

LAWS70406 US Intellectual Property Law

| | |
|--|--|
| Credit Points: | 12.50 |
| Level: | 7 (Graduate/Postgraduate) |
| Dates & Locations: | 2012, Parkville This subject commences in the following study period/s: May, Parkville - Taught on campus. |
| Time Commitment: | Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Not available |
| Prerequisites: | None. |
| Corequisites: | None. |
| Recommended Background Knowledge: | Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience. |
| Non Allowed Subjects: | None. |
| Core Participation Requirements: | The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact the Disability Liaison Unit: www.services.unimelb.edu.au/disability/ |
| Coordinator: | Prof Graeme Austin |
| Contact: | For more information, contact the Melbourne Law Masters office. Email law-masters@unimelb.edu.au (mailto:law-masters@unimelb.edu.au) or phone +61 3 8344 6190. Alternatively, visit our website: www.law.unimelb.edu.au/masters (http://www.law.unimelb.edu.au/masters) |
| Subject Overview: | Intellectual property is an increasingly contested field – both nationally and internationally. Different states' intellectual property laws manifest different attitudes towards the defining policy tension in this field of law: how to encourage and reward innovative activity, while ensuring that intellectual property does not raise intolerable barriers to market entry or impede fundamental rights and freedoms. This subject provides an overview of key United States intellectual property doctrines, statutes and principles, and will help students understand some of the ways the United States addresses these issues through its intellectual property laws. Before taking up his joint positions of Professor of Law at Melbourne Law School and Chair in Private Law at Victoria University, Professor Austin directed the intellectual property program at the University of Arizona College of Law. Principal topics will include: |

| | |
|--------------------------------------|---|
| | <ul style="list-style-type: none"> # Copyright protection for data-rich products # Prohibitions on copyright and trade mark protections for 'useful articles' # Work for hire rules in copyright # The 'fair use' exception to copyright # Indirect liability for copyright infringement # Establishment of trade mark rights under state and federal laws, including 'intent to use' applications # Trade mark infringement # Forms of abandonment of trade marks, including by naked licensing # Patentable subject matter and standards for patentability # Scope of patent and trade secret rights # Remedies. |
| Objectives: | <p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> # Understand key principles relating to the protection of copyrights, trade marks, patents, and trade secrets under US federal, and, where relevant, state laws # Appreciate the relevance of US intellectual property laws to domestic firms' export activities # Understand the structure of the US intellectual property system, including the relationship between federal, state and international law # Understand the constitutional foundations of US intellectual property laws and the continuing relevance of US constitutional law to the scope of intellectual property rights # Appreciate key similarities and differences between US and Australian intellectual property laws |
| Assessment: | Take-home examination (100%) (12 pm 29 June to 5 pm 2 July) |
| Prescribed Texts: | Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Visit the Melbourne Law Masters website for more information about this subject. |
| Breadth Options: | This subject is not available as a breadth subject. |
| Fees Information: | Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees |
| Links to further information: | http://www.law.unimelb.edu.au/masters/courses-and-subjects/subject-details/sid/5268 |