Department in which program will be  
located

**Michael S. Frank, Ph. D.**

Department Contact

**301-985-7200**

Contact Phone Number

**graddean@umuc.edu**

Contact E-Mail Address



Signature of President or Designee

**1/ 12 /2011**

Date

**University of Maryland University College**  
**Post-Baccalaureate Certificate in**  
**Intellectual Property, Digitization and Digital Media**

**Institutional Mission**

The mission of University of Maryland University College (UMUC) is to offer top-quality educational opportunities to adult students in Maryland, the nation, and the world, setting the global standard of excellence in adult education. By offering academic programs that are respected, accessible, and affordable, UMUC broadens the range of career opportunities available to students, improves their lives, and maximizes their economic and intellectual contributions to Maryland and the nation.

UMUC is a leader in adult education and expands career opportunities available to adult students in Maryland and the nation. Through its extensive online course and program offerings, UMUC fulfills its commitment to serving the educational needs of working adults.

**Rationale and Need for the Proposed Program**

UMUC is proposing to create a new Post-Baccalaureate Certificate (PBC) in Intellectual Property, Digitization and Digital Media to align with UMUC's mission to serve working adult students, and with UMUC's commitment to support the workforce needs of the State of Maryland. The proposed PBC will be a stand-alone certificate, not part of any existing degree program at UMUC. As a pioneer in disseminating information for purposes of education over digital networks, UMUC is uniquely positioned to offer the proposed certificate.

The proposed PBC in Intellectual Property will provide entrepreneurs, businesses, information and information technology professionals with needed expertise to profit from and manage intellectual property made accessible via digital networks. The Intellectual Property PBC will provide working adults with strategies, resources and critical thinking skills to navigate difficult questions related to harnessing the power of mass digitization of copyrighted works and making those works available to the public.

Access to creative works via digital networks and devices such as cell phones, tablets, laptops, and personal computers has become ubiquitous. Many social networking sites such as YouTube, Facebook, and Flickr serve as mass distributors of third party copyrighted material. These social media platforms have greatly expanded publishing and marketing venues readily available to individuals and companies. Individuals and business are using the power of digital networks for mass marketing of diverse copyrighted works, including text, video, audio, images, photos and graphics. The PBC in Intellectual Property will equip creators and users of intellectual property to harness the power of digital networks in an ethical and legal manner.

The subject area of the proposed PBC in Intellectual Property is complementary to the mission of UMUC's Graduate School of Management and Technology, with its emphasis on business, information technology, and more recently, cyber-security. The proper management of intellectual property in the digital environment is critical to the success of businesses, digital publishers and social media, education, libraries, archives, artists and entrepreneurs.

### **Market Demand**

The distribution of copyrighted works is an engine of economic growth for the U.S. economy. According to the 2009 report, *Copyright Industries in the U.S. Economy* (<http://www.iipa.com/pdf/IIPASiwerekReport2003-07.pdf>), the value added to the U.S. Gross Domestic Product (GDP) by core copyright industries (music, video, books, art, computer software, etc.) by 2007 was \$889.1 billion, or 6.44% of the U.S. economy. In 2007, copyright industry foreign exports surpassed other sectors of the U.S. economy at \$125.6 billion, beyond chemicals, motor vehicles, equipment and parts, aircraft and aircraft parts, the agricultural sector and food.

The development of social networks has created new distribution channels for copyrighted content such that 1.5 million pieces of creative content are shared on a daily basis, 24 hours of video are uploaded per day on social networks and users of blogs and Facebook are estimated at 200 million and 400 million, respectively.

Intellectual property-related industries provide a higher compensation rate for workers: in 2007, average compensation per employee in intellectual property industries was \$73,554, compared to the total U.S. compensation per employee of \$56,817. By making intellectual property management expertise available to Maryland residents and the nation, UMUC will facilitate the enhancement of critical skills that are associated with higher salaries and will provide enhanced job opportunities in an employment sector that rivals traditional industries.

### **Student Audience and Potential Careers**

The proposed PBC in Intellectual Property is designed for professionals who need training in and understanding of intellectual property law, policy, valuation and licensing in order to use and disseminate creative works in the digital environment. Students seeking understanding of the legal, business, technical and policy elements of mass digitization projects such as Google Books and the use of digital media and social networks to expand the possible uses of intellectual property will find this certificate a very useful, needed tool. Very little non-legal training exists that teaches the management of intellectual property for the benefit of for-profit and non-profit institutions. This certificate will bridge the gap in understanding and provide those who complete the certificate a strategic, competitive edge.

The PBC in Intellectual Property will be offered to a variety of baccalaureate-holding professionals in a wide range of disciplines, as well as those who are seeking new career opportunities. Certificate recipients may be highly competitive for the following types of positions:

- Technology Transfer Professionals
- Print and Digital Publishing Professionals
- Licensing Professionals
- Contract Compliance Professionals
- Information Technologists
- Network Managers
- Information Professionals and Librarians
- Information Management Professionals
- Marketing Professionals
- Public Relations Professionals
- Creative Artists
- Entrepreneurs and Small Businesses
- Course Developers
- Education Administrators

A job search on the CNNMoney.com site on December 15, 2010 for the various titles listed above yielded over 10,000 potential job openings in the Maryland and Washington, DC metropolitan area. Companies advertising relevant job openings included:

- IBM
- Booz Allen Hamilton
- Aerotek
- Raytheon
- Thomson Reuters
- Honeywell
- L-3 Communications
- Oracle
- SAIC
- BAE Systems
- Tyco
- Hewlett Packard
- CIA
- SAI
- Pearson Education
- BNA
- Symantec
- Boeing
- General Dynamics
- Northrop Grumman
- Living Social
- OPNET Technologies

### **Enrollment Projections**

Projected enrollments, consisting of part-time students, are as follows:

Year	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016
Student Headcount	10	20	40	60	80

We expect most students to complete the program in one academic year, so the number of graduates is expected to be similar to the enrollment projections above.

### **Program Duplication**

A review of MHEC's Academic Program Inventory indicates that no similar certificate programs are currently offered in the State of Maryland. The University of Baltimore offers a PBC in Information Design and another in New Media Publishing, but both appear to focus on technical rather than legal aspects of digital media.

UMUC itself presently offers a PBC in Library Services in Distance Education (HEGIS 050614, CIP 259999) as part of the Master in Distance Education Program. Although the Library Services certificate has one course that touches on intellectual property issues, the proposed PBC in Intellectual Property differs significantly from the Library Services PBC. The Intellectual Property component in the Library Services PBC is confined to one course, DETT 611 Library and Intellectual Property Issues in Distance Education. DETT 611 will not be part of the curriculum for the proposed Intellectual Property certificate as its intended audience is quite different. The Library Services certificate is aimed at libraries and librarians while the proposed PBC in Intellectual Property focuses on a much broader audience that includes information managers, technology transfer professionals, digital publishers, information technology and network managers, as well as educators. Furthermore, the focus of the PBC in Intellectual Property is exclusively intellectual property, licensing, business, technical and policy solutions for holistic intellectual property management rather than digital library services.

Another unique element of this proposed PBC is that it will be offered completely online, in conjunction with UMUC's Center for Intellectual Property, an organization that has developed expertise and pioneered the field of literacy in intellectual property management and leadership.

## **Characteristics of the Proposed Program**

### ***Educational Objectives and Catalog Description***

The PBC in Intellectual Property will focus on a variety of legal, ethical, technical and business issues that surround the dissemination of creative works in the digital environment. Although every person is impacted by mass digitization of copyrighted works due to the Internet, few opportunities exist for systematic, formal, non-legal training to help businesses, creators, users and technicians navigate the questions that arise from using and publishing content on the Web en masse. The proposed PBC in Intellectual Property will provide the needed understanding that businesses, entrepreneurs, information and information technology professionals, publishers, and educators need to mass digitize, publish and distribute intellectual property.

### ***Student Learning Outcomes***

Upon successful completion of the PBC in Intellectual Property, students will be able to:

- Assess whether and how copyright law impacts innovation, business development and technology;
- Describe key principles of copyright law and their application in the digital environment;

- Assess the effectiveness of various business models and technological solutions to manage intellectual property;
- Assess various case studies and case law related to fair use and the Digital Millennium Copyright Act;
- Analyze licenses and policy arrangements for intellectual property;
- Gain a broader understanding of the effect of digitization on both copyright holders and intellectual property users;
- Be able to articulate how digitization has altered the traditional balance of interests in copyright law;
- Acquire exposure to current digitization practices in various industries;
- Evaluate and critique institutional policies, procedures, and practices, including the those at their own institutions;
- Assess the pros and cons of various large scale digitization projects, such as Google Books;
- Gain an overview of the current litigation environment, including peer-to-peer file sharing activities;
- Choose appropriate risk management strategies.

UMUC's Graduate School of Management and Technology (GSMT) assesses students in all courses and programs for attainment of skills in writing, knowledge, technology fluency and critical thinking as well as content knowledge. The PBC in Intellectual Property will incorporate appropriate learning outcomes assessments under the GSMT plan.

### *Curriculum*

Successful completion of the PBC in Intellectual Property will require a total of 12 semester hours of course-work, consisting of three sequential courses, as follows:

#### **Required Courses:**

- CIPC 610 Understanding Intellectual Property Management (6 semester hours)
- CIPC 620 Digitization, Digital Media and Licensing (5 semester hours)

#### **Plus one course chosen from**

- CIPC 601 Open Access and Open Source (1 semester hour)
- CIPC 602 Copyright and Work for Hire (1 semester hour)
- CIPC 603 Fair Use and Licensing (1 semester hour)
- CIPC 604 Patents and Trademarks (2 semester hours)
- CIPC 605 International Copyright (1 semester hour)

The first course, **Understanding Intellectual Property Management**, is a 6 semester hour course and is the foundation of the certificate program. The next two courses expand on the concepts introduced in the Understanding Intellectual Property Management course. Specifically, the 5-credit **Digitization** course applies the Intellectual Property management concepts to specific mass digitization projects like Google Book Search and digital media use. Students are required to also take one elective for one or two semester hours on the subject of



their choice. The proposed PBC is designed as a stand-alone certificate and is not part of any existing degree program at UMUC. All of the courses are new courses being developed specifically for the proposed PBC.

### *Course Descriptions*

#### **CIPC 610 Understanding Intellectual Property Management (6 semester hours)**

Understanding Intellectual Property Management provides an overview of patents, trademarks and copyrights, yet focuses primarily on digital copyright. Students will understand the law of copyright ownership, registration, exemptions, the Digital Millennium Copyright Act and liability issues. Students will analyze various business models and technologies that seek to commercialize creative works and the technological protection measures intended to protect creative works on the Internet. The course will address policy development, valuation and licensing.

#### **CIPC 620 Digitization, Digital Media and Licensing (5 semester hours)**

The advent of digitization, combined with the widespread access to the Internet, has forever changed how we access and interact with information. Every one of us, in varying degrees, relies upon digital technology and digitized materials at work, home, and play. Our computers, cell phones, and other devices deliver digital content to us daily: e-mail, text messages, documents, e-books, journals, databases, and web sites with images, graphs, photos, and animations. We also use fax machines, scanners, digital recorders, cameras, memory cards, DVDs, CDs, HDTV, and game consoles. Almost invisible to us, too, are the digital elements embedded in our cars, appliances, security systems, and air conditioning. Our belief in the advantages and inevitability of a digitally dominated world, including digital versions of our cultural past, places us at a fascinating point in history where “born digital” and “digitized” works exist side-by-side. This raises numerous critical and important questions, particularly for copyright holders and for those who face the decisions of what, when, and how to digitize.

#### **CIPC 601 Open Access and Open Source (1 semester hour)**

This course will focus on twin themes born out of the Internet's culture of sharing and accessibility. First, students will explore the ideas and practices of producers and developers who create open source products with the goal of making the products' source materials widely available. We will also discuss some of the issues associated with copyright, licensing, and consumer use that have arisen within this environment. Second, the course will look at the growing movement of open access initiatives and the desire to make widely available online digital documents that are free of charge and free of most copyright and licensing restrictions.

#### **CIPC 602 Copyright and Work for Hire (1 semester hour)**

This course focuses upon the Work for Hire doctrine as defined in section 101 of the Copyright Act, an exception from the general rule that authors are the copyright owners. We will examine—and seek to clarify—some of the complex issues of authorship and ownership surrounding works prepared by employees within the scope of their employment and those

works specially ordered or commissioned for use in certain defined situations. This course will be of interest to those in both for-profit settings and nonprofit libraries and educational institutions.

### **CIPC 603 Fair Use and Licensing (1 semester hour)**

This course will teach management of licenses and address more complex rights issues as well as introduce new standards and best practices for those who already have some experience in the field of licensing. The course will also discuss what's at stake in exercising and defending fair use and other balancing features of copyright.

### **CIPC 604 Patents and Trademarks (2 semester hours)**

This course provides students with focused study in two areas of intellectual property not covered in depth in the IP management course, patents and trademarks. The course will provide an overview of the introductory elements of patentability and patentable subject matter, trademarks, trade dress and trade secrets. Goals for the course include the following: Understanding the differences between patents and trademarks; understanding the patent prosecution process; analyzing case studies and case law involving patent infringement; understanding trademarks and infringement cases.

### **CIPC 605 International Copyright (1 semester hour)**

Although copyright is governed primarily by the laws of individual nations, international treaties have shaped the scope and direction of domestic copyright law. The trend of enhanced influence on domestic law by international agreement is seen in the Anti-Counterfeiting Trade Agreement. Students in this course will understand the influence of international treaties and agreements on domestic law and be introduced to choice of law issues, public domain and authorship issues in the international context.

### **Program Faculty and Support Resources**

Since 1999, the Center for Intellectual Property at UMUC has provided continuing education to over 5,000 professionals in copyright management and leadership. The Center is a membership organization that recruits leaders from business, law, education and technology to serve on its Advisory Board, which assists the Center to develop and market relevant programs, resources and research. UMUC's Center for Intellectual Property serves as a resource not only to UMUC faculty and staff, but is nationally known for its leadership in the subject area. In 2004, the Center received the Community of Practice Exemplary Program Award—Conferences and Professional Programs from the University Continuing Education Association (UCEA). The Center has developed a widely acclaimed text on copyright management issues, *The Center for Intellectual Property Handbook* (Neal-Schuman Publishers, Inc., 2006).

Presently, the Center for Intellectual Property member community consists of approximately 17 institutions that have an average of 2,400 institutional employees, as well as approximately 350 individual members. Thus, a total of approximately 2,800 institutional employees and individuals utilize the Center's special resources and program discounts. This pool of individuals and

institutional employees represents the nucleus of a strong prospective market for the proposed PBC in Intellectual Property.

The Center for Intellectual Property member community provides programming, monthly Q&A sessions with experts, quarterly newsletters, tutorials, career networking opportunities, and scholarship exchange tools. The Center has also developed a non-credit certificate in Copyright Management and Leadership that has been well received by professionals. The success of the non-credit certificate is part of the impetus for development of the proposed PBC in Intellectual Property.

The Center for Intellectual Property at UMUC has nationally pioneered intellectual property management education, resource development and research. The Center for Intellectual Property staff, its member community, and its Advisory Board are working to develop national standards of practice that promote intellectual property literacy and fluency for non-profit organizations and information professionals. In light of UMUC's leadership in adult learning, the Graduate School of Management and Technology's expertise and Center for Intellectual Property's previous work in the field, the proposed PBC in Intellectual Property promises to effectively equip working adults in the proper management and distribution of intellectual property via digital networks.

All faculty who will teach courses for the proposed PBC hold the appropriate terminal or professional degrees and have expertise and experience in intellectual property management, digitization, licensing and digital media. Many of the faculty have worked with the Center for Intellectual Property for over ten years in delivery of non-credit professional training. The faculty for the proposed certificate consistently have received high evaluations from participants in programs offered by the Center for Intellectual Property. Additionally, several of the faculty have been Intellectual Property Scholars with the Center for Intellectual Property, developing writing, research and teaching on behalf of the Center. Quality of instruction is monitored by student evaluations and also in conjunction with the Center for the Support of Instruction (CSI). Faculty training and development will be enhanced by staff at UMUC's Center for Intellectual Property staff, Center for Support of Instruction and Center for Teaching and Learning. The following faculty have been identified to teach courses in the proposed PBC in Intellectual Property program:

- Tomas Lipinski, Ph.D., J.D.
- Peggy Hoon, J.D., M.S.
- Michael Carroll, J.D.
- Laura Gasaway, J.D.
- Kimberly M. Bonner, J.D.
- Pat Afderheide, Ph. D.
- Peter Jaszi, J.D.
- Arnold Lutzker, J.D.
- Tricia Davis, M.L.I.S.
- Maria Pallante, J.D.
- Elena Paul, J.D.
- John Calvert, J.D.

**Library Resources**

All UMUC graduate students are required to complete, within their first six credits of graduate study, the fully online course UCSP 611-Introduction to Graduate Library Research Skills. The course covers the appropriate use of online library and information resources. UMUC has sufficient library resources, and sufficient facilities and equipment, including its existing Center for Intellectual Property, to support the proposed program.

**Facilities and Equipment**

No additional facilities or equipment will be required to support the proposed program.

**Finance**

UMUC will require no new funds to develop and launch this program. UMUC will reallocate internal funds to cover the course development and marketing expenses of the first two years of the program; thereafter, the program will be fully self-supporting through tuition revenues, as shown in Tables 1 and 2 on the following pages.

TABLE 1: RESOURCES

Resources Categories	(Year 1)	(Year 2)	(Year 3)	(Year 4)	(Year 5)
1. Reallocated Funds	\$34,263	\$12,063	0	0	0
2. Tuition/Fee Revenue (c+g below)	\$45,000	\$67,200	\$144,000	\$230,400	\$336,000
a. #F.T. Students	0	0	0	0	0
b. Annual Tuition/Fee Rate	N/A	N/A	N/A	N/A	N/A
c. Annual Full Time Revenue (a x b)	N/A	N/A	N/A	N/A	N/A
d. # Part Time Students	15	20	40	60	80
e. Credit Hour Rate	\$250	\$280	\$300	\$320	\$350
f. Annual Credit Hours per student per year	12	12	12	12	12
g. Total Part Time Revenue (d x e x f)	\$45,000	\$67,200	\$144,000	\$230,400	\$336,000
3. Grants, Contracts, & Other External Sources	0	0	0	0	0
4. Other Sources	0	0	0	0	0
<b>TOTAL (Add 1-4)</b>	<b>\$79,263</b>	<b>\$79,263</b>	<b>\$144,000</b>	<b>\$230,400</b>	<b>\$336,000</b>

TABLE 2: EXPENDITURES

Expenditure Categories	(Year 1)	(Year 2)	(Year 3)	(Year 4)	(Year 5)
1. Total Faculty Expenses (b + c below)	\$8,100	\$8,100	\$27,000	\$54,000	\$81,000
a. # FTE (\$27,000 annual salary)	30%	30%	100%	200%	300%
b. Total Salary (Adjunct faculty)	\$8,100	\$8,100	\$27,000	\$54,000	\$81,000
c. Total Benefits	N/A	N/A	N/A	N/A	N/A
2. Total Administrative Staff Expenses (b + c below)	\$25,350	\$25,350	\$37,950	\$63,250	\$63,250
a. # FTE (\$100K annual salary)	20%	20%	30%	50%	50%
b. Total Salary	\$20,000	\$20,000	\$30,000	\$50,000	\$50,000
c. Total Benefits (26.5%)	\$5,350	\$5,350	\$7,950	\$13,250	\$13,250
3. Total Support Staff Expenses (b + c below)	\$15,813	\$15,813	\$15,813	\$38,400	\$38,400
a. # FTE (\$50,000)	25%	25%	25%	50%	50%
b. Total Salary	12,500	12,500	12,500	25,000	25,000
c. Total Benefits (26.5%)	\$3,313	\$3,313	3,313	\$6,700	\$6,700
4. Equipment	0	0	0	0	0
5. Library (see Overhead)	0	0	0	0	0
6. New or Renovated Space	0	0	0	0	0
7. Other Expenses (Course development, marketing, overhead)	\$30,000	\$30,000	\$40,000	\$60,000	\$80,000
<b>TOTAL (Add 1 - 7)</b>	<b>\$79,263</b>	<b>\$79,263</b>	<b>\$120,763</b>	<b>215,650</b>	<b>\$262,650</b>