



LAWS5023

Intellectual Property Law

Session 2, Weekday attendance, North Ryde 2021

Macquarie Law School

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Session 2 Learning and Teaching Update

The decision has been made to conduct study online for the remainder of Session 2 for all units WITHOUT mandatory on-campus learning activities. Exams for Session 2 will also be online where possible to do so.

This is due to the extension of the lockdown orders and to provide certainty around arrangements for the remainder of Session 2. We hope to return to campus beyond Session 2 as soon as it is safe and appropriate to do so.

Some classes/teaching activities cannot be moved online and must be taught on campus. You should already know if you are in one of these classes/teaching activities and your unit convenor will provide you with more information via iLearn. If you want to confirm, see the list of [units with mandatory on-campus classes/teaching activities](#).

Visit the [MQ COVID-19 information page](#) for more detail.

General Information

Unit convenor and teaching staff

Convenor, Lecturer and Tutor

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6 First Walk, room 507

Lecturer and Tutor

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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 intellectual property regimes such as copyright, patents, plant breeders' rights, designs, trade mark, 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 3 September 2021 (Week 6), 5pm

Word limit – 2,000 words excluding footnotes and bibliography. Footnotes should 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'.

Late policy - Unless a **Special Consideration** request has been submitted and approved, (a) a penalty for lateness will apply – 10 marks out of 100 credit will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted seven days (incl. weekends) after the original submission deadline.

GENERAL INFORMATION ON THE FINAL ASSESSMENT TASK (TIMED) - Wednesday 10th November 2021 (Exam Period), 5pm-9pm

Both Question 1 and Question 2 need to be completed.

Questions released: Wednesday 10th November 2020, at 5pm

Due date and time: Wednesday 10th November 2020 by 9pm.

Word count: The word count for each answer is 1,000 words. This amounts to a total word count of 2,000 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
<u>Research Assignment</u>	50%	No	17:00, 3/9/21

Name	Weighting	Hurdle	Due
Final Assessment	50%	No	17:00-21:00, 10/11/21

Research Assignment

Assessment Type ¹: Essay

Indicative Time on Task ²: 27 hours

Due: **17:00, 3/9/21**

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 address 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 ¹: Quiz/Test

Indicative Time on Task ²: 27 hours

Due: **17:00-21:00, 10/11/21**

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.

¹ 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.

² 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 by Andrew Stewart, William van Caenegem, Judith Bannister, Charles Lawson, Adam Liberman and Charles Lawson (Sixth Edition, LexisNexis Butterworths, 2018) Book ISBN: 9780409345780 LCCN: 2018377919 OCLC Number: 1012935338 Available At: Macquarie DIGITISATION COLLECTION (No Access, No Loan) KU1100 .S74 2018; Macquarie Level 1 / Level 2 KU1100 .S74 2018

OPTIONAL SECONDARY TEXTBOOK -

Australian Intellectual Property: Commentary, Law and Practice by Kathy Bowrey, Michael Handler, Dianne Nicol, Jane Nielsen and Kimberlee Weatherall (Third Edition, Oxford University Press, 2021) ISBN : 019032645X ISBN : 9780190326456

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
6	Business Reputation
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	IP enforcement / international dimensions
12	Other Intellectual Property Rights

Tutorial schedule

Tutorials commence in Week 1 of semester and will broadly relate to the topic of that week's lecture or readings specifically prescribed for the tutorial.

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 \(https://policies.mq.edu.au\)](https://policies.mq.edu.au). 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](#)

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

To find other policies relating to Teaching and Learning, visit [Policy Central \(https://policies.mq.edu.au\)](https://policies.mq.edu.au) and use the [search tool](#).

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/admin/other-resources/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.

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.

Changes since First Published

Date	Description
13/07/2021	Change of date and time for Final Assessment