

LAWS50057 Property in Invention and Creation

Credit Points:	12.50																																
Level:	5 (Graduate/Postgraduate)																																
Dates & Locations:	This subject is not offered in 2012. Seminars.																																
Time Commitment:	Contact Hours: 48 hours (two 2-hour seminars per week over the course of a semester). Total Time Commitment: 168 hours.																																
Prerequisites:	<table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <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>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>LAWS50030 Property</td> <td>Not offered 2012</td> <td>12.50</td> </tr> <tr> <td>LAWS50031 Legal Theory</td> <td>November, Semester 2</td> <td>12.50</td> </tr> </tbody> </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	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	LAWS50030 Property	Not offered 2012	12.50	LAWS50031 Legal Theory	November, Semester 2	12.50
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Corequisites:	None.																																
Recommended Background Knowledge:	None.																																
Non Allowed Subjects:	<table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS70207 Copyright Law</td> <td>September</td> <td>12.50</td> </tr> <tr> <td>LAWS70021 Patent Law</td> <td>February, October</td> <td>12.50</td> </tr> </tbody> </table>			Subject	Study Period Commencement:	Credit Points:	LAWS70207 Copyright Law	September	12.50	LAWS70021 Patent Law	February, October	12.50																					
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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: http://www.services.unimelb.edu.au/disability/.</p>																																

Contact:	Melbourne Law School Student Centre Email: law-studentcentre@unimelb.edu.au (mailto:law-studentcentre@unimelb.edu.au) Tel: +61 3 8344 4475
Subject Overview:	<p>Proprietary legal rights attach to intangible subject matter such as creative works and industrial advances. Reflecting the increased commercial significance of such subject matter this is a fertile growth area in private law. It is also an area of increasing controversy in which the balance between the need to provide incentive and protection for private endeavour must be weighted against societal interests once acts of creation of invention have yielded valuable information goods.</p> <p>Topics to be covered in the subject include:</p> <ul style="list-style-type: none"> # The equitable action of breach of confidence, including its relationship with the common law restraint of trade doctrine; # The protection of invention and innovation under the Patents Act 1990 (Cth); # The protection of authorship, productions and performers under the Copyright Act 1968 (Cth), including particular issues surrounding digitised networks; # The protection for designers of distinctive mass produced items under the Designs Act 2003 (Cth), including its relationship with copyright protection.
Objectives:	<p>A student who successfully completes Property in Invention and Creation will be able to:</p> <ul style="list-style-type: none"> # Appreciate the nature and policy roles of confidential information, patent, copyright and design law 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 legal regimes in particular scenarios to resolve ambiguity and arrive at reasoned conclusions as to what outcomes may pertain in a court; and # Critically analyse and evaluate those outcomes against the public policy roles of the legal regimes.
Assessment:	4,000-word essay due mid semester (50%); 4,000-word take-home exam during the scheduled exam period (50%).
Prescribed Texts:	Stewart, Griffith, and Bannister, Intellectual Property in Australia (latest edition), LexisNexis; Specialist printed materials will also be made available from 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>A student who successfully completes Property and Invention in Creation will have developed a capacity to:</p> <ul style="list-style-type: none"> # Assess the nature and role of confidential information, patent, copyright and design law within broader economic and moral context; # Evaluate intellectual property laws against defined policy objectives; # Analyse judgements, statutes and secondary materials which relate to confidential information, patent, copyright and design law; and # Write legal opinions on particular scenarios in which confidential information, patent, copyright and design law issues are implicated, including being able to comment on the desirability of the application of the law.