



## UNSW Course Outline

# JURD7446 Intellectual Property 1: Copyright and Designs - 2024

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## General Course Information

**Course Code :** JURD7446

**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, together with Intellectual Property 2: Trade Marks and Patents, collectively consider Australian intellectual property (IP) law.

IP—which encompasses the laws of copyright, designs, patents, breach of confidence, passing off and registered trade marks, as well as various related doctrines—has become one of the most important areas of commercial legal practice in recent years. It is vital to the marketing, advertising, entertainment, communications and science and technology industries. The two courses together aim to introduce students to each of the general law and statutory protections outlined above. For each of the heads of protection, the courses gives detailed consideration to the subject matter which is protected, the pre-conditions for protection, and the nature of infringement. Various justifications for IP are also considered, particularly in the context of new or developing forms of IP.

Intellectual Property 1: Copyright and Designs considers two key aspects of Australian IP law. The first, which is the focus of the course, is the law of copyright. Copyright primarily protects creative and entrepreneurial subject matter such as books, art, music, films and TV broadcasts. The course focuses on key issues such as the history of and justifications for copyright; copyright subject matter; requirements for subsistence; ownership and exploitation; infringement, defences and remedies; and moral rights. Attention will also be paid to emerging debates, policy issues and law reform proposals on such issues as the impact of digital technology, rights in entertainment franchises and indigenous artists' rights. The second aspect of IP law considered in the course is registered designs, with a focus on requirements for registration, infringement, and the techniques used to manage the overlap between copyright and design protection.

Intellectual Property 1 and Intellectual Property 2 can be taken in any order.

## Main Topics

- Introduction to Copyright: History and Basic Principles
- Subsistence and Duration
- Copyright Subject Matter
- Ownership and Exploitation
- Direct Infringement
- Authorisation of Infringement
- Exceptions to Infringement
- Performers' Rights, Moral Rights and Artists' Resale Rights
- Introduction Registered Designs
- Requirements for Registration and Infringement
- The Copyright/Designs Overlap

## **Course Aims**

- Demonstrate an understanding of the fundamentals of Australian copyright law
- Locate and understand relevant statutory provisions and cases
- Discuss difficulties that may arise in application
- Identify potential for further law reform
- Be aware of the practical limits of statute and litigation in resolving copyright disputes
- Note the economic realities that lead to particular outcomes

## **Relationship to Other Courses**

This course is an elective subject that can be taken alone or in conjunction with LAWS3048/JURD7448 Intellectual Property 2: Trade Marks and Patents.

Exclusions: LAWS3021/JURD7321, LAWS3523/GENL2323, LAWS8017/JURD7617

# Course Learning Outcomes

Course Learning Outcomes
CLO1 : Demonstrate an understanding of principles of copyright and designs law (PLOs 1, 2, 3)
CLO2 : Navigate and apply key copyright and designs law texts, both statutory and judicial (PLOs 1, 4, 5)
CLO3 : Identify copyright and designs law issues and apply them to hypothetical fact scenarios (PLOs 1, 4, 5, 6)
CLO4 : Engage in critical analysis of key problems in copyright and designs law (PLOs 4, 5, 6, 7)
CLO5 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasively and appropriately (PLOs 9, 11)
CLO6 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 9, 10)

Course Learning Outcomes	Assessment Item
CLO1 : Demonstrate an understanding of principles of copyright and designs law (PLOs 1, 2, 3)	<ul style="list-style-type: none"><li>• Class Participation</li><li>• Final Exam</li></ul>
CLO2 : Navigate and apply key copyright and designs law texts, both statutory and judicial (PLOs 1, 4, 5)	<ul style="list-style-type: none"><li>• Class Participation</li><li>• Final Exam</li></ul>
CLO3 : Identify copyright and designs law issues and apply them to hypothetical fact scenarios (PLOs 1, 4, 5, 6)	<ul style="list-style-type: none"><li>• Final Exam</li></ul>
CLO4 : Engage in critical analysis of key problems in copyright and designs law (PLOs 4, 5, 6, 7)	<ul style="list-style-type: none"><li>• Reflective Note</li></ul>
CLO5 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasively and appropriately (PLOs 9, 11)	<ul style="list-style-type: none"><li>• Reflective Note</li><li>• Final Exam</li></ul>
CLO6 : 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></ul>

## Learning and Teaching Technologies

Moodle - Learning Management System

# Assessments

## Assessment Structure

Assessment Item	Weight	Relevant Dates
Class Participation Assessment Format: Individual	20%	
Final Exam Assessment Format: Individual	60%	
Reflective Note Assessment Format: Individual	20%	

## Assessment Details

### Class Participation

#### Assessment Overview

Class Participation - 20%

Class participation will be assessed by reference to the overall quality of contributions to class discussion (10%), and performance in an allocated case file presentation (10%).

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

#### Course Learning Outcomes

- CLO1 : Demonstrate an understanding of principles of copyright and designs law (PLOs 1, 2, 3)
- CLO2 : Navigate and apply key copyright and designs law texts, both statutory and judicial (PLOs 1, 4, 5)
- CLO6 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 9, 10)

### Final Exam

#### Assessment Overview

Final Exam (FACT SCENARIO ANALYSIS) - 60%

- Identify IP law issues and apply them to hypothetical fact scenarios
- Engage in critical analysis of key practical problems in IP law
- Navigate and apply key IP law legal texts, both statutory and judicial
- Written communication skills

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

## Course Learning Outcomes

- CLO1 : Demonstrate an understanding of principles of copyright and designs law (PLOs 1, 2, 3)
- CLO2 : Navigate and apply key copyright and designs law texts, both statutory and judicial (PLOs 1, 4, 5)
- CLO3 : Identify copyright and designs law issues and apply them to hypothetical fact scenarios (PLOs 1, 4, 5, 6)
- CLO5 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasively and appropriately (PLOs 9, 11)

## **Reflective Note**

### Assessment Overview

Reflective Note - 20%

- display understanding and critical engagement with the real world application of law,
- development of the skills of exposition, analysis and argumentation as they pertain to higher level thinking

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

## Course Learning Outcomes

- CLO4 : Engage in critical analysis of key problems in copyright and designs law (PLOs 4, 5, 6, 7)
- CLO5 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasively and appropriately (PLOs 9, 11)

## **General Assessment Information**

### Grading Basis

Standard

### Requirements to pass course

Students are required to achieve an overall grade of 50%.

## **Course Schedule**

## **Attendance Requirements**

80% attendance rule.

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

Weeks 1-5, 7-9.

2 x 2 hours a week

## Course Resources

### Prescribed Resources

Kathy Bowrey, Michael Handler, Dianne Nicol, Jane Nielsen and Kimberlee Weatherall, *Australian Intellectual Property: Commentary, Law and Practice* (Oxford University Press, 3rd ed, 2021)

### Recommended Resources

Andrew Stewart et al, *Intellectual Property in Australia* (LexisNexis Butterworths, 7th ed, 2022)

## Course Evaluation and Development

In 2023 students told us:

The classes were described as very enjoyable. Meeting only once a week was welcome as it made organising uni and work commitments easier. However, the three hour format created too much reading and the classes were described as too tiring. Some students found it hard to keep up. Students wanted more time to digest each class, before moving on.

We have responded to this feedback by:

This is why we have returned to the older format of meeting twice weekly for two hours.

## Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
	Kathy Bowrey				No		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.