LAW 479

Information Technology Law

S1 External 2015

Dept of Law

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Disclaimer

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General Information

Unit convenor and teaching staff Unit Convenor Niloufer Selvadurai niloufer.selvadurai@mq.edu.au Contact via niloufer.selvadurai@mq.edu.au W3A 621 To be advised via lectures and iLearn LAW 479.
Credit points 3
Prerequisites (6cp in LAW or LAWS units at 300 level) or (39cp including MAS214)
Corequisites
Co-badged status
Unit description Cyberspace presents the law with many challenges. This unit introduces the basic legal issues raised by networked digital technologies such as the internet. Topics as diverse as jurisdiction; proprietary rights (copyright, trademarks, patents, domain names); privacy; e-commerce and its framework; and selected others are discussed. The emerging law and leading policy debates concerning information technology are studied.

Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at https://www.mq.edu.au/study/calendar-of-dates

Learning Outcomes

On successful completion of this unit, you will be able to:

Demonstrate an understanding of the fundamental principles of information technology law.

Articulate the specific rules of information technology law through closely examining legislation and case law.

Apply the law to hypothetical fact situations through analogising and distinguishing.

Provide legal advice through properly identifying legal issue(s), applying the relevant law to the identified issues, and accurately assessing the likely outcome.

Develop skills for designing new laws and for reforming existing laws by examining policy debates and law reform discourse as applied to new or emerging technologies areas. Present, articulate, and defend through oral legal reasoning responses to diverse questions within information technology law.

Assessment Tasks

Name	Weighting	Due
Class participation	20%	Tutorials 1-12
Assignment	20%	3 April 2015, 5pm
Take-home exam	60%	1 June 2015, 5pm

Class participation

Due: **Tutorials 1-12**
Weighting: **20%**

The tutorials are designed to extend the law outlined in the lectures through the consideration of specific issues discussed in scholarly articles, the intensive analysis of relevant cases, and the solving of hypothetical problem questions.

Tutorial Questions - The tutorial questions for each tutorial are found in the LAW 479 iLearn site under the relevant week.

Tutorial Readings - Students are expected to listen to lectures on Echo on iLearn, complete the required reading and come ready to discuss the questions outlined in the Tutorial Questions.

All students are encouraged to actively participate in each week's discussion. Attendance will be taken at all tutorials. External students are required to attend all of both days of the On-Campus Session.

Please refer to the assessment rubric for class participation on the LAW 479 i-learn site.

On successful completion you will be able to:

- Apply the law to hypothetical fact situations through analogising and distinguishing.

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- Develop skills for designing new laws and for reforming existing laws by examining policy debates and law reform discourse as applied to new or emerging technologies areas.
- Present, articulate, and defend through oral legal reasoning responses to diverse questions within information technology law.

Assignment

Due: **3 April 2015, 5pm**
Weighting: **20%**

Provide an analysis of a recent Australian case (handed down after 31 Dec 2010) or an Australian statute enacted after 31 Dec 2010 that addresses any aspect of information technology law.

- The selection of the case or statute will depend on your area of interest. You may, for example, select a case that illustrates how an established area of law applies to an emerging technology.
- Focus on the issues in the case or statute that relate to information technology law and the way in which the court or Parliament addressed the information technology issues involved.
- The analysis can include the background to the case or statute, the significance of the case or statute, and the likely effect of the case or statute.
- Please refer to the assessment rubric for the assignment on the LAW 479 i-learn site.
- Word limit of 1,500 not including footnotes. Footnotes to be confined to references.

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- Provide legal advice through properly identifying legal issue(s), applying the relevant law to the identified issues, and accurately assessing the likely outcome.
- Develop skills for designing new laws and for reforming existing laws by examining policy

debates and law reform discourse as applied to new or emerging technologies areas.

Take-home exam

Due: **1 June 2015, 5pm**
Weighting: **60%**

Content

The take-home exam will consist of three questions covering all material covered in the unit. Each question is worth 20%. The exam will consist of one problem solving question and two essay questions.

Word length

A maximum word length of 1,200 applies to each question (total of 3,600 words).

Duration

The take-home exam is designed to be completed in 4 hours. However, to provide flexibility, to support the multiple commitments of students and to accommodate disability, a period of three days will be provided for the exam. Even though this extended period of time is provided, only four hours will be needed for the exam.

Release and due dates

The Exam Questions will be posted on iLearn on Friday 29 May 2015 at 5pm. The Exam is due on Monday 1 June 2015 at 5 pm.

Mode of submission

Submission is via Turnitin on the LAW 479 iLearn page. (The exam icon will appear under the opening banner + image of computer).

All requests for special consideration must be via ask. Please do not email.

On successful completion you will be able to:

- Demonstrate an understanding of the fundamental principles of information technology

law.

- Articulate the specific rules of information technology law through closely examining legislation and case law.
- Apply the law to hypothetical fact situations through analogising and distinguishing.
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- Develop skills for designing new laws and for reforming existing laws by examining policy debates and law reform discourse as applied to new or emerging technologies areas.

Delivery and Resources

Prescribed textbook

- B Fitzgerald, A Fitzgerald, et al, *Internet and E-Commerce Law: Technology, Law and Policy,* Thomson Lawbook Co, 2015.

Note: The 2015 edition is due to publish in January 2015. If delayed, it will be necessary to purchase the earlier edition. Please consult iLearn LAW 479 and listen to Lecture 1 for updates in event of a delay.

Tutorial readings

- In addition to the prescribed text book, it is necessary to read the materials noted in the Tutorial Questions. The Tutorial Questions are found on the iLearn site. The Tutorial Readings are found on the iLearn site and in e-reserve.

Useful Journals

- *International Journal of Law and Information Technology,* Oxford University, UK.
- *Harvard Journal of Law and Technology,* Harvard University Press, USA.
- *Information Journal of Technology Policy and Law,* Inderscience Publications, Switzerland.
- *Media and Art Law Review*, University of Melbourne Press, Australia.
- *Northwestern Journal of Technology and Intellectual Property, Northwester University Press, Chicago, USA.*
- *Telecommunications Journal of Australia, Monash University Press, Australia.*
- *Pittsburgh Journal of Technology Law and Policy, Pittsburgh University Press, USA.*
- *Information and Communications Technology Law* 299-314, University of Surrey, UK.
- *Computer and Telecommunications Law Review,* Sweet & Maxwell, UK.
- *Computer Law and Security Review, Elsevier*, UK.

Legislation:

All Commonwealth and State statutes and regulations can be found at http://www.austlii.edu.au.

Ensure reference is made, wherever possible, to consolidated legislation.

Case Law:

For *reported case law*, use the Macquarie University library to access the:

Lawbookonline database (e.g. CLR, FCR, FLR, NSWLR);

Lexisnexis (Aus) database (e.g. ALR, IPR).

For *unreported case law*, use: http://www.austlii.edu.au.

Websites

See links to useful websites provided on LAW iLearn page.

Unit Schedule

Week	Date	Lecture (Uploaded on Echo)	Tutorial	Reading for Lecture	Reading for Tutorial
1	23 February	Lecture 1: Introduction	Tutorial 1	Fitzgerald Chapter 1	Reading prescribed under Week 1 on ilearn
2	2 March	Lecture 2: Jurisdiction	Tutorial 2	Fitzgerald, Chapter 2	Reading prescribed under Week 2 on ilearn
3	9 March	Lecture 3: E-contracts I	Tutorial 3	Fitzgerald, Chapter 7	Reading prescribed under Week 3 on ilearn
4	16 March	Lecture 4: E-contracts II	Tutorial 4	Fitzgerald, Chapter 7	Reading prescribed under Week 4 on ilearn

5	23 March	Lecture 5: Patents	Tutorial 5	Fitzgerald, Chapter 5	Reading prescribed under Week 5 on ilearn
6	30 March	Lecture 6: Trade marks and domain names	Tutorial 6	Fitzgerald, Chapter 6	Reading prescribed under Week 6 on ilearn
7	20 April	Lecture 7: Content Regulation	Tutorial 7	Fitzgerald Chapter 3	Reading prescribed under Week 7 on ilearn
8	27 April	Lecture 8: Copyright I	Tutorial 8	Fitzgerald, Chapter 4	Reading prescribed under Week 8 on ilearn
9	4 May	Lecture 9: Copyright II	Tutorial 9	Fitzgerald, Chapter 4	Reading prescribed under Week 9 on ilearn
10	22 May	Lecture 10: Internet Crime	Tutorial 10	Fitzgerald, Chapter 11	Reading prescribed under Week 10 on ilearn
11	18 May	Lecture 11: Consumer Protection and Security	Tutorial 11	Fitzgerald, Chapter 8	Reading prescribed under Week 11 on ilearn

12	25 May	Lecture 12: Privacy	Tutorial 12	Fitzgerald, Chapter 10	Reading prescribed under Week 12 on ilearn
13	Exam during this week. See above section on assessment.				

Policies and Procedures

Macquarie University policies and procedures are accessible from Policy Central. Students should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy http://mq.edu.au/policy/docs/academic_honesty/policy.html

Assessment Policy http://mq.edu.au/policy/docs/assessment/policy.html

Grading Policy http://mq.edu.au/policy/docs/grading/policy.html

Grade Appeal Policy http://mq.edu.au/policy/docs/gradeappeal/policy.html

Grievance Management Policy http://mq.edu.au/policy/docs/grievance_management/policy.html

Disruption to Studies Policy http://www.mq.edu.au/policy/docs/disruption_studies/policy.html *The Disruption to Studies Policy is effective from March 3 2014 and replaces the Special Consideration Policy.*

In addition, a number of other policies can be found in the Learning and Teaching Category of Policy Central.

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: https://students.mq.edu.au/support/student_conduct/

Results

Results shown in *iLearn*, or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in eStudent. For more information visit ask.mq.edu.au.

Student Support

Macquarie University provides a range of support services for students. For details, visit http://students.mq.edu.au/support/

Learning Skills

Learning Skills (mq.edu.au/learningskills) provides academic writing resources and study strategies to improve your marks and take control of your study.

- Workshops
- StudyWise
- Academic Integrity Module for Students
- Ask a Learning Adviser

Student Services and Support

Students with a disability are encouraged to contact the Disability Service who can provide appropriate help with any issues that arise during their studies.

Student Enquiries

For all student enquiries, visit Student Connect at ask.mq.edu.au

IT Help

For help with University computer systems and technology, visit http://informatics.mq.edu.au/help/.

When using the University's IT, you must adhere to the Acceptable Use Policy. The policy applies to all who connect to the MQ network including students.