

## LAWS6086: Intellectual Property Law

Newcastle City Precinct

Semester 1 - 2024



THE UNIVERSITY OF  
NEWCASTLE  
AUSTRALIA

# OVERVIEW

**Course Description** This course provides students with coherent and advanced knowledge of intellectual property rights, including patent, copyright, trade marks and Indigenous cultural and intellectual property. The course discusses the rationale behind each intellectual property right, their scope and enforcement mechanisms. Students are involved in the discussion on advantages and disadvantages of the current intellectual property regime, recent and possible future developments in this field, and critical and contextual approaches to intellectual property law, including the relationship between intellectual property rights and justice.

**Skills Focus** This course will focus on assisting students to develop the following skills:

- Critical Thinking
- Problem Solving
- Oral Communication

**Requisites** This course is only available to students enrolled in the Juris Doctor/Graduate Diploma in Legal Practice, Master of Laws, or a Bachelor of Laws (Honours) combined program.

**Assumed Knowledge** LAWS6000 Legal System and Method I, and LAWS6001 Legal System and Method II  
LAWS6002A Torts Part A, or LAWS6120 Torts I  
LAWS6002B Torts Part B, or LAWS6121 Torts II  
LAWS6003A & LAWS6003B Criminal Law & Procedure Part A & B, or LAWS6130 Criminal Law & Procedure  
LAWS6004A Contracts Part A, or LAWS6140 Contracts I  
LAWS6004B Contracts Part B, or LAWS6141 Contracts II  
LAWS6005 Property

**Contact Hours** **Seminar: Newcastle City Precinct**  
Face to Face On Campus  
2 hour(s) per week(s) for 12 week(s) starting Week 1  
Self Directed Learning  
1 hour per week for 12 week(s) starting Week 1

**Compulsory attendance** Attendance at all classes will be monitored and records maintained by the Course Coordinator. In order to satisfy the "Compulsory Attendance" requirement, students must be present at a minimum of 80% of scheduled classes as spelled out in the course outline, unless they are able to demonstrate that their absence falls within the Adverse Circumstances policy. Unless this requirement is met, despite marks awarded in other assessment items, the student will receive a zero mark and a CF (component fail) grade for the course.

# COURSE OUTLINE

**Please note** that meeting the attendance rule each week requires meaningful attendance for the full one hour and fifty minutes of each class. Partial attendance will not meet the attendance requirement for a given class unless prior approval has been given by the Course Coordinator or Lecturer. (To be clear, simply being present for purposes of the roll call does not on its own satisfy the attendance requirement. As such, even if you have been present for the roll call, if you leave early without permission you are agreeing that your attendance will not count for that week.)

**Note also** that if you miss more than 2 seminars for reasons that fall within the University's adverse circumstances policy you may be required to complete additional assessment items to ensure that you have completed the required volume of learning for this course.

The weekly seminar class may be recorded and made available to students for revision and independent study purposes.

**Unit Weighting**

10

**Workload**

Students are required to spend on average 120-140 hours of effort (contact and non-contact) including assessments per 10 unit course.

## CONTACTS

**Course Coordinator**

**Newcastle City Precinct**

Dr Marie Hadley

Marie.Hadley@newcastle.edu.au

Consultation: Email to organise a face to face or zoom appointment

**Teaching Staff**

Other teaching staff will be advised on the course Canvas site.

**School Office**

**Newcastle School of Law and Justice**

Level 5, NuSpace

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## SYLLABUS

**Course Content**

The following topics are covered in the course:

1. Introduction to Intellectual Property
2. Copyright
3. Indigenous Cultural and Intellectual Property
4. Intellectual Property in Context
5. Trade marks
6. Patents

**Course Learning Outcomes**

**On successful completion of this course, students will be able to:**

1. Demonstrate advanced knowledge of statutory regulation, case law and practice on intellectual property in Australia and where relevant, jurisdictions overseas.
2. Apply acquired specialist legal knowledge and argumentation skills to issues involving intellectual property.
3. Participate in key policy debates surrounding future development of international and domestic intellectual property law regulation and enforcement.

4. Discuss and critically reflect on intellectual property law issues and the relationship between intellectual property law and society.

### Course Materials

1. The **prescribed textbook is:** William van Caenegem et al, *Intellectual Property in Australia* (LexisNexis, 7<sup>th</sup> ed, 2022)  
The Library has a physical copy of the textbook in Course Readings, and an eBook is also available on the Library website. Alternatively if you prefer, the book can be purchased from the School Locker (either online or at the retail store located at the University's Callaghan Campus) or online through Lexis Nexis. Because there is no formal exam in this course, students are welcome to use the eBook version of the textbook if that is better suited to your study pattern and learning style).
2. The weekly reading guide will be provided via the Course Canvas site. Other mandatory and recommended readings are provided through Canvas/accessible through Course Readings.

## SCHEDULE

Week	Week Begins	Topic	Learning Activity	Assessment Due
1	26 Feb	Module 1: Introduction to IP – History and Rationale	Seminar discussion	
2	4 Mar	Module 2: Copyright basics & framework	Seminar discussion	
3	11 Mar	Module 2: Copyright ownership & exploitation	Seminar discussion	
4	18 Mar	Module 2: Copyright infringement, exceptions & other rights	Seminar discussion	
5	25 Mar	Module 3: Indigenous Cultural and Intellectual Property	Seminar discussion	The Online Quiz (Assessment 1) opens on Canvas on 28 March 2pm. It must be completed by 29 March 11:59pm.
6	1 Apr	Module 4: Intellectual Property in Context	Seminar discussion	
7	8 Apr	Module 4: Intellectual Property in Context	Seminar discussion	
<b>Mid-Semester Break 15 April - 26 April</b> Video Assignment (Assessment 2) due 24 April, 11:59pm				
8	29 Apr	Module 5: Trade marks	Seminar discussion	
9	6 May	Module 5: Trade marks	Seminar discussion	
10	13 May	Module 6: Patents	Seminar discussion	
11	20 May	Module 6: Patents	Seminar discussion	
12	27 May	Module 6: Patents	Seminar discussion	
13	3 June	No Classes		Final Assignment (Assessment 3) due 9 June, 11:59pm
<b>Examination Period</b>				

# ASSESSMENTS

This course has 3 assessments. Each assessment is described in more detail in the sections below.

	Assessment Name	Due Date	Involvement	Weighting	Learning Outcomes
1	Online quiz	29 March, 11:59pm	Individual	20%	1, 2
2	Video Assignment	24 April, 11:59pm	Group	30%	1, 2, 3, 4
3	Final Assignment	9 June, 11:59pm	Individual	50%	1, 2

## Late Submissions

The mark for an assessment item submitted after the designated time on the due date, without an approved extension of time, will be reduced by 10% of the possible maximum mark for that assessment item for each day or part day that the assessment item is late. Note: this applies equally to week and weekend days.

## Assessment 1 - Online quiz

### Assessment Type Description

Quiz

This assessment item assesses whether the student has learned and understood the general concepts and principles raised in the course materials in Weeks 1-5 (Modules 1-3). The questions are based on the course materials (no external research is required). Questions are randomly selected from a question bank. The quiz will open on Canvas on 28 March 2pm, and it must be completed by 29 March 11:59pm. The quiz must be completed in one sitting (once opened, the quiz must be completed within 30 minutes).

### Weighting

20%

### Due Date

29 March, 11:59pm

### Submission Method

Online on Canvas

### Assessment Criteria

Fact-based questions – multiple choice and true/false questions

### Return Method

n/a. Grades released after all students have sat the Quiz.

### Feedback Provided

n/a

### Opportunity to Reattempt

Students WILL NOT be given the opportunity to reattempt this assessment.

## Assessment 2 – Video Assignment

### Assessment Type Description

Multimedia Assignment

Students will work in groups of 2-3 to submit a 5-6 minute video related to a topic related to Modules 1-4 (Wks 1-7), on an intellectual property law debate, controversy, or issue. Students can self-enrol in their chosen group up until the end of Week 2, after which they will be assigned to a group by the convenor. Students are required to work together to design an engaging recorded presentation. This assessment requires research outside of the course materials. Further details will be provided on Canvas.

### Weighting

30%

### Due Date

24 April, 11:59pm

### Submission Method

Online via Canvas. Further details will be provided as to how students can upload their video to Canvas

### Assessment Criteria

- Synthesis and organisation of ideas
- Relevance, depth, and quality of research
- Contextualisation of the debate, controversy or issue (and its stakes, where relevant) for intended audience
- Effective, engaging, and clear communication and presentation style

### Return Method

Canvas

### Feedback Provided

Feedback will be provided on Canvas

## Assessment 3 – Final Assignment

### Assessment Type Description

Written Assignment

This task involves a legal problem requiring identification and application of relevant legal principles to a hypothetical set/s of facts. Students will need to analyse the issues given in

<b>Weighting</b>	relation to the rules that apply. Modules 5–6 are potentially assessable (Wks 8-12). More detailed instructions will be added to the Assessment folder on Canvas. The assignment will be released on Canvas on the 30 May, 2pm. It will be due the 9 June, 11:59pm.
<b>Due Date</b>	50%
<b>Submission Method</b>	9 June, 11:59pm.
<b>Assessment Criteria</b>	Electronic submission via Turnitin on Canvas before or on due date and time. Evidence of appropriate use of primary materials and/or research, knowledge of fundamental IP concepts and their critique where relevant, quality of critical reflection, clarity of thought and expression (including legal reasoning and sound argument), compliance with AGLC 4th edition ( <a href="https://law.unimelb.edu.au/mulr/aglc">https://law.unimelb.edu.au/mulr/aglc</a> ). A more detailed marking guide/rubric will be provided to students in due course.
<b>Return Method</b>	As this is the final assessment item in the course, grades will only be returned on student request after the Fully Graded Date for Semester 1, 2024.
<b>Feedback Provided</b>	n/a.

## ADDITIONAL INFORMATION

### Grading Scheme

This course is graded as follows:

Range of Marks	Grade	Description
85-100	High Distinction (HD)	Outstanding standard indicating comprehensive knowledge and understanding of the relevant materials; demonstration of an outstanding level of academic achievement; mastery of skills*; and achievement of all assessment objectives.
75-84	Distinction (D)	Excellent standard indicating a very high level of knowledge and understanding of the relevant materials; demonstration of a very high level of academic ability; sound development of skills*; and achievement of all assessment objectives.
65-74	Credit (C)	Good standard indicating a high level of knowledge and understanding of the relevant materials; demonstration of a high level of academic achievement; reasonable development of skills*; and achievement of all learning outcomes.
50-64	Pass (P)	Satisfactory standard indicating an adequate knowledge and understanding of the relevant materials; demonstration of an adequate level of academic achievement; satisfactory development of skills*; and achievement of all learning outcomes.
0-49	Fail (FF)	Failure to satisfactorily achieve learning outcomes. If all compulsory course components are not completed the mark will be zero. A fail grade may also be awarded following disciplinary action.

\*Skills are those identified for the purposes of assessment task(s).

**Please note:** To ensure that grades are fair both within and between courses and cohorts, Newcastle School of Law and Justice has a rigorous policy of moderating and reviewing assessment. The School Assessment Board (SAB) reviews all final grades before they are released to students, and the SAB process may result in the overall marks of a class being moved up or down by a specific amount, thus impacting individual marks. This is consistent with grading practices in other Law Schools across the country and important to ensure the integrity of assessment. This means that the final grade you are awarded may not be the sum of marks you have received in all assessments.

### Communication Methods

Communication methods used in this course include:

- Class activities
- Announcements on the Canvas site and discussion forums on the Canvas site
- Email
- E-meetings (via course Canvas site)
- Face to face discussion (especially during scheduled consultation times)

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<b>Course Evaluation</b>	Each year feedback is sought from students and other stakeholders about the courses offered in the University for the purposes of identifying areas of excellence and potential improvement.
<b>Oral Interviews (Vivas)</b>	After you have submitted an assessment item in this course you may be required to take part in a Viva (also called an oral exam) for quality assurance purposes. A Viva will consist of an interview with one or perhaps two staff and will last approximately 10 minutes. During this time, you will be asked questions about the answers you have provided in the relevant assessment item. For instance, you may be asked about the workings or rationale behind the way you structured an assessment response or how you answered a couple of questions from the online test. This will help us verify your knowledge of a topic, demonstrate that it is your own work and provide informative feedback to staff to help them make enhancements to future examination/assessment papers. In cases where the oral examination reveals the assessment item may not be the student's own work the case will be dealt with under the <a href="#">Student Conduct Rule</a> .
<b>Academic Misconduct</b>	All students are required to meet the academic integrity standards of the University. These standards reinforce the importance of integrity and honesty in an academic environment. Academic Integrity policies apply to all students of the University in all modes of study and in all locations. For the Student Academic Integrity Policy, refer to <a href="https://policies.newcastle.edu.au/document/view-current.php?id=35">https://policies.newcastle.edu.au/document/view-current.php?id=35</a> .
<b>Adverse Circumstances</b>	The University acknowledges the right of students to seek consideration for the impact of allowable adverse circumstances that may affect their performance in assessment item(s). Applications for special consideration due to adverse circumstances will be made using the online Adverse Circumstances system where: 1. the assessment item is a major assessment item; or 2. the assessment item is a minor assessment item and the Course Co-ordinator has specified in the Course Outline that students may apply to the online Adverse Circumstances system; 3. you are requesting a change of placement; or 4. the course has a compulsory attendance requirement. Before applying you must refer to the Adverse Circumstance Affecting Assessment Items Procedure available at: <a href="https://policies.newcastle.edu.au/document/view-current.php?id=236">https://policies.newcastle.edu.au/document/view-current.php?id=236</a>
<b>Important Policy Information</b>	The 'HELP for Students' tab in UoNline contains important information that all students should be familiar with, including various systems, policies and procedures.
<b>Wellness Contacts</b>	There are a variety of pressures on law students, and being able to perform well academically under pressure, without excessive stress will contribute to enhanced outcomes in wellbeing and academic results. Please reach out to support services and learn ways to maintain your mental health, deal with stress and common issues like perfectionism, procrastination and anxiety.  To access UON support: <a href="https://www.newcastle.edu.au/current-students/support/personal">https://www.newcastle.edu.au/current-students/support/personal</a> Ph: 4921 6622 or email: <a href="mailto:counselling@newcastle.edu.au">counselling@newcastle.edu.au</a> For support outside of office hours call the University Crisis Support Line on 1300 653 007 or text 0488 884 165.  For immediate support contact Lifeline 24/7 on 13 14 11 or <a href="https://www.lifeline.org.au/">https://www.lifeline.org.au/</a>

*This course outline was approved by the Head of School. No alteration of this course outline is permitted without Head of School approval. If a change is approved, students will be notified and an amended course outline will be provided in the same manner as the original.*

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