UNSW Course Outline

LAWS8021 Advanced Topics in Intellectual Property - 2024

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General Course Information

Course Code : LAWS8021
Year : 2024
Term : Term 2
Teaching Period : T2B
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

Intellectual property is one of the most dynamic areas of the law. In this century it has become a field of major economic and social importance. At the same time, it has had to respond to a range of issues, for example the challenges posed by digitisation of copyright materials, the

impact of biotechnological development, the intersection with competition law and increased concern over the social costs of extending the scope of intellectual property rights. Notwithstanding the fact that Australian intellectual property law has been the subject of major reform over recent years, there are still many unresolved issues impacting on this area of the law.

The purpose of this course is to examine in detail some of these specific, advanced issues. Thus, rather than focusing on general principles, in this course we will look at particular topics that are the subject of current controversy. The focus of this course will be on Australian law, although developments abroad will be considered in some detail.

Main Topics

The topics may change depending on current controversies, but are likely to include:

- Moral rights and artists' resale rights
- Reform of copyright exceptions
- Online copyright infringement, the role of ISPs and website blocking procedures
- Controversies over patentable subject matter: business methods, software, and human genetic material
- The scope of trade mark law
- Protecting geographical indications in local and international trade
- Protecting privacy and publicity
- Ambush marketing legislation
- Innovation and competition policy
- Challenges to intellectual property

Course Aims

The general aims of this course are to investigate a number of advanced, contemporary issues in IP law, to consider why each of the studied issues have proven to be controversial, to assess the major doctrinal, theoretical and policy arguments relating to these issues and to canvass ways in which the law might be reformed. The aims of the course are for students to:

- develop a comprehensive understanding of some of the more advanced issues and topics in intellectual property law in Australia and abroad
- become aware of the major arguments and critical thinking that has impacted on these issues
- develop the capacity to explain why each of these issues has been difficult to resolve
- identify potential for law reform in relation to these issues
- articulate all of the above in the form of a cogently argued extended research essay.

Relationship to Other Courses

This course counts towards the LLM specialisation in Media, Intellectual Property and Technology law. It can be taken with courses such as LAWS8017/ JURD7617 *Intellectual Property Law* and LAWS8021/JURD7621 *Advanced Topics in Intellectual Property* to gain a strong working knowledge of intellectual property law. It can also be taken alongside courses in media and technology law to broaden a student's understanding of the broader legal environment often associated with intellectual property law.

Course Learning Outcomes

Course Learning Outcomes
CLO1 : Demonstrate an ability to utilise research principles and methods in the context of intellectual property law (PLOs 1, 2, 3(a) and 4)
CLO2 : Demonstrate an advanced and critical understanding of key themes, emerging trends and practical problems in intellectual property law in Australia and abroad by successfully completing an extended research essay (PLOs 1, 2, 3(a) and 4)
CLO3 : Demonstrate effective oral communication through class discussion of complex legal, theoretical and/or professionally relevant subject matter relating to intellectual property law in a scholarly and insightful manner (PLO 3)

Course Learning Outcomes	Assessment Item
CLO1 : Demonstrate an ability to utilise research principles and methods in the context of intellectual property law (PLOs 1, 2, 3(a) and 4)	• Research Essay (5000 words) • Research Essay Plan
CLO2 : Demonstrate an advanced and critical understanding of key themes, emerging trends and practical problems in intellectual property law in Australia and abroad by successfully completing an extended research essay (PLOs 1, 2, 3(a) and 4)	• Research Essay (5000 words)
CLO3 : Demonstrate effective oral communication through class discussion of complex legal, theoretical and/or professionally relevant subject matter relating to intellectual property law in a scholarly and insightful manner (PLO 3)	• Class Participation

Learning and Teaching Technologies

Moodle - Learning Management System

Learning and Teaching in this course

This course will be taught interactively, enabling students to participate and discuss issues in class.

Assessments

Assessment Structure

Assessment Item	Weight	Relevant Dates
Class Participation Assessment Format: Individual	20%	Start Date: Not Applicable Due Date: 02/08/2024 04:00 PM
Research Essay (5000 words) Assessment Format: Individual	70%	Start Date: Not Applicable Due Date: 12/08/2024 04:00 PM
Research Essay Plan Assessment Format: Individual	10%	Start Date: Not Applicable Due Date: 15/07/2024 04:00 PM

Assessment Details

Class Participation

Assessment Overview

Preparation and engagement in class

Course Learning Outcomes

- CLO3 : Demonstrate effective oral communication through class discussion of complex legal, theoretical and/or professionally relevant subject matter relating to intellectual property law in a scholarly and insightful manner (PLO 3)

Assessment Length

N/A

Submission notes

Students are advised to complete and submit the Class Participation Reflective Commentary template provided.

Assignment submission Turnitin type

This assignment is submitted through Turnitin and students do not see Turnitin similarity reports.

Research Essay (5000 words)

Assessment Overview

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

Course Learning Outcomes

- CLO1 : Demonstrate an ability to utilise research principles and methods in the context of intellectual property law (PLOs 1, 2, 3(a) and 4)
- CLO2 : Demonstrate an advanced and critical understanding of key themes, emerging trends and practical problems in intellectual property law in Australia and abroad by successfully completing an extended research essay (PLOs 1, 2, 3(a) and 4)

Assessment Length

5,000 words

Submission notes

Please include your name, zID and word count on your paper.

Assignment submission Turnitin type

This assignment is submitted through Turnitin and students do not see Turnitin similarity reports.

Research Essay Plan

Assessment Overview

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

Course Learning Outcomes

- CLO1 : Demonstrate an ability to utilise research principles and methods in the context of intellectual property law (PLOs 1, 2, 3(a) and 4)

Assessment Length

1,000 words

Submission notes

Please include your name, zID and word count on your paper.

Assignment submission Turnitin type

This assignment is submitted through Turnitin and students do not see Turnitin similarity reports.

General Assessment Information

<u>Grading Basis</u>

Standard

<u>Requirements to pass course</u>

50% overall.

Course Schedule

Teaching Week/Module	Activity Type	Content
Week 1 : 1 July - 7 July	Lecture	
Week 2 : 8 July - 14 July	Lecture	
Week 3 : 15 July - 21 July	Lecture	

Attendance Requirements

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.

General Schedule Information

Wed 14:00 - 17:00, H13 Lawrence East M032 (K-H13-M032)

Fri1 4:00 - 17:00 Colombo LG02 (K-B16-LG02)

Wed 3 July 2-5pm,

Friday 5 July 2-5pm

Wed 10 July 2-5pm,

Friday 12 July 2-5pm

Wed 17 July 2-5pm,

Friday 19 July 2-5pm

Course Resources

Prescribed Resources

The course Moodle site provides recommended resources.

Recommended Resources

The course Moodle site provides recommended resources.

Course Evaluation and Development

Students are invited to provide the teacher with informal feedback throughout the course. Formal feedback will be invited through a MyExperience survey towards the end of the course. This feedback will be used to identify and address any ways in which the course could be improved.

Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Alexandra George				Email for an appointment.	Yes	No
	Doris Long				Email for an appointment.	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 Plagarism

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.