

## LAWS70021 Patent Law

<b>Credit Points:</b>	12.50
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	2012, Parkville This subject commences in the following study period/s: February, Parkville - Taught on campus. October, Parkville - Taught on campus.
<b>Time Commitment:</b>	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Not available
<b>Prerequisites:</b>	None.
<b>Corequisites:</b>	None.
<b>Recommended Background Knowledge:</b>	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.
<b>Non Allowed Subjects:</b>	None.
<b>Core Participation Requirements:</b>	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of 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 who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact the Disability Liaison Unit: <a href="http://www.services.unimelb.edu.au/disability/">www.services.unimelb.edu.au/disability/</a>
<b>Contact:</b>	For more information, contact the Melbourne Law Masters office. Email <a href="mailto:law-masters@unimelb.edu.au">law-masters@unimelb.edu.au</a> ( <a href="mailto:law-masters@unimelb.edu.au">mailto:law-masters@unimelb.edu.au</a> ) or phone +61 3 8344 6190. Alternatively, visit our website: <a href="http://www.masters.law.unimelb.edu.au">www.masters.law.unimelb.edu.au</a> ( <a href="http://www.masters.law.unimelb.edu.au/">http://www.masters.law.unimelb.edu.au/</a> )
<b>Subject Overview:</b>	For at least 400 years, patent law has been the primary regulatory mechanism for optimising innovation. With more than 2 million patent applications filed annually around the world, the patent system is both highly complex and of great economic importance. This subject provides the foundational knowledge necessary for a professional understanding of patent law and the patent system. It does so through a combination of instructional sessions and hands-on workshop sessions. The instructional sessions provide students with a detailed understanding of the principles of patent law, with a particular focus on the requirements for the grant of a valid patent and for infringement of a patent. In the workshop sessions, students apply the principles of patent validity and patent infringement to actual prior art, patent claims and infringing embodiments. Successful completion of this subject satisfies the knowledge requirements specified by the Professional Standards Board for Patent and Trade Marks Attorneys for 'Topic Group E: Patent Law'. Principal topics will include:

	<ul style="list-style-type: none"> <li># History of patent protection</li> <li># Rationales for and alternatives to patents</li> <li># Trade secrets protection (breach of confidence)</li> <li># Patent application procedure and the PCT system</li> <li># Patentable subject matter</li> <li># Requirements for patentability: Including novelty; inventive step utility</li> <li># Section 40 objections: Ambiguity, description, fair basis and misrepresentation</li> <li># Infringement, defences and remedies</li> <li># Inventorship, entitlement and ownership</li> <li># Transfer and exploitation of patent rights</li> <li># The impact of competition law</li> <li># Future of the patent system.</li> </ul>
<b>Objectives:</b>	<p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> <li># Understand the policy issues involved in granting or denying patent protection, and the alternatives to such protection</li> <li># Understand and be able to apply the principles relating to the grant of a valid patent under Australian law</li> <li># Understand and be able to apply the principles relating to the infringement of a patent under Australian law</li> <li># Understand the principles applying to the ownership and exploitation of patents under Australian law</li> <li># Be broadly familiar with the principal steps by which a patent is applied for, and granted, under Australian law</li> <li># Understand and be able to apply the principles relating to the protection of confidential information and trade secrets under Australian law.</li> </ul>
<b>Assessment:</b>	Take-home examination (100%) Semester 1: 12 pm 21 March to 5 pm 26 March Semester 2: 12 pm 14 November to 5 pm 19 November
<b>Prescribed Texts:</b>	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Visit the Melbourne Law Masters website for more information about this subject.
<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>Links to further information:</b>	<a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subject-details/sid/5283">http://www.law.unimelb.edu.au/masters/courses-and-subjects/subject-details/sid/5283</a>