

# School of Taxation and Business Law

## TABL3781/TABL5517 INTELLECTUAL PROPERTY FOR BUSINESS

### Course Outline Semester 2, 2017

### Course-Specific Information

The Business School expects that you are familiar with the contents of this course outline. You must also be familiar with the Course Outlines Policies webpage which contains key information on:

- Program Learning Goals and Outcomes
- Academic Integrity and Plagiarism
- Student Responsibilities and Conduct
- Special Consideration
- Student Support and Resources

This webpage can be found on the Business School website:

<https://www.business.unsw.edu.au/degrees-courses/course-outlines/policies>

# Table of Contents

<u>COURSE-SPECIFIC INFORMATION</u>	<u>2</u>
<u>1 STAFF CONTACT DETAILS</u>	<u>2</u>
<u>2 COURSE DETAILS</u>	<u>2</u>
2.1 Teaching Times and Locations	2
2.2 Units of Credit	2
2.3 Summary of Course	2
2.4 Course Aims and Relationship to Other Courses	2
2.5 Student Learning Outcomes	3
<u>3 LEARNING AND TEACHING ACTIVITIES</u>	<u>4</u>
3.1 Approach to Learning and Teaching in the Course	4
3.2 Learning Activities and Teaching Strategies	4
<u>4 ASSESSMENT</u>	<u>5</u>
4.1 Formal Requirements	5
4.2 Assessment Details	5
4.3 Assessment Format	6
4.4 Assignment Submission Procedure	6
4.5 Late Submission and Penalties	9
<u>5 COURSE RESOURCES</u>	<u>9</u>
<u>6 COURSE EVALUATION AND DEVELOPMENT</u>	<u>10</u>
<u>7 COURSE SCHEDULE</u>	<u>11</u>

## COURSE-SPECIFIC INFORMATION

### 1 STAFF CONTACT DETAILS

**Lecturer-in-charge:**

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Phone No: +61 2 9385 7631

Email: [kayleen.manwaring@unsw.edu.au](mailto:kayleen.manwaring@unsw.edu.au)

Consultation times – as announced in seminars and by appointment

Students should contact staff by email using their **official university email address**.

However, emails to the Lecturer-in-Charge should be limited to short administrative questions that can generally be answered with a yes/no answer. **Do not expect staff to reply to emails which request extensive or substantive answers to the material that is being taught. Such questions should be directed to academics during seminars or during a consultation appointment.**

### 2 COURSE DETAILS

#### 2.1 Teaching Times and Locations

Seminars start in Week 1 and finish in Week 12.

The time and location for each seminar is:

Stream	Day and Time	Location
Day	Tue 3-6pm	Webster 302

#### 2.2 Units of Credit

The course is worth 6 units of credit. This course is taught in parallel to both undergraduate and postgraduate students. The course materials are the same for both cohorts.

#### 2.3 Summary of Course

This course examines the primary common law and statutory regimes which provide legal protection for knowledge creation and invention. The legal areas examined are: copyright, design, patent, registered and unregistered trade marks, passing off, confidential information and trade secrets including restraint of trade limitations.

Although the course concentrates on primarily domestic (Australian) law, reference will be made to the international protection of intellectual property through multilateral treaties including the WTO, TRIPS and WIPO, as well as contrasting other domestic law (eg USA, UK and EU) regimes where relevant.

All the seminar materials are based upon contemporary commercial and legal developments, and these materials are designed to illustrate the practical relevance of the topics studied.

## 2.4 Course Aims and Relationship to Other Courses

Intellectual Property for Business is designed to introduce students to:

- the intellectual property regimes available for knowledge protection and creation, and
- the way these legal regimes can be used proactively to protect information, knowledge and other business goodwill.

Knowledge of and an ability to recognise and manage knowledge and its legally protected form, intellectual property, is crucial to today's business environment and therefore relevant to all UNSW Business disciplines. Intellectual property law is particularly relevant to the disciplines of:

- Marketing, whose primary 'product' is protected by intellectual property;
- Information Systems, which deals with and uses knowledge as the core concept of its discipline;
- Accounting, which requires its practitioners to recognise, value and report on the goodwill and other intellectual property assets of firms.
- Strategy and Entrepreneurship, as it is IP which typically enshrines value and underpins investment.

## 2.5 Student Learning Outcomes

The Course Learning Outcomes are what you should be able to DO by the end of this course if you participate fully in learning activities and successfully complete the assessment items.

The Learning Outcomes in this course also help you to achieve some of the overall Program Learning Goals and Outcomes for all coursework students in the Business School. Program Learning Goals are what we want you to BE or HAVE by the time you successfully complete your degree (e.g. 'be an effective team player'). You demonstrate this by achieving specific Program Learning Outcomes - what you are able to DO by the end of your degree (e.g. 'participate collaboratively and responsibly in teams').

The following table shows how your Course Learning Outcomes relate to the overall Program Learning Goals and Outcomes, and indicates where these are assessed (they may also be developed in tutorials and other activities):

For more information on the Program Learning Goals and Outcomes, see: <https://www.business.unsw.edu.au/degrees-courses/course-outlines/policies>

The following table shows how your Course Learning Outcomes relate to the overall Program Learning Goals and Outcomes, and indicates where these are assessed (they may also be developed in tutorials and other activities):

Program Learning Goals and Outcomes	Course Learning Outcomes	Course Assessment Item
<i>This course helps you to achieve the following learning</i>	<i>On successful completion of the course, you should be able to:</i>	<i>This learning outcome will be assessed in the following items:</i>

<i>goals for all Business coursework students:</i>			
1	Knowledge	Explain the principles of law in the statutory and common law IP regimes examined in the course and how they relate to potential individual factual circumstances encountered in the business environment	<ul style="list-style-type: none"> <li>• Seminar Briefing</li> <li>• Research Project</li> <li>• Course participation</li> </ul>
2	Critical thinking and problem solving	Analyse a range of legal source material and explain how the legal principles identified relate to and possibly resolve unique individual factual circumstances encountered in the business environment	<ul style="list-style-type: none"> <li>• Seminar Briefing</li> <li>• Research Project</li> <li>• Five Minute Thesis Competition</li> </ul>
3a	Written communication	Construct written work which is logically and professionally presented and relates to the factual circumstances proposed.	<ul style="list-style-type: none"> <li>• Seminar Briefing</li> <li>• Research Project</li> <li>• Course participation</li> </ul>
3b	Oral communication	Communicate ideas, reading and research in a succinct, relevant and clear manner.	<ul style="list-style-type: none"> <li>• Seminar Briefing</li> <li>• Five Minute Thesis Competition</li> <li>• Course participation</li> </ul>
4	Teamwork	Effectively work in a team to solve a problem and present your solution to others.	Team process is not specifically assessed in this course. However, the Seminar Briefing is a Group assessment task that requires students to draw upon previous teamwork learning and practise their teamwork skills.
5a.	Ethical, environmental and sustainability responsibility	Identify and assess ethical considerations relating to the internet usage and, copyright and patent laws.	<ul style="list-style-type: none"> <li>• Seminar Briefing</li> <li>• Research Project</li> </ul>
5b.	Social and cultural awareness	Identify and discuss social and cultural impacts and/or historical developments that shape the legal rules examined in the course.	<ul style="list-style-type: none"> <li>• Seminar Briefing</li> <li>• Research Project</li> <li>• Course participation</li> </ul>

### 3 LEARNING AND TEACHING ACTIVITIES

#### 3.1 Approach to Learning and Teaching in the Course

This course is conducted with the aim of promoting student-centred learning. This aim will be achieved by requiring students to engage with the topics presented in the course through independent research in addition to readings in the textbook, relevant legislation, cases and consideration of the materials distributed for each class, including other student's seminar slides, case report slides and research papers.

Students will also be encouraged to read widely in daily newspapers and on the internet sites suggested in the course materials to obtain an understanding of the currency and importance to business of the course content. Students are expected to understand rather than memorise the material raised in the course; to apply and analyse relevant legal information rather than merely regurgitate it.

### 3.2 Learning Activities and Teaching Strategies

Intellectual Property for Business is conducted in weekly three hour seminars which will comprise several components – a short presentation by the lecturer, a detailed team and full class discussion of the seminar problems scheduled for that class and presentation of assigned research tasks and papers. The relatively small enrolment in the course enables the weekly meetings to be structured as an interactive class. Materials distributed and issues scheduled for discussion, including students' research tasks and papers, **must be prepared in advance and participation in discussions in the class is a course requirement.**

## 4 ASSESSMENT

### 4.1 Formal Requirements

In order to pass this course, you must:

- achieve a composite mark of at least 50; and
- make a satisfactory attempt at all assessment tasks (see below);
- satisfactorily complete all in-seminar and out-of-seminar activities allocated by the lecturer; and
- comply with the attendance rules set out in <https://www.business.unsw.edu.au/degrees-courses/course-outlines/policies>.

Whilst there is no requirement that a student attain 50% or more for each piece of assessment, there is, however, a requirement that the student achieve a result that indicates the student genuinely attempted the assessment.

Where a student achieves a total mark of 50/100 (therefore 50%) or more in the course, but fails to demonstrate a satisfactory level of performance in each form of assessment prescribed, the student may be awarded an UF grade (unsatisfactory fail).

If you attend less than 80% of scheduled classes **you may be refused final assessment and fail the course.** Attendance may be recorded by roll **and/or** the satisfactory completion of in-seminar and out-of-seminar activities as allocated by your lecturer.

## 4.2 Assessment Details

Assessment Task	Mark	Length	Due Date
Research Project	50	Plan: 800-1000 words  Assignment: 4000 words	Research plan – due 1pm Tue 12 September  Research assignment – due 9pm Sun 29 October  (See also interim milestones in section 4.3(a))
Five Minute Thesis Competition	5	5 mins plus question time (with visual aid)	Weeks 11 and 12 as allocated
Group Seminar Briefing	15	Up to 15 mins (with detailed ppt)	As allocated Weeks 4-10  Ppt due in Moodle at <b>Thu 9am</b> before seminar
Course engagement	30	See 4.3(d)	Written and oral components <ul style="list-style-type: none"> <li>- <b>Weekly</b> written feedback on prescribed readings: <b>due every Sun 9pm from Week 2</b></li> <li>- Other components are continuous or Week as allocated (See 4.3(d))</li> </ul>
Total	100		

## 4.3 Assessment Format

### a) Research project

Students will create their own research project, on any IP-law related research question agreed upon by the lecturer and the student. Projects can involve foreign jurisdictions, but they must include some component discussing Australian law.

### Research project components

Date	Milestone	Detail
Week 2 9 pm Sat 5 August	Research Question	Brief topic suggestion indicating IP area of interest and draft research question (by email to Lecturer)
Weeks 3 and 4 (7 Aug to 18 Aug)	Interview	Individual meeting(s) with lecturer outside class to discuss and focus topic selection  (Book via Moodle)
See 4.2 above	Research Plan (800-1000 words)	The research plan should include the final Research Question/s and indicate each major area to be discussed with relevant sub-points.  The Research Plan also needs to include a bibliographical list (with full citations) of the

		literature (articles, cases and legislation) that the student has researched to date in relation to their research topic.  Submit via Moodle
See 4.2 above	Research Assignment (4000 words)	Submit via Moodle  After submission, your research paper will be made available to the whole class to read, unless you request the Lecturer-in-Charge to keep it private.

**A note as to word limits:** in both the Research Paper and Research Plan, the bibliography and footnotes (where they are limited to citations) are **excluded** from the word limit. If the footnotes are explanatory in nature, they should be included in the word count.

### b) Five Minute Thesis Competition

In Week 11 and Week 12 seminars, students will have a maximum of 5 minutes to present their draft Research Paper. You will also be required to answer questions about your paper (you will be given more time for this). A mere reading of the paper is neither appropriate nor possible in the time allowed. **You must submit any visual aids you are using to the Five Minute Thesis Competition Forum on Moodle by Monday 9pm on the day before your presentation.**

The point of this presentation is to help you diagnose any potential problems with your draft paper. Preparing this presentation will help you understand your draft paper at a high level and give you the chance to receive feedback, especially on structure and coherence of argument. In preparing this presentation, you may wish to investigate the technique of the “reverse outline”. Dr Inger Mewburn at ANU has a good short description of the technique at <https://docs.google.com/viewer?a=v&pid=sites&srcid=ZGVmYXVsdGRvbWFpbmX0d2JsYWNRbGluZW1hc3RlcN8Z3g6YWZkYTQ0ZjFmMjZiNjBi>.

**Students are expected to ask questions and provide comments on your paper, as part of their course participation mark.**

Students will also vote for the best presentation in each of Weeks 11 and 12.

### c) Seminar Briefing (team)

Teams of students will be allocated a particular “problem” or “issue”, in respect of which they are expected to lead the class discussion in that week. No written report is required; however visual aids are expected. At least one student in each team must present/argue a critical position to the position presented by the other students.

**See the Seminar briefings links in the Seminar Guide on Moodle for allocation and submission procedures.**

### d) Course participation

The Course participation mark is assessed based on participation in the course throughout the session, including:

- participation in full class discussions;



- presentation of a case report (see details below);
- participation in team discussions (as observed by lecturer and may also be peer reviewed);
- written comments on presentations in the Five Minute Thesis Competition; and
- short written feedback on the prescribed readings (see details below).

### i. Short written feedback

Students are expected to submit on Moodle short written feedback on the prescribed readings each week (excluding mid-semester break). The written feedback will generally be due at **9pm Sunday** before the Tuesday class. The answers to these questions will be made available for the whole class to read.

Note that this assessment is **PROSPECTIVE**, not retrospective - you will be required to provide feedback on the Week's readings **BEFORE** you attend the relevant seminar covering that topic. This means that your first feedback task will be on the readings for **Week 2**. Feedback on readings from the week before will **not** be marked.

You are asked to give a written response to the readings each week for two reasons:

- to help you *understand* the seminars: your pre-reading gives you the chance to become familiar with the basic concepts and terminology before you attend the seminar to develop your understanding more deeply; and
- so you can *practise* your **critical thinking skills** and **written communication skills**. You should use full sentences, and pay attention to coherence and clarity of expression.

Satisfactory attempts are ones that display evidence that you have completed your reading, have reviewed it critically, and are developing your written communication skills. Satisfactory attempts will receive **1** mark for each week.

If you do not submit your written feedback answers on time, or you do not meet the criteria above, you will receive **zero** marks for that week.

Special consideration will only be granted for written feedback only if you supply a medical certificate which states you were unfit for study **for the entire week** preceding the due date.

As indicated above, questions will be allocated to groups of students as Seminar Briefings who will be expected to lead the discussion; however, this does not eliminate the expectation that students not presenting are to actively participate in all seminar discussions. No marks will be awarded for mere attendance in class.

### ii. Case reports

Each student will be allocated a case to read and report to the class on:

- background facts;
- issues;
- decision; and
- implications of the case;

Students will be given up to 10 minutes to present their case report to the class. Any visual aids used should be submitted via the Moodle link by the beginning of the allocated class.

Case reports will begin in Week 3.

#### e) **Late Submission and Penalties**

Any assessment submitted after the day and time specified will not be accepted without penalty unless PRIOR written approval has been granted by the lecturer in which it is to be presented. **The Lecturer-in-Charge will NOT grant any extensions for the written feedback task as part of your course participation assessment** (unless there is a special consideration application made outlining illness or misadventure which **extends over more than 7 days**, as evidenced by third party supporting documentation). An interstate or overseas absence (other than for compassionate reasons), or work commitments, will NOT be accepted as grounds for special consideration.

Research Project components that are submitted after the due date and time without prior written approval will have 10% DEDUCTED PER DAY LATE. **Any student who fails to submit their Research Paper will fail the course.** Penalties for late submission of other assessment will be at the discretion of the lecturer-in-charge.

If circumstances beyond your control mean that you cannot complete an assessment task by the due date or give your presentation in class on the due date, you should make an application for special consideration. These applications are reserved for illness or misadventure, not work commitments or travel commitments. Work commitments or travel commitments are not a valid reason for special consideration applications.

If you foresee that you will have problems submitting an assessment task on time you should contact the Lecturer immediately by email explaining the circumstances in full. Do not wait until the due date to ask for an extension. **No extensions will be granted on the due date itself.**

#### **Quality Assurance**

The Business School is actively monitoring student learning and quality of the student experience in all its programs. A random selection of completed assessment tasks may be used for quality assurance, such as to determine the extent to which program learning goals are being achieved. The information is required for accreditation purposes, and aggregated findings will be used to inform changes aimed at improving the quality of Business School programs. All material used for such processes will be treated as confidential.

## **5 COURSE RESOURCES**

### **Prescribed Textbook:**

You can choose one of two textbooks for the course:

William van Caenegem, *Intellectual and Industrial Property Law in Australia*, 2<sup>nd</sup> ed, 2015, LexisNexis Butterworths **OR**

Stewart, Griffith and Bannister, *Intellectual Property in Australia*, 5th ed, 2014, LexisNexis

### **Primary Source Material:**

Relevant sections of Australian intellectual property legislation and international treaties will be referred to, at times extensively, during the seminars and will form the basis of the discussion. The acts, treaties and sections will be listed on the seminar guide. All of this is available online either through links to [www.austlii.edu.au](http://www.austlii.edu.au) or <https://www.legislation.gov.au/>. Students are expected to bring the relevant legislation to each class meeting (either

electronically or in hard copy printout). Students may choose to purchase *Intellectual Property Collection*, LexisNexis Butterworths which is a useful collection of all the relevant IP statutory regimes and International treaties.

#### **Electronic Databases:**

The UNSW library subscribes to several electronic databases. The UNSW library database can be accessed at: <https://www.library.unsw.edu.au/study/information-resources/databases>

The website for this course is on Moodle at: <https://moodle.telt.unsw.edu.au/login/index.php>

**A seminar guide will be released on Moodle** for each major topic area and will include reading references to the textbook as well as any additional reading materials, cases and discussion topics. Other recommended texts and references will be made available there.

## **6 COURSE EVALUATION AND DEVELOPMENT**

The School of Taxation & Business Law's quality enhancement process involves regular review of its courses and study materials by content and educational specialists, combined with feedback from students. Towards the end of the semester, you will be asked to complete an online myExperience survey via Moodle to evaluate the effectiveness of your course lecturer and the actual course content. Your input into this quality enhancement process through the completion of these surveys is extremely valuable in assisting us in meeting the needs of our students and in providing an effective and enriching learning experience. The results of all surveys are carefully considered and do lead to action towards enhance the quality or course content and delivery.

## 7 COURSE SCHEDULE

### Lecture Schedule

Lectures start in Week 1 and finish in Week 12.

LECTURE SCHEDULE		
Week	Topic	Other activities/assessment
Week 1 24 July	Introduction to intellectual property  IP commercialisation  Guest lecture by Sylvie Tso Principal Spruson & Ferguson Lawyers Pty Limited	Discussion of questions in Seminar Guide  Formation of teams
Week 2 31 July	Course overview  Copyright	<b>Written feedback on prescribed readings</b>  <b>Research Question</b>  Discussion of questions in Seminar Guide
Week 3 7 August	Copyright	<b>Written feedback on prescribed readings</b>  Discussion of questions in Seminar Guide  Case reports
Week 4 14 August	Copyright	<b>Written feedback on prescribed readings</b>  Discussion of questions in Seminar Guide  Case reports
Week 5 21 August	Designs	<b>Written feedback on prescribed readings</b>  Seminar briefing 1 - copyright  Discussion of questions in Seminar Guide

		Case reports
Week 6 28 August	Patents	<b>Written feedback on prescribed readings</b>  Seminar briefing 2 – designs  Discussion of questions in Seminar Guide  Case reports
Week 7 4 September	Patents	<b>Written feedback on prescribed readings</b>  Discussion of questions in Seminar Guide  Case reports
Week 8 11 September	Trade marks	<b>Written feedback on prescribed readings</b>  <b>Research Plan</b>  Seminar briefing 3 - patents  Discussion of questions in Seminar Guide  Case reports
Week 9 18 September	Passing off/misleading & deceptive conduct (“unregistered trade marks”)	<b>Written feedback on prescribed readings</b>  Seminar briefing 4 – trade marks  Discussion of questions in Seminar Guide  Case reports
<b>Mid-semester break: Saturday 23 September - Monday 2 October (public holiday) inclusive</b>		
Week 10 3 October	Confidential information and restraint of trade	<b>Written feedback on prescribed readings</b>

		<p>Seminar briefing 5 – passing off/misleading deceptive conduct</p> <p>Discussion of questions in Seminar Guide</p> <p>Case reports</p>
<p>Week 11 9 October</p>	<p>Special topic: indigenous issues in IP Paolo Remati, (former Deputy CEO and Director of Content, National Indigenous TV Ltd)</p>	<p>Five Minute Thesis Competition</p> <p><b>In-class written feedback on presentations</b></p>
<p>Week 12 16 October</p>		<p>Five Minute Thesis Competition</p> <p><b>In-class written feedback on presentations</b></p>
<p>Week 13 23 October</p>	<p>NO SEMINAR</p>	
<p>Study period</p>		<p><b>Research assignment due Sun 29 October</b></p>