



# LAWS5023

## Intellectual Property Law

Session 2, Special circumstance, Other 2020

*Macquarie Law School*

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#### **Disclaimer**

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#### **Notice**

As part of [Phase 3 of our return to campus plan](#), most units will now run tutorials, seminars and other small group learning activities on campus for the second half-year, while keeping an online version available for those students unable to return or those who choose to continue their studies online.

To check the availability of face-to-face and online activities for your unit, please go to [timetable viewer](#). To check detailed information on unit assessments visit your unit's iLearn space or consult your unit convenor.

## General Information

Unit convenor and teaching staff

Convenor and Lecturer

Niloufer Selvadurai

[niloufer.selvadurai@mq.edu.au](mailto:niloufer.selvadurai@mq.edu.au)

Contact via iLearn LAWS5023 communications portals

6 First Walk Room Office 621

Fridays, 10am-11am

Lecturer

Rita Matulionyte

[rita.matulionyte@mq.edu.au](mailto:rita.matulionyte@mq.edu.au)

Tutor and On Campus Session teacher

Julian Dight

[julian.dight@mq.edu.au](mailto:julian.dight@mq.edu.au)

Credit points

10

Prerequisites

(80cp in LAW or LAWS units) or (130cp including (MMCC2014 or MAS214) or (BUSL250 and BUSL301) or (BUSL251 or ACCG2051)

Corequisites

Co-badged status

Unit description

This unit explores the various forms of intellectual property protected under statutory regimes and general law. The unit identifies and evaluates existing regimes of copyright, patents, plant breeders' rights, designs and trade mark, as well as the law of passing off and relevant aspects of unfair trading laws. The unit analyses the subject matter protected, conditions of such protection and what constitutes infringement for each head of protection. Students are taught to identify and explain the interrelationship and overlaps between different intellectual property regimes. Students learn how to apply intellectual property principles and policy in practical scenarios.

## 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 and analyse the fundamental principles of intellectual property law.

**ULO2:** Demonstrate detailed and comprehensive knowledge of the specific rules in intellectual property law through the close critique of legislation, case law and law reform policy discourse.

**ULO3:** Exhibit skills of legal analysis through the application of the law to hypothetical fact situations involving intellectual property law

**ULO4:** Identify intellectual property law issues and apply the relevant law to provide accurate legal advice, including where relevant, assessment of the likely outcome.

## General Assessment Information

### **GENERAL INFORMATION ON THE RESEARCH ASSIGNMENT - Due Friday 11 September 2020, 5pm**

**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 Citations*.

**Marking rubric** – Please see ‘Research Assignment Rubric’. This can be found on the ilearn website for LAWS5023 under the banner of ‘Assessment’.

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

**Submission method** – The assignment must be submitted via the Turnitin ‘Research Assignment’ icon. This can be found on the ilearn website for LAWS5023 under the banner of ‘Assessment’.

**Moderation** – The markers will have a series of meetings to moderate the marking of the Research Assignment. The markers and convenor undertake a process of moderation to mark 10% of the papers and establish an equitable and consistent standard. All Fail papers are double-marked.

**Late policy** - Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – two (2) marks out of 100 will be deducted per day for assignments submitted after the due time – and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline. No late submissions will be accepted for timed assessments – e.g. quizzes, online tests.

### **GENERAL INFORMATION ON THE FINAL ASSESSMENT TASK (TIMED) - Monday 2 November 2020 (Week 13), 10am-5pm**

**Both Question 1 and Question 2 need to be completed.**

**Questions released:** Monday 2 November 2020, at 10am

**Due date and time:** Monday 2 November 2020 by 5pm.

**Word count:** The word count for each answer is 1,200 words. This amounts to a total word count of 2,400 words for the two answers. The word count does not include footnotes. However, footnotes (if provided) must be confined to citations.

**Weighting:** The response to Question 1 will be worth 25% of the final mark. The response to Question 2 will be worth 25% of the final mark. The total weighting of this *Final Assessment Task* will hence be 50% of the final mark for this unit.

**Materials:** Please note that you do *not* need to confine yourself to sources considered in LAWS5023 lectures or tutorials/OCS. You are free to also consider sources which have not been discussed in lectures or tutorials.

**Footnotes and bibliography:** Not compulsory but may be provided. If provided, footnotes must be confined to citations.

**AGLC compliance:** Recommended but not compulsory. If the AGLC is not used, internal consistency of referencing is strongly encouraged.

**Marking rubric –** Please see ‘Final Assessment Task Rubric’. This can be found on the iLearn website for LAWS5023 under the banner of ‘Assessment’.

**Submission method –** The *Final Assessment Task* answers must be submitted via the Turnitin ‘Final Assessment Task’ icon. Emails will not be accepted.

**Late Policy –** As this is a timed assignment, the Late Policy does *not* apply. Non-completion of this timed assessment by the required time will result in a mark of 0 for this task *unless* Special Consideration is formally granted via the Ask online system. Please do attach any relevant medical or other documentation to your Special Consideration application. If Special Consideration is granted, the student will be invited to undertake a Supplementary Exam (also timed) at an alternative date.

## Assessment Tasks

| Name                                | Weighting | Hurdle | Due   |
|-------------------------------------|-----------|--------|---|
| <a href="#">Research Assignment</a> | 50%       | No     | Week 7 - Friday 11 September 2020             |
| <a href="#">Final Assessment</a>    | 50%       | No     | Week 13 - Monday 2 November 2020, 10am to 5pm |

## Research Assignment

Assessment Type <sup>1</sup>: Essay

Indicative Time on Task <sup>2</sup>: 27 hours

Due: **Week 7 - Friday 11 September 2020**

Weighting: **50%**

The Research Assignment task requires students to undertake detailed and comprehensive research on a particular issue in intellectual property law and construct a sophisticated and analytical argument to addresses the question presented.

On successful completion you will be able to:

- Describe and analyse the fundamental principles of intellectual property law.
- Demonstrate detailed and comprehensive knowledge of the specific rules in intellectual property law through the close critique of legislation, case law and law reform policy discourse.
- Identify intellectual property law issues and apply the relevant law to provide accurate legal advice, including where relevant, assessment of the likely outcome.

## Final Assessment

Assessment Type <sup>1</sup>: Quiz/Test

Indicative Time on Task <sup>2</sup>: 27 hours

Due: **Week 13 - Monday 2 November 2020, 10am to 5pm**

Weighting: **50%**

The final time-limited assessment task consists of questions selected from all material taught in the unit and may include essay style or hypothetical questions.

On successful completion you will be able to:

- Describe and analyse the fundamental principles of intellectual property law.
- Demonstrate detailed and comprehensive knowledge of the specific rules in intellectual property law through the close critique of legislation, case law and law reform policy discourse.
- Exhibit skills of legal analysis through the application of the law to hypothetical fact situations involving intellectual property law
- Identify intellectual property law issues and apply the relevant law to provide accurate legal advice, including where relevant, assessment of the likely outcome.

<sup>1</sup> If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
- the [Writing Centre](#) for academic skills support.

<sup>2</sup> Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

## Delivery and Resources

**PRESCRIBED TEXTBOOK - Intellectual property in Australia** / Andrew Stewart, William van Caenegem, Judith Bannister, Charles Lawson, Adam Liberman. **Author:** Andrew Stewart 1959-, **Additional Person Name:** William van Caenegem; Judith Bannister; Charles Lawson; Adam Liberman Type: Book ISBN: 9780409345780 LCCN: 2018377919 OCLC Number: 1012935338 Publisher: Chatswood, N.S.W. : LexisNexis Butterworths Publication Date: 2018 Edition: Sixth edition. Notes: Includes bibliographical references and index. Available At: Macquarie DIGITISATION COLLECTION (No Access, No Loan) KU1100 .S74 2018; Macquarie Level 1 / Level 2 KU1100 .S74 2018

**TUTORIAL READINGS - Please access via Leganto. Materials are arranged under Weeks 1-12.** If you are unfamiliar with using Leganto, the Library can assist.

## Unit Schedule

### Lecture schedule

| WEEK | TOPIC   |
|------|---|
| 1    | Introduction to intellectual property law                       |
| 2    | Copyright I - Subsistence                                       |
| 3    | Copyright II - Exploitation                                     |
| 4    | Copyright III - Infringement                                    |
| 5    | Designs I - Registration  |
| 6    | Designs II - Use and infringement of registered designs         |
| 7    | Trade Marks I - Registration                                    |
| 8    | Trade Marks II - Use and infringement of registered trade marks |
| 9    | Patents I - Registration  |

|    |   |
|----|---|
| 10 | Patents II - Use and infringement of registered patents |
| 11 | Commercialisation of intellectual property              |
| 12 | International perspectives                              |

### **Tutorial schedule**

Tutorials commence in Week 1 of semester and relate to the topic of that week's lecture.

**Weekly readings:** Please refer to the LAWS 5023 iLearn for the relevant Prescribed textbook chapter(s) and tutorial reading(s) required for each week. You can access the tutorial readings via Leganto. Please contact the Library help desk if you are unfamiliar with Leganto.

## **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](http://ask.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto: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](http://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](http://ask.mq.edu.au)

If you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto: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/](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.

## Changes from Previous Offering

A timed final assessment task will be introduced in 2020. This replaces the former four day take-home final assessment task.