

MEMORANDUM

TO: Students Enrolled in the I.P. Certificate Program

FROM: Tom Cotter

DATE: August 13, 2003

RE: Effect of the New Grading Policy on I.P. Certificate Eligibility

Since the inception of the i.p. certificate program, students earning the certificate have had to fulfill a variety of requirements. One of these requirements is that students must maintain a minimum 3.0 grade point average (gpa) in at least 15 credits' worth of courses or seminars from the i.p. core curriculum. I will refer to this as the "Minimum GPA Requirement." The contents of the core curriculum varies from time to time as new courses and seminars are added and old ones are dropped. At present, the core curriculum includes the following courses and seminars: Patents, Trademarks, Copyright, International I.P., Media Law, Patent Drafting I, Patent Drafting II, Trademarks 2, Trademark Prosecution, Advanced Copyright, I.P. Litigation, I.P. Theory, Licensing, Law of Cyberspace, Computers and the Law, Unfair Competition, and Telecommunications Regulation.

In April 2003, the faculty approved a new mandatory grading policy. Under the new policy, the mean grade point average for all courses and seminars must fall between 3.15 and 3.25, subject to modifications upward or downward in some instances. (Modifications are expected to be rare.) The new grading policy went into effect in summer 2003. The institution of the new grading policy necessitates a change in the Minimum GPA Requirement, because a 3.0 gpa should be easier to obtain under the new grading policy.¹

My goal is to adapt the Minimum GPA Requirement to the new grading policy as fairly as possible, so that no one is materially better or worse off under either system. Therefore, the i.p. program will adopt the following rules, starting immediately:

1. Students who completely satisfied the Minimum GPA Requirement prior to summer 2003, by maintaining a 3.0 gpa in 15 credits' worth of courses or seminars from the i.p. core curriculum,

¹Under the new policy, there will be some new grades as well—and some old grades will be worth different "points" than they were before. Under the old policy, the only grades were A (worth 4 points), B+ (3.5 points), B (3), C+ (2.5), C (2), etc. Under the new policy, possible grades include A+ (worth 4.3 points; the A+ grade, however, and all "minus" grades, will not go into effect until sometime in 2004, because this change in our grading policy requires approval from main campus), A (still worth 4 points), A- (worth 3.7 points), B+ (now worth only 3.3 points), B (still worth 3 points), B- (2.7), C+ (now worth only 2.3 points), C (still worth 2 points), and so on. Thus, a B+ and a C+ are worth a little less under the new system than under the old.

have fulfilled the Minimum GPA Requirement and don't have to worry about the new grading policy.

2. Students who begin taking courses and seminars counting towards the Minimum GPA Requirement in summer 2003 or thereafter must maintain a 3.30 gpa in 15 credits' worth of courses or seminars from the i.p. core curriculum. The principle is that, under the old grading policy, a 3.0 gpa was slightly above the 2.90-2.95 recommended grading curve for upper-level courses. A 3.30 gpa is slightly above the 3.15-3.25 mandatory grading curve under the new grading policy.

3. Students who fulfill the Minimum GPA Requirement partially from courses or seminars taken prior to summer 2002, and partially from courses or seminars taken in summer 2002 or thereafter, present a little more of a challenge, but nothing we can't handle.

To illustrate the challenge posed by students falling into this third category, consider the following hypothetical.² Alicia takes Patents (a 3-credit course) and Copyright (another 3-credit course) in spring 2003; she earns a B in Patents and a C+ in Copyright. She then takes International I.P., Trademarks, and Media Law in fall 2003, and earns an A in International I.P. and a B+ in Trademarks and Media Law. Her gpa in these 15 credits' worth of courses is 3.22. (You should be able to figure this out on your own, but if you need help see *infra* page 5. Again, note that a B+ is worth 3.5 points prior to summer 2003, but only 3.3 points thereafter.) Should this be good enough to satisfy the Minimum GPA Requirement? My intuition is that the answer is yes, because Alicia took 40% of the course work under the old grading system and 60% under the new one. The minimum gpa she needs to achieve should reflect this balance. That is, the minimum gpa she should try to attain is $(40\%)(3.0) + (60\%)(3.3) = 3.18$. She achieved this goal.

What's going to make this a little more difficult in practice is that some students take more than 15 credits from the core curriculum.³ Up to now, the policy of the i.p. program has been that students must earn a minimum 3.0 gpa in 15 credits' worth of courses or seminars from the core curriculum, so if a student took (say) 18 credits worth of these courses and seminars and earned (say) a 2.90 gpa in the 18, he could still earn the certificate if he attained a 3.0 gpa in 15 credits' worth. For example, this student might have earned a C in Trademarks, and the C is what pulls his gpa down to 2.90, but if Trademarks is removed from the mix the student earned better than a 3.0 in the remaining 15 credits, and thus he has satisfied the Minimum GPA Requirement. The question is how to come up with some way of preserving this policy as well, as we transition to the new system.

The following steps should provide a foolproof method for determining whether a student

²Note that it *is* just a hypothetical. Alicia hasn't taken a seminar, which is another requirement for the certificate, and the courses listed above are not all offered at the times set forth in the hypo. The hypothetical is just an easy way of illustrating a point.

³Some students take 16 credits, because of the combination of courses and seminars offered. For example, if Alicia took Patent Drafting I and II instead of Media Law, she would have 16 credits instead of 15. Other students take more than 15 or 16 credits for reasons of personal preference.

who takes core curriculum courses or seminars before and after summer 2003 has satisfied the Minimum GPA Requirement.

First, at the conclusion of your studies, list all of the following information on a worksheet like this one:

	(A)	(B)	(C)	(D)	(E)	(F)
<u>Name of course/seminar</u>	<u>Credits</u>	<u>Grade</u>	<u>Numerical Value of Grade</u>	<u>Semester</u>	<u>Credits x Numerical Value of Grade</u>	
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
13.						
14.						
15.						

Second, figure out which combination of courses and seminars totaling 15 or 16 credits you want to count toward the Minimum GPA Requirement. If you only took 15 or 16 credits, this is easy. Even if you took more, it should be easy to determine which ones to count: the ones in which you got the highest numerical grades. On the worksheet above, highlight these courses and seminars.

Third, figure out what your Minimum GPA Requirement will be, based on the highlighted combination of courses and seminars. Begin with this worksheet, taking into consideration *only* the courses and seminars you highlighted above.

(A)	(B)	(C)
Credits taken pre-summer 2003	Credits taken summer 2003 or thereafter	Total of columns A and B

Now use the following formula: $(3A + 3.3B)/C = X$. X is your Minimum GPA Requirement.

Fourth, calculate your actual gpa in the combination of courses and seminars you selected.

Let's try another illustration, to see how this works. Suppose that Alicia's first worksheet looks like this:

(A)	(B)	(C)	(D)	(E)	(F)
<u>Name of course/seminar</u>	<u>Credits</u>	<u>Grade</u>	<u>Numerical Value of Grade</u>	<u>Semester</u>	<u>Credits x Numerical Value of Grade</u>
1. Patents	3	C+	2.5	Fall 02	7.5
2. Copyright	3	B	3.0	Spr 02	9.0
3. I.P. Theory	2	A	4.0	Fall 03	8.0
4. Trademarks	3	B+	3.3	Fall 03	9.9
5. International IP	3	A	4.0	Spr 03	12.0
6. Unfair Competition	2	B+	3.3	Spr 03	6.6
7. Trademark Practice	2	B+	3.3	Spr 03	6.6

Alicia now must decide which combination of 15 or 16 credits she will count toward her Minimum GPA Requirement. It doesn't take long to figure out that she wants to count everything except Patents. The courses and seminar listed in rows 2 through 7 add up to 15 credits, so that will suffice.

Next, Alicia must calculate her Minimum GPA Requirement. Using the second worksheet:

(A)	(B)	(C)
Credits taken pre-summer 2003	Credits taken summer 2003 or thereafter	Total of columns A and B
3	12	15

Then using the formula, $((3 \times 3) + (3.3 \times 12))/15 = 3.24$. (If you want to use percentages instead, as we did on page 2, note that Alicia took 20% of the credits she is counting before the summer of 2003, and 80% thereafter, so her Minimum GPA Requirement is $(20\%)(3) + (80\%)(3.3) = 3.24$.)

Finally, Alicia calculates her own GPA in these 15 credits, to see if it is greater than or equal to 3.24. Fortunately, it is; it's 3.47. (Just add up the numbers in column F, rows 2 through 7, from page 4, and divide by 15.) So even without a transitional policy, Alicia would have satisfied a Minimum GPA Requirement of 3.3. This will probably be true in all or most cases; having a transitional policy is essentially a safety net.⁴

A final word of caution: all of the other certificate requirements remain in place, unchanged from their present form. Students earning the certificate must all take Patents, Copyrights, and Trademarks⁵ (even if, as in the immediately preceding example, the student doesn't count one or more

⁴Which means that, if you calculate your own gpa first and discover that it exceeds 3.3, you don't have to bother calculating your Minimum GPA Requirement. You don't need the benefit of the transitional rules.

⁵Students enrolled in law school prior to fall 2001 can substitute the I.P. Survey course for one of these. No student, however, whether enrolled in the certificate program or not, can take the I.P. Survey course if he has already taken (or would be taking the I.P. Survey course at the same time he is taking) *two* or more of the following: Patents, Copyrights, or Trademarks. For example, if you took Copyright in spring 2003 and want to enroll in both Patents and the I.P. Survey course in fall 2003, you can't do that. You can drop Patents and take the I.P. Survey course, or drop the I.P. Survey course and take Patents. Taking the I.P. Survey course after you have taken two or more of

of these in calculating her gpa requirement); they must all write an i.p.-related seminar paper, earning a grade of B or better (in principle, this requirement should change too, but we have enough to digest for the time being), in addition to satisfying the senior writing requirement (which requires another paper); and they must take at least two courses or seminars from the related curriculum, as defined in the program's prospectus and on the website.

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these other courses would give you an unfair advantage over the other students. As a general matter, students planning on earning the certificate should focus on the more advanced courses, not the survey course.