



# LAWS8024

## Intellectual Property Law

Session 2, Online-scheduled-weekday 2022

*Macquarie Law School*

### Contents

<u>General Information</u>	2
<u>Learning Outcomes</u>	2
<u>General Assessment Information</u>	3
<u>Assessment Tasks</u>	4
<u>Delivery and Resources</u>	5
<u>Unit Schedule</u>	5
<u>Policies and Procedures</u>	6
<u>Changes from Previous Offering</u>	8

#### **Disclaimer**

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## General Information

Unit convenor and teaching staff

Unit Convenor

Rita Matulionyte

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Contact via email

Room 512, 6 First Walk

By appointment

Tutor

Vannessa Ho

Contact via email

Lecturer

Niloufer Selvadurai

Credit points

10

Prerequisites

Admission to LLM or MIntTrdeComLaw or (Admission to JD and LAWS600 or LAWS8001)

Corequisites

Co-badged status

Unit description

This unit provides an understanding of the principles and practice of intellectual property law, encompassing the law of copyright, designs, trade marks, patents and confidential information. The unit begins by considering the theoretical underpinnings of intellectual property law, and progresses to a detailed examination of the existing regulatory frameworks and an analysis of the present law reform discourse. The unit will provide students with a doctrinal understanding of the relevant legal principles, and equip students with the capacity to apply legal principles to complex factual circumstances.

## 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:** Explain and critique the fundamental principles of intellectual property law and demonstrate a sophisticated knowledge of the specific rules in intellectual property law through the close examination of legislation and cases.

**ULO2:** Display sophisticated skills of legal analysis through the application of intellectual property law to hypothetical fact

**ULO3:** Demonstrate highly developed skills in the design of new laws and the reform of existing laws through an examination of the policy debates and law reform discourse in key themes related to intellectual property law

## General Assessment Information

### GENERAL INFORMATION ON RESEARCH ASSIGNMENTS 1 AND 2

**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 LAWS8024 under the banner of ‘Assessment’.

**Independent legal research** – Please note that the research assignments will require independent legal research that goes beyond the prescribed readings for lectures and tutorials.

**Submission method** – The assignment must be submitted via the Turnitin ‘Research Assignment’ icon. This can be found on the ilearn website for LAWS8024 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 5% penalty (of the total possible mark) will be applied each day a written assessment is not submitted, up until the 7th day (including weekends). After the 7th day, a mark of ‘0’ (zero) will be awarded even if the assessment is submitted. Submission time for all written assessments is set at 11.55pm. A 1-hour grace period is provided to students who experience a technical issue. This late penalty will apply to non-timed sensitive assessment (incl essays, reports, posters, portfolios, journals, recordings etc). Late submission of time sensitive tasks (such as tests/exams, performance assessments/presentations, scheduled practical assessments/labs etc) will only be addressed by the unit convenor in a Special consideration application. Special Consideration outcome may result in a new question or topic.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Research Assignment</u>	50%	No	Week 8
<u>Research Assignment</u>	50%	No	Week 13

### Research Assignment

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

Indicative Time on Task <sup>2</sup>: 36 hours

Due: **Week 8**

Weighting: **50%**

The Research Assignment requires students to undertake detailed and comprehensive research on a particular issue of intellectual property law and present a sophisticated and analytical argument that address the set question. Students are expected to critically evaluate scholarly discourse, including international scholarship and law reform material, to construct well-informed arguments and recommendations.

On successful completion you will be able to:

- Explain and critique the fundamental principles of intellectual property law and demonstrate a sophisticated knowledge of the specific rules in intellectual property law through the close examination of legislation and cases.
- Display sophisticated skills of legal analysis through the application of intellectual property law to hypothetical fact
- Demonstrate highly developed skills in the design of new laws and the reform of existing laws through an examination of the policy debates and law reform discourse in key themes related to intellectual property law

### Research Assignment

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

Indicative Time on Task <sup>2</sup>: 36 hours

Due: **Week 13**

Weighting: **50%**

The Research Assignment requires students to undertake detailed and comprehensive research on a particular issue of intellectual property law and present a sophisticated and analytical

argument that address the set question. Students are expected to critically evaluate scholarly discourse, including international scholarship and law reform material, to construct well-informed arguments and recommendations.

On successful completion you will be able to:

- Explain and critique the fundamental principles of intellectual property law and demonstrate a sophisticated knowledge of the specific rules in intellectual property law through the close examination of legislation and cases.
- Display sophisticated skills of legal analysis through the application of intellectual property law to hypothetical fact
- Demonstrate highly developed skills in the design of new laws and the reform of existing laws through an examination of the policy debates and law reform discourse in key themes related to intellectual property law

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<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** - Stewart et al, *Intellectual Property in Australia* (6th ed., Lexis Nexis, 2017).

**Tutorial readings** - Access via Leganto. Readings are organised by weeks. If you are unfamiliar with Leganto, please contact the library helpdesk.

## Unit Schedule

WEEK	TOPIC
1-2	Introduction to intellectual property law; Copyright I
3-4	Copyright II and III
5-6	Designs and Protection of Business Information

7-8	Trade Marks
9-10	Patents
11-12	Other IP rights and enforcement

Note: the unit is offered in a semi-intensive (blocked) mode: tutorials will run every two weeks, 2-hours each.

**Weekly readings:** Please refer to the LAWS8024 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](#)
- [Assessment Procedure](#)
- [Complaints Resolution 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](https://ask.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@mq.edu.au)

## Academic Integrity

At Macquarie, we believe [academic integrity](#) – honesty, respect, trust, responsibility, fairness and courage – is at the core of learning, teaching and research. We recognise that meeting the expectations required to complete your assessments can be challenging. So, we offer you a range of resources and services to help you reach your potential, including free [online writing and maths support](#), [academic skills development](#) and [wellbeing consultations](#).

## Student Support

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

## The Writing Centre

[The Writing Centre](#) provides resources to develop your English language proficiency, academic writing, and communication skills.

- [Workshops](#)
- [Chat with a WriteWISE peer writing leader](#)
- [Access StudyWISE](#)
- [Upload an assignment to Studiosity](#)
- [Complete the 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

Macquarie University offers a range of [Student Support Services](#) including:

- [IT Support](#)
- [Accessibility and disability support](#) with study
- Mental health [support](#)
- [Safety support](#) to respond to bullying, harassment, sexual harassment and sexual assault
- [Social support including information about finances, tenancy and legal issues](#)

## Student Enquiries

Got a question? Ask us via [AskMQ](#), or contact [Service Connect](#).

## 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