

LAWS40054 Copyright, Patent and Allied Rights

Credit Points:	12.50
Level:	4 (Undergraduate)
Dates & Locations:	2010, Parkville This subject commences in the following study period/s: Semester 2, Parkville - Taught on campus.
Time Commitment:	Contact Hours: One 3-hour seminar per week. Total Time Commitment: Estimated total time commitment of 100-126 hours (non-contact time is estimated at two to three hours per week during the teaching period and 40-60 hours in total during the non-teaching periods).
Prerequisites:	Legal Method and Reasoning; Principles of Public Law; Torts; Legal Theory; Contracts; Obligations; Property or in each case their equivalents.
Corequisites:	None.
Recommended Background Knowledge:	None.
Non Allowed Subjects:	None.
Core Participation Requirements:	For the purposes of considering requests for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Students Experiencing Academic Disadvantage Policy, academic requirements for this subject are articulated in the Subject Description, Subject Objectives, Generic Skills, and Assessment Requirements of this entry. The University is dedicated to providing support to those with special requirements. Further details on the disability support scheme can be found at the Disability Liaison Unit website: http://www.services.unimelb.edu.au/disability/ .
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Subject Overview:	Copyright, patent and allied rights are legal rights which attach to intangible subject matter (such as creative works, industrial advances or secrets) and, reflecting their increased commercial significance, are fertile growth areas in private law. The subject commences by allowing students to situate these rights within the system of private law and to analyse them within a framework of economic and social policy. From this foundation the subject allows students to develop an understanding of the legal fundamentals of the rights examined. Those fundamentals are: subject matter protected by copyright; requirements for copyright protection; ownership and duration of copyright; direct and indirect infringement of copyright; exceptions and limitations to the exclusive rights of the copyright owner; protection of design; protection of confidential information; inherently patentable subject matter; construction of patent claims; the requirements of patentability; ownership and duration of patent rights; transfer and exploitation of patent rights; and infringement of patents and defences to patent infringement.
Objectives:	A student who completes Copyright, Patent and Allied Rights should: # Appreciate the nature and policy roles of copyright, patent and allied rights as legal regimes within private law; # Recognise the correct categorisation of subject matter within those legal regimes; # Determine the nature of exclusion associated with ownership or control of subject matter within those legal regimes; # Apply the legal regimes in particular scenarios to resolve ambiguity and arrive at reasoned conclusions as to what outcomes may pertain in a court; # Evaluate those outcomes against the policy roles of the legal regimes.

Assessment:	A written assignment of 2,000 words, 50% (due mid-semester) and a final open-book examination of 2 hours, 50%.
Prescribed Texts:	Printed materials will be available from the Melbourne Law School; William van Caenegem, "Intellectual and Industrial Property in Australia" (LexisNexis, 2009).
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:	On completion of Copyright, Patent and Allied Rights, students should have developed the following generic skills: # The capacity for close reading of a range of sources; # The capacity for critical and independent thought and reflection; # The capacity for deductive analysis; # The capacity to solve problems through the synthesis and evaluation of information. In addition, and more specific to the discipline of law, students should be able to: # Assess the nature and role of copyright, patent and allied rights within private law and within a broad economic context; # Analyse judgments, statutes and secondary materials which relate to copyright, patent and their rights, analysis which comprises: - Extracting the relevant aspects; - Reconciling apparent conflicts and inconsistencies. # Write legal opinions on particular scenarios in which copyright, patent and allied rights are implicated, which comprises: - Identifying legal issues; - Arriving at reasoned conclusions as to the rights and obligations of the parties; - Commenting on the desirability or otherwise of the application of the law.