



LAWS5029

Information Technology Law

Session 1, Intensive attendance, North Ryde 2020

Macquarie Law School

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General Information

Unit convenor and teaching staff

Convenor and Lecturer

Professor Niloufer Selvadurai

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6 First Walk, room 621

Wednesdays 9-10am during teaching term

Lecturer

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Lecturer

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Tutor

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Credit points

10

Prerequisites

(80cp in LAW or LAWS units) or (130cp including MMCC2014 or 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:

ULO1: Describe the fundamental principles of information technology law and articulate the specific rules of information technology law derived from legislation and case law.

ULO2: Critically analyse issues in information technology law and synthesise legal scholarship from both national and international sources

ULO3: Analyse and contribute to policy debates and law reform discourse as applied to new and emerging technologies.

Assessment Tasks

Coronavirus (COVID-19) Update

Assessment details are no longer provided here as a result of changes due to the Coronavirus (COVID-19) pandemic.

Students should consult [iLearn](#) for revised unit information.

[Find out more about the Coronavirus \(COVID-19\) and potential impacts on staff and students](#)

General Assessment Information

Class participation

Duration: **Tutorials 1-12 (internal students) and On Campus Session (external students)**

Weighting: **20%**

The tutorials are designed to extend the comprehensive and broad overview of IT law principles provided in the lectures by creating an opportunity for the in-depth consideration of selected specific issues. The tutorial discussion will be prompted by the consideration of scholarly articles, relevant cases, reform reports and the solving of hypothetical problem questions.

Tutorial questions - The tutorial questions for each tutorial are found in the LAWS 529 iLearn site under the relevant week.

Tutorial preparation and readings - Students are expected to listen to lectures on Echo on iLearn, complete the required readings (both the prescribed reading for the lectures and the tutorials) and come ready to discuss the questions outlined in the Tutorial Questions.

What do I do if I miss a tutorial?

If you miss **one** tutorial, please do **not** lodge an online Ask request. Instead, see your tutor at the start or end of class with relevant documentation. Please do not email your tutor or convenor.

If you miss **one or more consecutive tutorials**, please lodge an Ask Special Consideration application online at ask.mq.edu.au.

On campus session

External students are required to attend both days of the On-Campus Session.

Moderation

Class participation will be assessed on both the quality and regularity of participation. Class participation will be assessed on the following criteria:

Ability to critically discuss the material - the student is able to demonstrate reading and engagement with the reading materials and lectures for each week. This will be demonstrated by ability to answer relevant questions, responding to and participating effectively in class debates, and by asking questions to clarify anything not understood.

Oral expression - the student is able to verbally express their ideas about the materials in a clear, coherent, and concise manner;

Engaging with other students - the student engages with others in the class, displaying respect for others' opinions, active listening, constructive feedback and dialogue;

Further detail is provided in the Participation Rubric on the LAWS 529 ilearn site.

On successful completion you will be able to:

- 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.

Research Assignment

Due date: Thursday 9 April 2020

Weighting: **40%**

Question

Should copyright vest in original literary and artistic works that are autonomously generated by artificial intelligence (AI) systems? Alternatively, should a human creator be a pre-requisite for the vesting of copyright. Discuss with close reference to the *Copyright Act 1968* (Cth), relevant case law and the AI copyright law reform discourse in this area. In your answer you may consider relevant international developments.

Independent legal research: Please note that responding to this assignment question will require **independent legal research** that goes beyond the prescribed materials provided in lectures, tutorials and readings.

Word limit = 2,000 words, not including footnotes and bibliography. Footnotes need to be confined to citations. Citations should be in compliance with the *Australian Guide to Legal Citation*.

Submission method: All papers have to be submitted via Turnitin on the LAWS 529 ilearn. Please ensure that you are wholly happy with your paper before submitting. The system does not allow for automatic re-submission.

Marking Rubric for Research Assignment: Please see LAWS 529 ilearn page.

Moderation: The markers and convenor have a series of meeting to moderate the papers. The markers and convenor then undertake a process of blind marking of 10% of papers to establish an accurate and equitable marking standard. All Fail papers are double marked by the convenor

Other relevant information

Please note that plagiarism detection software is used in this unit.

On successful completion you will be able to:

- Undertake in-depth research of critical issues in information technology law utilising scholarly legal publications from both national and international sources.

Final Time-Limited Assessment

Due: **Friday 5 June, 10am-5pm** Weighting: **40%**

Content

The Final Time-Limited Assessment will consist of two questions potentially covering all the material covered in the unit. Each question is worth 20%. The assessment will consist of *either*: (a) one essay question and one problem solving questions; or (b) two essay questions.

Word length

A maximum word length of 1,200 applies to *each* answer. This amounts to a total of 2,400 words for the two answers.

Duration

7 Hours

Rubric for Final Assessment: The Rubric for the Final Assessment is available on ilearn.

Moderation

The markers and convenor have a series of meeting to moderate the papers. the markers and convenor undertake a process of blind marking of 10% of papers to establish an accurate and equitable marking standard. The rubric used in marking is available on ilearn. All Fail papers are double marked by the convenor.

Application for an extension

All applications for Special Consideration need to be made electronically via ask.mq.edu.au and should be accompanied by supporting documentation.

Please do not email to request an extension or email to seek the outcome of a lodge application via email. No information can be provide via email, all information will be provided via the Ask system.

Other relevant information

All assessments in the unit are to be submitted electronically via the Turnitin link on the iLearn page for this unit. Please note that plagiarism detection software is used in this unit.

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.
- 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.
- Undertake in-depth research of critical issues in information technology law utilising scholarly legal publications from both national and international sources.

Delivery and Resources

Coronavirus (COVID-19) Update

Any references to on-campus delivery below may no longer be relevant due to COVID-19.

Please check here for updated delivery information: https://ask.mq.edu.au/account/pub/display/unit_status

Prescribed textbook

- B Fitzgerald, A Fitzgerald, et al, *Internet and E-Commerce Law: Technology, Law and Policy*, Thomson Lawbook Co, 2nd edition, 2011. (Whilst old, this is the only comprehensive textbook on Australian IT law. Being a niche market, there is a lack of in-depth textbooks in this area)

Tutorial readings

- In addition to the prescribed text book, it is necessary to read the materials cited in the

Tutorial Questions. The Tutorial Questions are found on the iLearn site. The Tutorial Readings are also found on the iLearn site. Additional optional readings are also provided at this location.

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*, Northwestern 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

Coronavirus (COVID-19) Update

The unit schedule/topics and any references to on-campus delivery below may no longer be relevant due to COVID-19. Please consult [iLearn](#) for latest details, and check here for updated delivery information: https://ask.mq.edu.au/account/pub/display/unit_status

Week	Week commencing	Lecture (Uploaded on Echo)	Tutorial	Reading for Lecture	Reading for Tutorial
1	24 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	6 April RESEARCH ASSIGNMENT IS DUE IN WEEK 7 - Thursday 9 April 2020, 5pm, via Turnitin RECESS – 13 April - 26 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	11 May	Lecture 10: Internet Crime	Tutorial 10	Fitzgerald, Chapter 11	Reading prescribed under Week 10 on ilearn
11	18 May	Lecture 11: Online Consumer Protection, Competition 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	FINAL TIMED ASSESSMENT Friday 5 June 2020 10am-5pm via				

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- [Academic Appeals Policy](#)
- [Academic Integrity Policy](#)
- [Academic Progression Policy](#)
- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

Students seeking more policy resources can visit the [Student Policy Gateway](https://students.mq.edu.au/support/study/student-policy-gateway) (<https://students.mq.edu.au/support/study/student-policy-gateway>). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/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/study/getting-started/student-conduct>

Results

Results published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) 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 or if you are a Global MBA student contact globalmba.support@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 help you improve your marks and take control of your study.

- [Getting help with your assignment](#)
- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module](#)

The Library provides online and face to face support to help you find and use relevant information resources.

- [Subject and Research Guides](#)
- [Ask a Librarian](#)

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

If you are a Global MBA student contact globalmba.support@mq.edu.au

IT Help

For help with University computer systems and technology, visit http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/.

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources Policy](#). The policy applies to all who connect to the MQ network including students.