

LAWS90035 Trade Mark Practice

Credit Points:	12.5
Level:	9 (Graduate/Postgraduate)
Dates & Locations:	2015, Parkville This subject commences in the following study period/s: June, Parkville - Taught on campus. During the pre-teaching period, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.
Time Commitment:	Contact Hours: 24 Hours Total Time Commitment: 150 Hours
Prerequisites:	Successful completion of LAWS70046 Trade Marks and Unfair Competition or an equivalent subject, or appropriate practical experience is required.
Corequisites:	None
Recommended Background Knowledge:	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.
Non Allowed Subjects:	None
Core Participation Requirements:	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: www.services.unimelb.edu.au/disability/
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Subject Overview:	This subject builds on the material covered in the <i>Trade Marks and Unfair Competition</i> subject. <i>Trade Mark Practice</i> is primarily concerned with the procedures and practices of the Australian Trade Marks Office in obtaining and maintaining a registered trade mark. This subject is thus particularly valuable for students wishing to prosecute trade mark applications through the Australian Trade Marks Office. The rights, privileges and responsibilities of a patent or trade mark attorney are also covered. The lecturer is an experienced trade mark law lecturer and practitioner. The emphasis of this subject is on the documentation and procedures involved and the relevant practice of the Australian Trade Marks Office.

	<p>Principal topics include:</p> <ul style="list-style-type: none"> # The Trade Marks Office, the Trade Marks Register and the <i>Australian Official Journal of Trade Marks</i> # Determining the availability of a trade mark for use and registration, searching the Trade Marks Office database and other search options # Applications for registration, including Madrid Protocol, Convention, divisional and series applications # Examination and acceptance of applications # Opposition to registration # Initiating and opposing applications to remove a trade mark for non-use # Amendment of applications and other documents # Obtaining registration and renewal of registration # Obtaining extensions of time # International conventions and initiatives, and protecting trade marks in foreign countries # The rights, privileges and responsibilities of a patent or trade mark attorney.
<p>Learning Outcomes:</p>	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> # Have an advanced and integrated understanding of # Be able to critically examine, analyse, interpret and assess the effectiveness of these practices, procedures, principles, options, rights, privileges and responsibilities # Be an engaged participant in debate regarding emerging and contemporary issues in this field, such as the effect of recent regulatory amendments in the opposition procedures and the implications of closer cooperation with New Zealand # Have a sound appreciation of the factors and processes driving governmental revisions of the legal framework # Have an advanced understanding of the application of the legal principles and rules of practice in the context of advising and assisting clients with the preparation of their trade mark applications, <ul style="list-style-type: none"> # initiating or defending any opposition or non-use removal applications, and the maintenance and exploitation of their' rights, once granted # Have a sound understanding of practice issues arising in an international and comparative context # Have the cognitive and technical skills to generate critical and creative ideas relating to practice issues in this area, and to critically and independently evaluate existing legal theories, principles and practices # Have the cognitive and technical skills independently to examine, research and analyse existing and emerging issues relating to trade mark practice # Have the communication skills to clearly articulate and convey complex information regarding practice issues to relevant specialist and non-specialist audiences, including clients # Be able to demonstrate autonomy, sound judgment and responsibility as a practitioner and learner in the field of trade mark practice.
<p>Assessment:</p>	<p>Take-home examination, 29 July - 3 August 2015, 100% A minimum of 75% attendance is a hurdle requirement.</p>
<p>Prescribed Texts:</p>	<p>Core subject materials will be provided free of charge to all students. It is also essential that students have access to a copy of the Trade Marks Act 1995 and the Trade Marks Regulations 1995 during all classes</p>
<p>Breadth Options:</p>	<p>This subject is not available as a breadth subject.</p>
<p>Fees Information:</p>	<p>Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees</p>
<p>Generic Skills:</p>	<ul style="list-style-type: none"> # Critical thinking skills, problem solving skills, analytical skills # Capacities in information seeking, evaluation and retrieval # Communications skills, oral and written # Planning and time management

**Links to further
information:**

www.law.unimelb.edu.au/subject/LAWS90035/2015