



## UNSW Course Outline

# JURD7321 Foundations of Intellectual Property Law - 2024

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## General Course Information

Course Code : JURD7321

Year : 2024

Term : Term 1

Teaching Period : T1

Is a multi-term course? : No

Faculty : Faculty of Law and Justice

Academic Unit : School of Private and Commercial Law

Delivery Mode : In Person

Delivery Format : Standard

Delivery Location : Kensington

Campus : Sydney

Study Level : Postgraduate

Units of Credit : 6

### Useful Links

[Handbook Class Timetable](#)

## Course Details & Outcomes

### Course Description

This course surveys the fundamentals of Australian intellectual property law. It introduces students to the law of copyright (including moral rights), registered designs, trade marks, passing off, consumer law prohibiting misleading and deceptive conduct, breach of confidence, and

patents. Students study the fundamental statutory provisions and common law principles that define the subject matter protected by these intellectual property doctrines, as well as the pre-conditions for protection and the nature of infringement. They learn how to approach intellectual property problems in practice, and gain insight into the interrelationships between intellectual property's various doctrines.

The course provides students with a good working knowledge of the fundamental principles of intellectual property law. It aims to build solid foundations for lawyers who may or may not want to specialise in intellectual property, as well as those who might later undertake further studies to specialise in this area of law.

*This course is a pre-requisite for LAWS3057/JURD7357 Advanced Intellectual Property Policy and Practice, which is recommended for students who seek to further their knowledge of intellectual property policy issues and/or to deepen their skills applying intellectual property law in practice.*

## Main Topics

- Introduction to Intellectual Property
- Copyright, including Moral Rights
- Confidential information
- s.18 of Sch.2 Australian Consumer Law (Competition and Consumer Act 2010)
- Passing off
- Trade marks
- Designs
- Patents

## Course Aims

### Course Objectives

The general aims of this course are to:

- Develop skills in understanding the complexities of IP law
- Critique the major doctrinal, theoretical and policy arguments relating to the various categories of IP
- Foster debate about the adequacy of the current state of IP law
- Canvass ways in which the law might be improved

On the completion of study, students should be able to:

- Effectively identify the intellectual property law(s) that applies in a fact situation.
- Locate and explain the relevant statutory provisions and common law, apply these to a fact situation, and discuss difficulties that may arise in application of the law.

- Identify potential for further law reform.
- Be aware of the practical limits of statute and litigation in resolving intellectual property disputes.
- Note the commercial conditions that lead to particular outcomes.

## Relationship to Other Courses

This course provides a solid grounding in intellectual property law that will prepare students for further studies in the subject area. It is a pre-requisite for *LAWS3057/JURD7357 Advanced Intellectual Property Policy and Practice*, which is recommended for students who seek to further their knowledge of intellectual property policy issues and/or to deepen their skills in applying intellectual property law in practice.

# Course Learning Outcomes

Course Learning Outcomes
CLO1 : Demonstrate self-management through self-assessment of capabilities and performance and use of previous feedback received in the course (PLO 12)
CLO2 : Demonstrate effective oral communication skills by delivering accurate and insightful contributions in class (PLOs 9 & 10)
CLO3 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 9 & 10)
CLO4 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasive and appropriately in providing informed advice (PLO 9)
CLO5 : Demonstrate comprehension of principles of various intellectual property law doctrines and their relationship to other intellectual property law doctrines (PLOs 1, 2, 3, 4, 5, 6, 7 & 8)
CLO6 : Develop an awareness of the principles of intellectual property law and demonstrate a capacity to apply them in a practical client setting (PLOs 4 & 7)
CLO7 : Explain the foundational principles and theories of intellectual property law and apply them to particular hypothetical fact scenarios (PLO 5)
CLO8 : Show a practical, client-centred approach to creative problem solving by advising on options in intellectual property disputes and evaluating possible client choices (PLO 5)
CLO9 : Navigate and apply key intellectual property legal texts, both statutory and judicial (PLO 5)
CLO10 : Apply cumulative knowledge and skills to propose solutions to hypothetical fact scenarios (PLO 1)

Course Learning Outcomes	Assessment Item
CLO1 : Demonstrate self-management through self-assessment of capabilities and performance and use of previous feedback received in the course (PLO 12)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Part 1: Class Test or Problem Question</li> <li>• Part 2: Class Test or Problem Question or Research Essay</li> </ul>
CLO2 : Demonstrate effective oral communication skills by delivering accurate and insightful contributions in class (PLOs 9 & 10)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Part 1: Class Test or Problem Question</li> <li>• Part 2: Class Test or Problem Question or Research Essay</li> </ul>
CLO3 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 9 & 10)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Part 1: Class Test or Problem Question</li> <li>• Part 2: Class Test or Problem Question or Research Essay</li> </ul>
CLO4 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasive and appropriately in providing informed advice (PLO 9)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Part 1: Class Test or Problem Question</li> <li>• Part 2: Class Test or Problem Question or Research Essay</li> </ul>
CLO5 : Demonstrate comprehension of principles of various intellectual property law doctrines and their relationship to other intellectual property law doctrines (PLOs 1, 2, 3, 4, 5, 6, 7 & 8)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Part 1: Class Test or Problem Question</li> <li>• Part 2: Class Test or Problem Question or Research Essay</li> </ul>
CLO6 : Develop an awareness of the principles of intellectual property law and demonstrate a capacity to apply them in a practical client setting (PLOs 4 & 7)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Part 1: Class Test or Problem Question</li> <li>• Part 2: Class Test or Problem Question or Research Essay</li> </ul>
CLO7 : Explain the foundational principles and theories of intellectual property law and apply them to particular hypothetical fact scenarios (PLO 5)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Part 1: Class Test or Problem Question</li> <li>• Part 2: Class Test or Problem Question or Research Essay</li> </ul>
CLO8 : Show a practical, client-centred approach to creative problem solving by advising on options in intellectual property disputes and evaluating possible client choices (PLO 5)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Part 1: Class Test or Problem Question</li> <li>• Part 2: Class Test or Problem Question or Research Essay</li> </ul>
CLO9 : Navigate and apply key intellectual property legal texts, both statutory and judicial (PLO 5)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Part 1: Class Test or Problem Question</li> <li>• Part 2: Class Test or Problem Question or Research Essay</li> </ul>
CLO10 : Apply cumulative knowledge and skills to propose solutions to hypothetical fact scenarios (PLO 1)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Part 1: Class Test or Problem Question</li> <li>• Part 2: Class Test or Problem Question or Research Essay</li> </ul>

## Learning and Teaching Technologies

Moodle - Learning Management System

# Assessments

## Assessment Structure

Assessment Item	Weight	Relevant Dates
Class Participation Assessment Format: Individual	20%	
Part 1: Class Test or Problem Question Assessment Format: Individual	40%	
Part 2: Class Test or Problem Question or Research Essay Assessment Format: Individual	40%	

## Assessment Details

### Class Participation

#### Assessment Overview

Feedback may includes formative feedback, peer feedback in class, online feedback, and the use of rubric.

#### Course Learning Outcomes

- CL01 : Demonstrate self-management through self-assessment of capabilities and performance and use of previous feedback received in the course (PLO 12)
- CL02 : Demonstrate effective oral communication skills by delivering accurate and insightful contributions in class (PLOs 9 & 10)
- CL03 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 9 & 10)
- CL04 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasive and appropriately in providing informed advice (PLO 9)
- CL05 : Demonstrate comprehension of principles of various intellectual property law doctrines and their relationship to other intellectual property law doctrines (PLOs 1, 2, 3, 4, 5, 6, 7 & 8)
- CL06 : Develop an awareness of the principles of intellectual property law and demonstrate a capacity to apply them in a practical client setting (PLOs 4 & 7)
- CL07 : Explain the foundational principles and theories of intellectual property law and apply them to particular hypothetical fact scenarios (PLO 5)
- CL08 : Show a practical, client-centred approach to creative problem solving by advising on options in intellectual property disputes and evaluating possible client choices (PLO 5)
- CL09 : Navigate and apply key intellectual property legal texts, both statutory and judicial (PLO 5)
- CL010 : Apply cumulative knowledge and skills to propose solutions to hypothetical fact scenarios (PLO 1)

## Part 1: Class Test or Problem Question

### Assessment Overview

#### Part 1: Class Test or Problem Question

Feedback may includes formative feedback, peer feedback in class, online feedback, and the use of a rubric.

### Course Learning Outcomes

- CL01 : Demonstrate self-management through self-assessment of capabilities and performance and use of previous feedback received in the course (PLO 12)
- CL02 : Demonstrate effective oral communication skills by delivering accurate and insightful contributions in class (PLOs 9 & 10)
- CL03 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 9 & 10)
- CL04 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasive and appropriately in providing informed advice (PLO 9)
- CL05 : Demonstrate comprehension of principles of various intellectual property law doctrines and their relationship to other intellectual property law doctrines (PLOs 1, 2, 3, 4, 5, 6, 7 & 8)
- CL06 : Develop an awareness of the principles of intellectual property law and demonstrate a capacity to apply them in a practical client setting (PLOs 4 & 7)
- CL07 : Explain the foundational principles and theories of intellectual property law and apply them to particular hypothetical fact scenarios (PLO 5)
- CL08 : Show a practical, client-centred approach to creative problem solving by advising on options in intellectual property disputes and evaluating possible client choices (PLO 5)
- CL09 : Navigate and apply key intellectual property legal texts, both statutory and judicial (PLO 5)
- CL010 : Apply cumulative knowledge and skills to propose solutions to hypothetical fact scenarios (PLO 1)

## Part 2: Class Test or Problem Question or Research Essay

### Assessment Overview

#### Part 2: Class Test or Problem Question or Research Essay

Feedback may includes formative feedback, peer feedback in class, online feedback, and the use of a rubric.

### Course Learning Outcomes

- CL01 : Demonstrate self-management through self-assessment of capabilities and performance and use of previous feedback received in the course (PLO 12)
- CL02 : Demonstrate effective oral communication skills by delivering accurate and insightful

contributions in class (PLOs 9 & 10)

- CL03 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 9 & 10)
- CL04 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasive and appropriately in providing informed advice (PLO 9)
- CL05 : Demonstrate comprehension of principles of various intellectual property law doctrines and their relationship to other intellectual property law doctrines (PLOs 1, 2, 3, 4, 5, 6, 7 & 8)
- CL06 : Develop an awareness of the principles of intellectual property law and demonstrate a capacity to apply them in a practical client setting (PLOs 4 & 7)
- CL07 : Explain the foundational principles and theories of intellectual property law and apply them to particular hypothetical fact scenarios (PLO 5)
- CL08 : Show a practical, client-centred approach to creative problem solving by advising on options in intellectual property disputes and evaluating possible client choices (PLO 5)
- CL09 : Navigate and apply key intellectual property legal texts, both statutory and judicial (PLO 5)
- CL010 : Apply cumulative knowledge and skills to propose solutions to hypothetical fact scenarios (PLO 1)

## General Assessment Information

### Grading Basis

Standard

### Requirements to pass course

Students must achieve an overall mark of 50% to pass the course.

## Course Schedule

### Attendance Requirements

As this is an intensive course, 100% attendance at classes is required. Students must seek Special Consideration if they miss classes due to illness or misadventure.

Please see information about attendance requirements in **Law & Justice Assessment Procedure and Student Information** located in the Other Useful Information tab in the Academic Information field.

Please be advised there will be no classes on public holidays. If your class falls on a public holiday, alternative arrangements will be made by the course convenor to make up the missed class.



# Course Resources

## Prescribed Resources

Materials will be provided throughout the course.

## Recommended Resources

Students may choose to use any current Australian intellectual property textbook to support their studies in this course. The following books are recommended:

- William van Caenegem, Judith Bannister, Charles Lawson, Adam Liberman, Andrew Stewart, *Intellectual Property in Australia* (LexisNexis, 7th edition, 2022)
- Sam Ricketson, Megan Richardson, Vicki Huang, Andrew Christie, *Intellectual Property: Cases, Materials and Commentary*, 7th edition (LexisNexis, 2024). This edition of this book is due to be released in early 2024. If not yet available, students may use the previous edition: Sam Ricketson, Megan Richardson, M Davison, Vicki Huang, *Intellectual Property: Cases, Materials and Commentary*, 6th edition (LexisNexis, 2019).
- Kathy Bowrey, Michael Handler, Dianne Nicol, Jane Nielsen, and Kimberlee Weatherall, *Australian Intellectual Property* (OUP, 3rd edition, 2021)

## Course Evaluation and Development

Student feedback is encouraged throughout the course and will be sought through the MyExperience survey.

## Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Alexandra George					Yes	No
Lecturer	Louise Buckingham					Yes	Yes

# Other Useful Information

## Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the [UNSW Student Code of Conduct Website](#).

## UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#). This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at [Assessment & Exam Information](#).

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact [Student Services via The Nucleus Hub](#) for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit [Handbook](#) for information.

## Academic Honesty and Plagiarism

As a student at UNSW you are expected to display [academic integrity](#) in your work and interactions. Where a student breaches the [UNSW Student Code](#) with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the [Working with Academic Integrity](#) module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

## Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#).

## Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW [Current Students](#) page.

## Feedback

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up, then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

## Faculty-specific Information

### Additional support for students

- Student support: <https://www.student.unsw.edu.au/support>
- Academic Skills and Support: <https://student.unsw.edu.au/academic-skills>
- Student Wellbeing, Health and Safety: <https://student.unsw.edu.au/wellbeing>
- Equitable Learning Services: <https://student.unsw.edu.au/els>
- UNSW IT Service Centre: <https://www.myit.unsw.edu.au>

### Course improvement

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

### School Contact Information

Please contact [Nucleus Student Hub](#) for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.