



## UNSW Course Outline

# LAWS8017 Intellectual Property Law - 2024

Published on the 30 Jan 2024

## General Course Information

Course Code : LAWS8017

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 is designed to give postgraduates a comprehensive overview and working understanding of intellectual property law. Assuming no prior knowledge of intellectual property, the course is suitable for students who wish to study intellectual property law for the first time,

those who have studied intellectual property abroad and want to learn how it operates in Australia, and those who studied it some time ago and are seeking to update their knowledge of this fast-changing area of law.

Intellectual property is an important area of commercial legal practice and is vital to many industries. This course introduces students to the statutory provisions and common law relating to Australian intellectual property. For each topic, the course gives consideration to the subject matter that is protected, the preconditions for protection, and the nature of infringement. Other matters (such as remedies, competition law and international protection) may be dealt with briefly but are not examined in detail.

As far as possible in an intensive overview, this course focuses on the commercial and business aspects of intellectual property. By the end of the course, students should be able to identify copyright, trademark and passing off, designs and patent law issues, and make an informed decision about how to proceed in advising a client.

*This course meets pre-requisite requirements 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 Australian Consumer Law (*Competition and Consumer Act 2010*, formerly s.52 *Trade Practices Act 1974*)
- Passing off
- Trade marks
- Designs
- Patents

This course assumes an understanding of foundational legal principles. Students who do not hold an LLB/JD or equivalent should take the LLM foundations course *LAWS8213 Legal Concepts, Research and Writing* before or concurrently with this course.

## Course Aims

This course aims to introduce students to each of the general law and statutory protections

outlined below. For each of the heads of protection, the course gives detailed consideration to the subject matter which is protected, the pre-conditions for protection, and the nature of infringement. Other matters such as remedies, licensing and international protection are dealt with briefly but cannot be examined in detail in a one semester course. Various justifications for these forms of property are also considered, particularly in the context of new or developing forms of intellectual property.

## Course Learning Outcomes

| Course Learning Outcomes   |
|--|
| CLO1 : Demonstrate effective oral communication and collaboration through class discussion of complex legal, theoretical and/or professionally relevant subject matter in a scholarly and insightful manner (PLOs 1a, 3a & 3b) |
| CLO2 : Demonstrate high level skills of and collaboration and oral communication by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 3a & 3b)                                    |
| CLO3 : Demonstrate advanced oral communication skills by discussing and debating theoretical propositions, methodologies and legal problems (PLOs 3a & 3b)   |
| CLO4 : Demonstrate an ability to utilise research principles and methods in the context of Intellectual property law (PLOs 1a, 1b, 2a, 2b, 3a & 4)   |
| CLO5 : Navigate and apply statutory and other texts in relation to hypothetical fact scenarios (PLOs 1a, 1b, 2a & 2b)  |
| CLO6 : Demonstrate advanced written communication skills by articulating complex legal concepts, theory and analysis using effective research methodologies (PLOs 1a, 1b, 2a, 2b & 3a)   |

| Course Learning Outcomes   | Assessment Item                 |
|--|---------------------------------|
| CLO1 : Demonstrate effective oral communication and collaboration through class discussion of complex legal, theoretical and/or professionally relevant subject matter in a scholarly and insightful manner (PLOs 1a, 3a & 3b) | • Class participation           |
| CLO2 : Demonstrate high level skills of and collaboration and oral communication by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 3a & 3b)                                    | • Class participation           |
| CLO3 : Demonstrate advanced oral communication skills by discussing and debating theoretical propositions, methodologies and legal problems (PLOs 3a & 3b)   | • Class participation           |
| CLO4 : Demonstrate an ability to utilise research principles and methods in the context of Intellectual property law (PLOs 1a, 1b, 2a, 2b, 3a & 4)   | • Final Exam<br>• Mid-term exam |
| CLO5 : Navigate and apply statutory and other texts in relation to hypothetical fact scenarios (PLOs 1a, 1b, 2a & 2b)  | • Final Exam<br>• Mid-term exam |
| CLO6 : Demonstrate advanced written communication skills by articulating complex legal concepts, theory and analysis using effective research methodologies (PLOs 1a, 1b, 2a, 2b & 3a)   | • Final Exam<br>• Mid-term exam |

## Learning and Teaching Technologies

Moodle - Learning Management System

# Assessments

## Assessment Structure

| Assessment Item     | Weight | Relevant Dates |
|---------------------|--------|----------------|
| Final Exam          | 40%    |                |
| Mid-term exam       | 40%    |                |
| Class participation | 20%    |                |

## Assessment Details

### Final Exam

#### Assessment Overview

40%

Final exam to cover second half of course. Exam may be in the form of an examination, take home exam or research essay.

Feedback may include the use of rubric.

#### Course Learning Outcomes

- CL04 : Demonstrate an ability to utilise research principles and methods in the context of Intellectual property law (PLOs 1a, 1b, 2a, 2b, 3a & 4)
- CL05 : Navigate and apply statutory and other texts in relation to hypothetical fact scenarios (PLOs 1a, 1b, 2a & 2b)
- CL06 : Demonstrate advanced written communication skills by articulating complex legal concepts, theory and analysis using effective research methodologies (PLOs 1a, 1b, 2a, 2b & 3a)

### Mid-term exam

#### Assessment Overview

40%

Mid-term exam to cover first half of course. Exam may be in the form of an examination, take home exam or essay.

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

#### Course Learning Outcomes

- CL04 : Demonstrate an ability to utilise research principles and methods in the context of Intellectual property law (PLOs 1a, 1b, 2a, 2b, 3a & 4)

- CLO5 : Navigate and apply statutory and other texts in relation to hypothetical fact scenarios (PLOs 1a, 1b, 2a & 2b)
- CLO6 : Demonstrate advanced written communication skills by articulating complex legal concepts, theory and analysis using effective research methodologies (PLOs 1a, 1b, 2a, 2b & 3a)

## Class participation

### Assessment Overview

20%

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

### Course Learning Outcomes

- CLO1 : Demonstrate effective oral communication and collaboration through class discussion of complex legal, theoretical and/or professionally relevant subject matter in a scholarly and insightful manner (PLOs 1a, 3a & 3b)
- CLO2 : Demonstrate high level skills of and collaboration and oral communication by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 3a & 3b)
- CLO3 : Demonstrate advanced oral communication skills by discussing and debating theoretical propositions, methodologies and legal problems (PLOs 3a & 3b)

## General Assessment Information

### Grading Basis

Standard

## Course Schedule

### 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.

# Course Resources

## Prescribed Resources

Students are expected to support their studies by reference to the textbook, 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 | Kathy Bowrey |       |          |       |              | No                                  | Yes             |
| Lecturer | Wen Wu       |       |          |       |              | Yes                                 | No              |

## 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.