

## LAWS70046 Trade Marks and Unfair Competition

<b>Credit Points:</b>	12.50
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	This subject is not offered in 2014.
<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 and critique 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 to 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> ) Phone: +61 3 8344 6190 Website: <a href="http://www.law.unimelb.edu.au/masters">www.law.unimelb.edu.au/masters</a> ( <a href="http://www.law.unimelb.edu.au/masters">http://www.law.unimelb.edu.au/masters</a> )
<b>Subject Overview:</b>	<p>This subject is concerned with the laws in Australia that protect trade marks. Trade marks play a pivotal role in the marketing of goods and services, and generally are one of a trader's most valuable assets. The protection of trade marks is thus of critical importance to all traders but is also important to consumers, who rely on the information conveyed by trade marks. The subject concentrates on the trade mark protection regime provided by the <i>Trade Marks Act 1995</i> (Cth) and involves a detailed study of the provisions of this Act and related case law. The action for passing-off and actions for contravention of the Australian Consumer Law provisions in the <i>Competition and Consumer Act 2010</i> (Cth) proscribing misleading and deceptive conduct are also covered.</p> <p>The lecturer is an experienced trade mark law lecturer and practitioner.</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> <li># The function of trade marks</li> <li># Registration of trade marks under the <i>Trade Marks Act 1995</i> (Cth)</li> <li># Infringement, defences and remedies</li> <li># Licensing and assignment, and other exploitation of trade marks</li> <li># Removal and cancellation of registration</li> <li># Management and maintenance of trade marks</li> </ul>

	# The action for passing-off and actions for contravention of the Australian Consumer Law provisions in the <i>Competition and Consumer Act 2010</i> (Cth) proscribing misleading and deceptive conduct.
<b>Learning Outcomes:</b>	A student who has successfully completed this subject should: <ul style="list-style-type: none"> <li># Understand the nature of the Australian trade mark system and related areas of consumer protection</li> <li># Understand the principles of law by which unregistered trade marks are protected in Australia</li> <li># Understand the principles of law for obtaining, maintaining, protecting and exploiting a registered trade mark under the <i>Trade Marks Act 1995</i> (Cth).</li> </ul>
<b>Assessment:</b>	Take-home examination (100%) Semester 1: 14 – 19 May Semester 2: 10 – 15 December
<b>Prescribed Texts:</b>	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Details regarding any prescribed texts will be provided prior to the commencement of the 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/subject/LAWS70046/2014">www.law.unimelb.edu.au/subject/LAWS70046/2014</a>