



The University of Southern Queensland

## Course specification

This version produced 20 Dec 2007.

The current and official versions of the course specifications are available on the web at  
<<http://www.usq.edu.au/coursespecification/current>>.

Please consult the web for updates that may occur during the year.

### Description: Intellectual Property Law

Subject	Cat-nbr	Class	Term	Mode	Units	Campus
LAW	8114	67319	2, 2007	EXT	1.00	Toowoomba

<b>Academic group:</b>	FOBUS
<b>Academic org:</b>	FOB010
<b>Student contribution band:</b>	3
<b>ASCED code:</b>	090999

### STAFFING

Examiner: Mark Byrne

Moderator: Caroline Hart

### REQUISITES

Pre-requisite: LAW5503 or an understanding of Australian Legal Principles

### OTHER REQUISITES

Students are required to have access to a personal computer, e-mail capabilities and Internet access to USQConnect. Current details of computer requirements can be found at <http://www.usq.edu.au/business/aboutfob.htm>

### SYNOPSIS

Over the past decade or so, Intellectual Property has become one of the major asset items of modern business. Although this course may be useful to anyone in business, it may also be useful for people in the public sector, such as universities, as it relates to the commercialisation of Intellectual Property. The components covered in this course include copyright, trademarks, patents, and confidential information. The course will also address some Intellectual Property Issues which relate to e-commerce although students should be aware that the University offers a separate course LAW8301 e-Commerce Law which gives students a detailed understanding of the law as it relates to the Internet and in particular e-commerce.

### OBJECTIVES

The course objectives define the student learning outcomes for a course. The assessment item/s that may be used to assess student achievement of an objective is/are shown in parentheses after each objective. On successful completion of this course, students should be able to:

1. describe various categories of intellectual property (Assignment, Examination)
2. delineate the criteria needed for protection of the various types of intellectual property (Assignment, Examination)

3. describe the extent of protection afforded by intellectual property law (Assignment, Examination)
4. apply the principles of law covered in the course in the commercial context (Assignment, Examination)
5. demonstrate strong communication skills (Assignment, Examination).

## TOPICS

Description	Weighting (%)
1. What is intellectual property?	10.00
2. Copyright	20.00
3. Designs	10.00
4. Patents	20.00
5. Miscellaneous statutory protection of intellectual property	5.00
6. Trade marks	20.00
7. Confidential information	10.00
8. Commercialisation	5.00

## TEXT and MATERIALS required to be PURCHASED or ACCESSED

ALL textbooks and materials are available for purchase from USQ BOOKSHOP (unless otherwise stated). Orders may be placed via secure internet, free fax 1800642453, phone 07 46312742 (within Australia), or mail. Overseas students should fax +61 7 46311743, or phone +61 7 46312742. For costs, further details, and internet ordering, use the 'Textbook Search' facility at <http://bookshop.usq.edu.au> click 'Semester', then enter your 'Course Code' (no spaces).

If a later edition becomes available before the start of the semester please purchase the latest edition

McKeough, J, Bowrey, K & Griffith, PCB 2002, *Intellectual property commentary and materials*, 3rd edn, Lawbook Co, Sydney.

McKeough, J & Stewart, A 2004, *Intellectual property in Australia*, 3rd edn, Butterworths, Sydney.

## REFERENCE MATERIALS

Reference materials are materials that, if accessed by students, may improve their knowledge and understanding of the material in the course and enrich their learning experience.

'Intellectual property reports' (Available: Butterworths, Sydney).

(Butterworths Online accessible via USQ Library Database Services

<http://www.usq.edu.au/library/eservices/datahead.htm>)

Dwyer, J & Dufty, A (eds) 'Patents, trade marks and related rights' (Available: Butterworths, Sydney).

(Butterworths Online accessible via USQ Library Database Services

<http://www.usq.edu.au/library/eservices/datahead.htm>)

Loughlan, PL 1998, *Intellectual property: creative and marketing rights*, LBC Information Services, Sydney.

Ricketson, S & Richardson, M 1998, *Intellectual property: cases, materials and commentary*, 2nd edn, Butterworths, Sydney.

Van Caenegem, W 2001, *Intellectual property: Butterworths tutorial series*, Butterworths, Sydney.

## STUDENT WORKLOAD REQUIREMENTS

ACTIVITY	HOURS
Assessment	40.00
Directed Study	50.00
Private Study	75.00

## ASSESSMENT DETAILS

Description	Marks out of	Wtg(%)	Due date
ASSIGNMENT	30.00	30.00	07 Sep 2007
2 HOUR EXAMINATION	70.00	70.00	END S2

## IMPORTANT ASSESSMENT INFORMATION

- 1 Attendance requirements:  
If you are an international student in Australia, you are advised to attend all classes at your campus. For all other students, there are no attendance requirements for this course. However, it is the students' responsibility to study all material provided to them or required to be accessed by them to maximise their chance of meeting the objectives of the course and to be informed of course-related activities and administration.
- 2 Requirements for students to complete each assessment item satisfactorily:  
Students must submit assignments that represent a reasonable attempt as determined by the Examiner. Students must obtain at least 50% of the marks available for the examination.
- 3 Penalties for late submission of required work:  
If students submit assignments after the due date without prior approval of the examiner, then a penalty of 5% of the total marks gained by the student for the assignment may apply for each working day late up to ten working days at which time a mark of zero may be recorded.
- 4 Requirements for student to be awarded a passing grade in the course:  
To be assured of receiving a passing grade a student must achieve at least 50% of the total weighted marks available for the course.
- 5 Method used to combine assessment results to attain final grade:  
The final grades for students will be assigned on the basis of the weighted aggregate of the marks obtained for each of the summative assessment items in the course.
- 6 Examination information:  
This will be an open examination. Candidates may have access to any material during the examination except the following: electronic communication devices (eg mobile telephones, pagers), bulky materials, devices requiring mains power and material likely to disturb other students.
- 7 Examination period when Deferred/Supplementary examinations will be held:

Any Deferred or Supplementary examinations for this course will be held during the next examination period.

8 University Regulations:

Students should read USQ Regulations 5.1 Definitions, 5.6 Assessment, and 5.10 Student Academic Misconduct for further information and to avoid actions which might contravene university regulations. These regulations can be found at <http://www.usq.edu.au/corporateservices/calendar/part5.htm>. Students should also read the Faculty of Business Policies and Procedures which can be found at <http://www.usq.edu.au/business/aboutfob.htm>.

## **ASSESSMENT NOTES**

- 1 Assignments: (i) The due date for an assignment is the date by which a student must despatch the assignment to the USQ. The onus is on the student to provide proof of the despatch date, if requested by the examiner. (ii) If requested, students will be required to provide a copy of an assignment submitted for assessment purposes. This should be despatched to the USQ within 24 hours of receipt of a request being made. (iii) In accordance with university policy, the examiner may grant an extension of the due date of an assignment in extenuating circumstances. (iv) Assignments are to be submitted in the appropriate assignment folders. (v) The examiner will normally only accept assessments that have been written, typed or printed on paper-based media. (vi) The examiner will not accept submission of assignments by facsimile. (vii) Students who do not have regular access to postal services or who are otherwise disadvantaged by these regulations may be given special consideration. They should contact the examiner to negotiate such special arrangements. (viii) In the event that a due date for an assignment falls on a local public holiday in their area, such as a show holiday, the due date for the assignment will be the next day. Students are to note on the assignment cover the date of the public holiday for the examiner's convenience.
- 2 Course weightings: Course weightings of topics should not be interpreted as applying to the number of marks allocated to questions testing those topics in an examination paper. The examination may test material already tested in assignments.
- 3 Deferred work: Students who, for medical, family/personal, or employment-related reasons, are unable to complete an assignment or to sit for an examination at the scheduled time may apply to defer an assessment in a course. Such a request must be accompanied by appropriate supporting documentation. One of the following temporary grades may be awarded: IDS (Incomplete - Deferred Examination); IDM (Incomplete Deferred Make-up); IDB (Incomplete - Both Deferred Examination and Deferred Make-up).

## **OTHER REQUIREMENTS**

- 1 Learning resources: Prescribed text and materials (see above); prescribed reference materials (see above); printed Introductory Book and Study Book/s; and course Website accessible via USQConnect.
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