

730-863 Free Speech & Intellectual Property Law

Credit Points:	12.500
Level:	Graduate/Postgraduate
Dates & Locations:	This subject is not offered in 2008.
Time Commitment:	Contact Hours: 24 - 26 contact hours per subject. Total Time Commitment: The time commitment for this subject depends on the candidate's background and experience.
Prerequisites:	N.A.
Corequisites:	N.A.
Recommended Background Knowledge:	None
Non Allowed Subjects:	None
Core Participation Requirements:	N.A.
Coordinator:	A/Prof Megan Richardson
Subject Overview:	<p>Objectives:</p> <p>A candidate who has successfully completed the subject should:</p> <ul style="list-style-type: none"> # Be familiar with the main theories of free speech # Appreciate the conflicts that can arise between free speech and intellectual property rights as well as the ways that free speech and intellectual property interests might coincide # Be mindful of the historical priority given to intellectual property over free speech as well as new impetuses towards a more free-speechcentric treatment from Human Rights conventions, Bills of Rights, constitutional implications on freedom of political discussion, and judicial pronouncements on rights # Have a good knowledge of the range of Australian cases in which freedom of speech has posed an implicit or explicit challenge to the grant or exercise of intellectual property rights # Have a good understanding of the range of statutory and common law limitations and exceptions that can now be drawn on to further free speech interests in the intellectual property sphere # Have a broad knowledge of legal doctrines, statutory provisions and cases from comparable jurisdictions that explore the interface between free speech and intellectual property # Appreciate the possibilities and limits of a comparative approach in this culturally diverse field. <p>Syllabus:</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> # Theories of free speech # Australian intellectual property cases relevant to free speech # Breathing space allowed for free speech under the <i>Copyright Act 1968</i> (Cth), <i>Trade Marks Act 1995</i> (Cth) and other Australian intellectual property statutes, as well as doctrines such as passing off and breach of confidence # Accommodation of free speech in statutory provisions, doctrines and cases on intellectual property in comparable jurisdictions (including, in particular, the US, the UK and Europe, Canada, New Zealand, Singapore, Hong Kong, Malaysia and China) # Consideration of cultural dimension of free speech vis--vis intellectual property (and related) interests in the different jurisdictions surveyed # Problems associated with cross-border communications and possible solutions, including uniform jurisdictional and choice of law rules # Desirability (and feasibility) of a uniform approach to the interface between intellectual property and free speech.
Assessment:	Take-home examination (100%) (12-15 September) or Research paper 10,000 words (100%) (16 October) (topic approved by the subject coordinator)

Prescribed Texts:	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Please visit the subject homepage on the Melbourne Law Masters website by following the link at the bottom of this subject entry.
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:	Please see the Subject Objectives for this information.
Links to further information:	For the latest information on this subject, please visit: http://www.masters.law.unimelb.edu.au/subject/730863