

# LAWS50066 Cyberlaw

<b>Credit Points:</b>	12.50																				
<b>Level:</b>	5 (Graduate/Postgraduate)																				
<b>Dates &amp; Locations:</b>	2012, Parkville This subject commences in the following study period/s: Semester 1, Parkville - Taught on campus.																				
<b>Time Commitment:</b>	Contact Hours: 36 hours: 2 x 1.5-hour classes per week for 12 weeks. Total Time Commitment: 144 hours.																				
<b>Prerequisites:</b>	<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>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>LAWS50029 Contracts</td> <td>Semester 2</td> <td>12.50</td> </tr> </tbody> </table>			Subject	Study Period Commencement:	Credit Points:	LAWS50023 Legal Method and Reasoning	February	12.50	LAWS50025 Torts	Semester 2	12.50	LAWS50026 Obligations	Semester 1	12.50	LAWS50027 Dispute Resolution	Semester 1	12.50	LAWS50029 Contracts	Semester 2	12.50
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<b>Recommended Background Knowledge:</b>	None.																				
<b>Non Allowed Subjects:</b>	None.																				
<b>Core Participation Requirements:</b>	<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: <a href="http://www.services.unimelb.edu.au/disability/">http://www.services.unimelb.edu.au/disability/</a>.</p>																				
<b>Coordinator:</b>	Prof Andrew F. Christie																				
<b>Contact:</b>	Melbourne Law School Student Centre Email: <a href="mailto:law-studentcentre@unimelb.edu.au">law-studentcentre@unimelb.edu.au</a> (mailto:law-studentcentre@unimelb.edu.au) Tel: +61 3 8344 4475																				

<b>Subject Overview:</b>	<p>'Cyberspace' is the notional environment in which communication over computer networks (in particular, the Internet) occurs; and 'cyberlaw' is the application of law to transactions that occur in cyberspace. This subject examines two major points of connection between the law and cyberspace: regulation and proprietisation.</p> <p>The regulation theme of the subject is concerned with both regulation <i>of</i> cyberspace and regulation <i>in</i> cyberspace. The exploration <i>of</i> cyberspace involves consideration of the technical architecture of the Internet (how it works) and of the governance of the Internet (who runs it). The analysis of regulation <i>in</i> cyberspace looks at the laws that control communications, both commercial and private, that take place using the Internet.</p> <p>The proprietisation theme of the subject is concerned with both proprietisation <i>of</i> cyberspace and proprietisation <i>in</i> cyberspace. An example of proprietisation <i>of</i> cyberspace is the allocation of rights to domain names. Proprietisation <i>in</i> cyberspace occurs when, for instance, rights arise in relation to material distributed over the Internet (e.g. by peer-to-peer technologies) or created on the Internet (such as in virtual worlds).</p>
<b>Objectives:</b>	<p>A student who has successfully completed this subject will have an advanced, and integrated, knowledge of the laws, principles and practices of regulation and proprietisation of cyberspace. This includes an ability to critically analyse, evaluate and understand:</p> <ul style="list-style-type: none"> <li># The idealised concept of cyberspace;</li> <li># The technological features of the computer network called the Internet;</li> <li># The entities that control the various components of the Internet's infrastructure;</li> <li># Whether - and, if so, when - national laws apply in cyberspace;</li> <li># Non-national systems for resolving disputes concerning the Internet;</li> <li># Models for restricting the content of electronic communications;</li> <li># National legislative frameworks for censoring Internet content;</li> <li># The role of the concept of privacy in cyberspace;</li> <li># Whether - and, if so, when - use of a trade mark on a website, and in a search engine, constitutes an infringement of the rights of a trade mark owner;</li> <li># The resolution of disputes about the registration and use of a domain name containing someone else's trade mark;</li> <li># When transmissions over the Internet constitute an exercise of a copyright owner's exclusive right of communication;</li> <li># The peer-to-peer file sharing phenomenon;</li> <li># The liability of Internet intermediaries - especially Internet service providers - for copyright infringements by their customers;</li> <li># "Safe harbour" defences to copyright infringements in cyberspace;</li> <li># Crime, property and intellectual property in virtual worlds.</li> </ul>
<b>Assessment:</b>	3 hour supervised examination (100%), during the examination period.
<b>Prescribed Texts:</b>	Specialist printed materials will be made available from Melbourne Law School.
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Generic Skills:</b>	<p>On successful completion of the subject, students will have developed high-level skills in the following areas:</p> <ul style="list-style-type: none"> <li># Cognitive and technical skills to understand, interpret and apply legislation and case law from Australia, Europe and the United States of America, relevant to the regulation of technical infrastructures and to the grant and enforcement of proprietary rights;</li> <li># Cognitive and technical skills to identify, examine and analyse the policy challenges of applying traditional legal principles to actions undertaken in complex technological environments;</li> <li># Oral and written communication skills allowing effective communication of complex concepts relating to regulation in cyberspace, and regulation of cyberspace; and</li> </ul>

# Cognitive, technical and creative skills to generate effective and appropriate solutions to practical legal problems requiring application of national laws to actions undertaken in multi-jurisdictional environments.