

LAWS50128 Intellectual Property & Popular Culture

Credit Points:	12.5																													
Level:	5 (Graduate/Postgraduate)																													
Dates & Locations:	This subject is not offered in 2016. This subject has a quota of 60 students. Details on quota subject selection are available on the JD website.																													
Time Commitment:	Contact Hours: 35 hours. Total Time Commitment: 140 hours.																													
Prerequisites:	<table><tr><th>Subject</th><th>Study Period Commencement:</th><th>Credit Points:</th></tr><tr><td>LAWS50023 Legal Method and Reasoning</td><td>February</td><td>12.50</td></tr><tr><td>LAWS50024 Principles of Public Law</td><td>Semester 1</td><td>12.50</td></tr><tr><td>LAWS50025 Torts</td><td>November, Semester 2</td><td>12.50</td></tr><tr><td>LAWS50026 Obligations</td><td>Semester 1</td><td>12.50</td></tr><tr><td>LAWS50027 Dispute Resolution</td><td>Semester 1</td><td>12.50</td></tr><tr><td>LAWS50028 Constitutional Law</td><td>Semester 2</td><td>12.50</td></tr><tr><td>LAWS50029 Contracts</td><td>Semester 2</td><td>12.50</td></tr><tr><td>LAWS50031 Legal Theory</td><td>Semester 2</td><td>12.50</td></tr></table>			Subject	Study Period Commencement:	Credit Points:	LAWS50023 Legal Method and Reasoning	February	12.50	LAWS50024 Principles of Public Law	Semester 1	12.50	LAWS50025 Torts	November, Semester 2	12.50	LAWS50026 Obligations	Semester 1	12.50	LAWS50027 Dispute Resolution	Semester 1	12.50	LAWS50028 Constitutional Law	Semester 2	12.50	LAWS50029 Contracts	Semester 2	12.50	LAWS50031 Legal Theory	Semester 2	12.50
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Corequisites:	None																													
Recommended Background Knowledge:	None																													
Non Allowed Subjects:	None																													
Core Participation Requirements:	<p>The Melbourne Law School welcomes applications from students with disabilities. It is University and Law School policy to take all reasonable steps to enable the participation of students with disabilities, and reasonable adjustments will be made to enhance a student's participation in the School's programs. The inherent academic requirements for the study in the Melbourne Law School are: The ability to attend 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 must possess behavioural and social attributes that enable them to participate in a complex learning environment. Students are required to take responsibility for their own participation and learning. They also contribute to the learning of other students in collaborative learning environments, demonstrating interpersonal skills and an understanding of the needs of other students. Assessment may include the outcomes of tasks completed in collaboration with other students. Students who feel their disability will prevent them from participating in tasks involving these inherent academic requirements are encouraged to contact the Disability Liaison Unit: www.services.unimelb.edu.au/disability/.</p>																													
Contact:	<p>Email: law-aso@unimelb.edu.au (mailto:law-aso@unimelb.edu.au) Phone: +61 3 8344 4475 Website: www.law.unimelb.edu.au/jd (http://www.law.unimelb.edu.au/jd)</p>																													
Subject Overview:	<p>Intellectual Property and Popular Culture (IPPC) is designed to offer an interdisciplinary cultural studies perspective on the enforcement of intellectual property rights with a focus on the relevance of an understanding of cultural production and semiotic consumption to legal doctrine.</p>																													

	<p>Contemporary culture in industrialised nations is characterised by a vibrant kaleidoscope of images and spectacles that permeate the fabric of everyday life, influencing consumption choices and political views, and providing meaningful materials out of which people may shape their own identities. It is in a hybrid mode as consumer-citizens that individuals participate to express freedom, choice and identity. The conceptual framework of cultural studies can help one better understand why certain cultural artifacts are universally popular and their significant impact within the environment they inhabit, and more importantly, can provide insights into how the law may respond in the context of this cultural milieu. In particular, this subject will examine the cultural and semiotic significance of celebrities (eg David Beckham, Rihanna), fictional characters (eg Superman, Mickey Mouse, Harry Potter) and iconic status symbols (eg Louis Vuitton, Christian Louboutin).</p> <p>IPPC uses relevant insights from cultural studies in a pragmatic manner to evaluate how an understanding of the contemporary production, circulation and consumption of such cultural products like celebrities, fictional literary characters and status symbols could ultimately assist in a more nuanced development of intellectual property (IP) laws.</p> <p>There is no prescribed textbook for this subject. Students will be referred to the foundational writings of Roland Barthes and Stuart Hall in semiotics and audience/media studies, the more recent works of star studies scholars like Richard Dyer, Graeme Turner and P David Marshall, and the interdisciplinary IP legal scholarship of authors like Rosemary Coombe, Rochelle Cooper Dreyfuss and David Tan. A comparative approach will be adopted to examine cultural themes in cases that involve the enforcement of IP rights to protect the celebrity personality, well-known fictional characters/movies/books/songs and iconic brands primarily drawn from the jurisdictions of New York, California, the United Kingdom, the European Union and Australia.</p>
Learning Outcomes:	<p>The objectives of the subject IPPC are to:</p> <ul style="list-style-type: none"> # Introduce key intellectual property rights (IPR) that are relevant to pop culture and popular iconography that includes the celebrity personality, fashion brands, movies and music, with a focus on claims brought by IPR owners in the United States, Europe and Australia; # Provide an interdisciplinary cultural studies perspective on the production, circulation and consumption of the celebrity personality and status symbols in contemporary society, and the relevance to the development of legal doctrine; # Highlight the transnational similarities and differences in the protection of IPR relating to popular iconography, especially in relation to the influence of free speech constitutional provisions; and # Examine, through the lens of cultural studies, the operation of the six prominent causes of action in the United States and United Kingdom, with selected references to other jurisdictions: (i) copyright infringement; (ii) trademark infringement and dilution; (iii) right of publicity tort; (iv) passing off; (v) right of privacy torts; (vi) breach of confidence.
Assessment:	6,000 word research paper (100%).
Prescribed Texts:	Specialist printed materials to be made available by Melbourne Law School.
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
Generic Skills:	<p>On successful completion of the subject IPPC, students will have:</p> <ul style="list-style-type: none"> # Acquired an advanced understanding of the key writings and insights from contemporary cultural studies on the production, circulation and consumption of cultural artifacts such as the celebrity personality, famous literary/dramatic/musical/artistic works and status symbols in contemporary society; # Gained an understanding of six relevant causes of action that are often used to enforce IPR relating to cultural artifacts today; # Demonstrated an ability to apply an interdisciplinary cultural studies perspective in a pragmatic manner to analyse the development of legal doctrine in relation to IPR; # Shown advanced skills in written analytical communication and legal problem-solving; # Developed the capacity to identify the salient transnational similarities and differences in the protection of IPR relating to popular iconography, and be able to compare and critique legal concepts across different jurisdictions; and

	# Augmented their specialised knowledge and skills to work more effectively in a multi-jurisdictional professional practice, undertake cross-jurisdictional research in an advanced academic setting or further graduate-level studies either in Australia or overseas.
Related Course(s):	Juris Doctor