



LAWS5023

Intellectual Property Law

Session 2, In person-scheduled-weekday, North Ryde 2023

Macquarie Law School

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General Information

Unit convenor and teaching staff

Convenor

Rita Matulionyte

rita.matulionyte@mq.edu.au

Contact via Contact via iLearn LAWS5023 communications portals

Lecturer

Daniela Simone

Tutor

Sebghatullah Qazi Zada

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

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.

Question - Available 2 weeks before the assignment is due via ilearn LAWS5023 portal.
See Turnitin ‘Research Assignment’ icon. This can be found on the ilearn website for LAWS5023 under the banner of ‘Assessment’.

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’. Emails will not be accepted.

Late Assessment Submission Penalty - Written (non-timed) assessment tasks

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.

GENERAL INFORMATION ON THE FINAL ASSESSMENT TASK

Questions released: Two weeks before the assignment is due, via ilearn
Submission via ilearn submission portal only. Emails will not be accepted.

Word count: 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*.

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 must be confined to citations. No bibliography is required

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. This can be found on the iLearn website for LAWS5023 under the banner of ‘Assessment’. Emails will not be accepted.

Late Assessment Submission Penalty - Written (non-timed) assessment tasks

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.

Assessment Tasks

Name	Weighting	Hurdle	Due
Research Assignment	50%	No	1/09/2023
Final Assessment	50%	No	27/10/2023

Research Assignment

Assessment Type ¹: Essay

Indicative Time on Task ²: 27 hours

Due: **1/09/2023**

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: **27/10/2023**

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 [William van Caenegem](#), [Judith Bannister](#), [Charles Lawson](#), [Adam Liberman](#), [Andrew Stewart](#). Seventh Edition, LexisNexis Butterworths, ISBN/ISSN: 9780409354898.

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

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. Tutorial activities and questions for each week are available on ilearn.

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 or if you are a Global MBA student contact 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 Advocacy](#) provides independent advice on MQ policies, procedures, and processes

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/.

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.