

# LAWS70208 Competition Law & Intellectual Property

<b>Credit Points:</b>	12.5
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	This subject is not offered in 2016.
<b>Time Commitment:</b>	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: The pre-teaching period commences four weeks before the subject commencement date. From this time, 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.
<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: 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>Intellectual property (IP) rights support growth by promoting innovation through the offer of a temporary monopoly to creators and inventors. However such rights can also stifle growth where transaction costs are high or rights are fragmented in a way making them hard to access. Poorly designed intellectual property rules can help established players in a market obstruct new players by impeding their access to technology and content. A carefully designed and dynamic intellectual property system can, by contrast, complement the spur that competition gives to innovation by enabling follow-on innovation. The interface of intellectual property and competition law is especially crucial to this goal. Taught by two experts in the fields of competition law and intellectual property, this subject examines the interface, looking both at how competition law regulates intellectual property and ways in which competition policies may be found within the intellectual property systems. Relevant Australian and comparable law will be examined along with special case studies on book publishing, news media and luxury brands.</p> <p>This subject provides an examination of the interface between the legal property rights created by intellectual property statutes (and at common law) and the body of law that controls and regulates anti-competitive practices.</p>

	<p>Principal topics include:</p> <ul style="list-style-type: none"> <li># Theoretical approaches to the accommodation of intellectual property rights to competition law</li> <li># Policy goals of intellectual property and competition law</li> <li># Limitations and controls placed over the grant, subsistence, scope and infringement of intellectual property rights under statutory and common law regimes</li> <li># Statutory and compulsory licensing under the <i>Patents Act 1990</i> (Cth) and <i>Copyright Act 1968</i> (Cth)</li> <li># Part IV of the <i>Competition and Consumer Act 2010</i> (Cth): Outline, concepts and special provisions in respect of intellectual property</li> <li># Dealings in intellectual property under intellectual property and competition statutes.</li> </ul>
<b>Learning Outcomes:</b>	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> <li># Have an advanced and integrated understanding of key principles of competition law and intellectual property in Australia and comparable jurisdictions</li> <li># Be able to critically examine, analyse, interpret and assess the effectiveness of these legal principles</li> <li># Have the cognitive and technical skills to independently examine, research and analyse existing and emerging legal issues relating to competition law and intellectual property</li> <li># Be an engaged participant in debate regarding emerging and contemporary issues in the field</li> <li># Have a sophisticated appreciation of the factors and processes driving law reform</li> <li># Have the cognitive and technical skills to generate critical and creative ideas, and to critically evaluate existing legal theories, principles and concepts with creativity and autonomy</li> <li># Have the communication skills to clearly articulate and convey complex information regarding competition law and intellectual property to relevant specialist and non-specialist audiences.</li> <li># Be able demonstrate autonomy, expert judgment and responsibility as a practitioner and learner in the field of competition law and intellectual property.</li> </ul>
<b>Assessment:</b>	Class participation (10%) Take-home examination (90%) (15-18 January 2016) or 9,000 word research paper (90%) (29 February 2016) on a topic approved by the subject coordinator
<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/subject/LAWS70208/2015">www.law.unimelb.edu.au/subject/LAWS70208/2015</a>
<b>Notes:</b>	This subject has a quota of 30 students. Please refer to the website <a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format">www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format</a> ( <a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format">http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format</a> ) for further information about the management of subject quotas and waitlists.
<b>Related Course(s):</b>	<p>Graduate Diploma in Communications Law  Graduate Diploma in Competition and Consumer Law  Graduate Diploma in Intellectual Property Law  Graduate Diploma in Legal Studies  Master of Commercial Law  Master of Competition and Consumer Law  Master of Intellectual Property Law  Master of Laws  Master of Public and International Law</p>