



LAWS12068 *Intellectual Property Law*

Term 1 - 2019

Profile information current as at 29/04/2024 09:19 am

All details in this unit profile for LAWS12068 have been officially approved by CQUniversity and represent a learning partnership between the University and you (our student). The information will not be changed unless absolutely necessary and any change will be clearly indicated by an approved correction included in the profile.

General Information

Overview

Intellectual property concerns legal rights over creativity and innovation. In Australia statutory rights exist in relation to Copyright, Patents, Designs, Trade Marks, Plant Breeder's Rights as well as rights relating to confidentiality, passing off and unfair competition. Intellectual property transcends national and international boundaries and is truly global in context. This unit will explore complex policy issues including: international trade; information technology; revolutions in agriculture, medicine and biotechnology; personality rights; creative commons; and the protection of traditional knowledge and culture. Intellectual Property is as dynamic as it is controversial.

Details

Career Level: *Undergraduate*

Unit Level: *Level 2*

Credit Points: 6

Student Contribution Band: 10

Fraction of Full-Time Student Load: 0.125

Pre-requisites or Co-requisites

Prerequisites: LAWS11057, LAWS11059, LAWS11061, LAWS11062, LAWS11063, LAWS11064, LAWS11060, (LAWS11065 or LAWS12055) Co-requisite: LAWS12065

Important note: Students enrolled in a subsequent unit who failed their pre-requisite unit, should drop the subsequent unit before the census date or within 10 working days of Fail grade notification. Students who do not drop the unit in this timeframe cannot later drop the unit without academic and financial liability. See details in the [Assessment Policy and Procedure \(Higher Education Coursework\)](#).

Offerings For Term 1 - 2019

- Online

Attendance Requirements

All on-campus students are expected to attend scheduled classes – in some units, these classes are identified as a mandatory (pass/fail) component and attendance is compulsory. International students, on a student visa, must maintain a full time study load and meet both attendance and academic progress requirements in each study period (satisfactory attendance for International students is defined as maintaining at least an 80% attendance record).

Website

[This unit has a website, within the Moodle system, which is available two weeks before the start of term. It is important that you visit your Moodle site throughout the term. Please visit Moodle for more information.](#)

Class and Assessment Overview

Recommended Student Time Commitment

Each 6-credit Undergraduate unit at CQUniversity requires an overall time commitment of an average of 12.5 hours of study per week, making a total of 150 hours for the unit.

Class Timetable

[Regional Campuses](#)

Bundaberg, Cairns, Emerald, Gladstone, Mackay, Rockhampton, Townsville

[Metropolitan Campuses](#)

Adelaide, Brisbane, Melbourne, Perth, Sydney

Assessment Overview

1. **Presentation and Written Assessment**

Weighting: 50%

2. **Written Assessment**

Weighting: 40%

3. **Group Discussion**

Weighting: 10%

Assessment Grading

This is a graded unit: your overall grade will be calculated from the marks or grades for each assessment task, based on the relative weightings shown in the table above. You must obtain an overall mark for the unit of at least 50%, or an overall grade of 'pass' in order to pass the unit. If any 'pass/fail' tasks are shown in the table above they must also be completed successfully ('pass' grade). You must also meet any minimum mark requirements specified for a particular assessment task, as detailed in the 'assessment task' section (note that in some instances, the minimum mark for a task may be greater than 50%). Consult the [University's Grades and Results Policy](#) for more details of interim results and final grades.

CQUniversity Policies

All University policies are available on the [CQUniversity Policy site](#).

You may wish to view these policies:

- Grades and Results Policy
- Assessment Policy and Procedure (Higher Education Coursework)
- Review of Grade Procedure
- Student Academic Integrity Policy and Procedure
- Monitoring Academic Progress (MAP) Policy and Procedure – Domestic Students
- Monitoring Academic Progress (MAP) Policy and Procedure – International Students
- Student Refund and Credit Balance Policy and Procedure
- Student Feedback – Compliments and Complaints Policy and Procedure
- Information and Communications Technology Acceptable Use Policy and Procedure

This list is not an exhaustive list of all University policies. The full list of University policies are available on the [CQUniversity Policy site](#).

Previous Student Feedback

Feedback, Recommendations and Responses

Every unit is reviewed for enhancement each year. At the most recent review, the following staff and student feedback items were identified and recommendations were made.

Feedback from Student email.

Feedback

From the time I began studying law in 2014, I have been looking forward to studying intellectual property law and had long marked the subject to be one of my electives. My opportunity to enrol arose this semester - AJ and the course itself far exceeded any of my expectations. To say I really enjoyed this subject would be an understatement. I really enjoyed our lecture notes, AJ's vidcasts and the textbook (which proved to be easy-reading). I also really enjoyed my completed assessment to date and found the experience and delivery to be rewarding, beyond the substantive material or method of delivery.

Recommendation

Continue to provide highly engaging, motivational learning in this unit.

Feedback from Student feedback.

Feedback

Better navigability of Moodle site.

Recommendation

The unit Moodle site will be streamlined to improve "student friendliness" and navigability.

Feedback from Student feedback.

Feedback

More assistance with assessment requirements.

Recommendation

More information and assistance will be provided to students on the process of selecting an independent research paper. More assistance will be provided on how to go about researching for an independent research paper.

Feedback from In class.

Feedback

Less forums.

Recommendation

Remove a number of superfluous discussion forums. Too many for students to manage.

Unit Learning Outcomes

On successful completion of this unit, you will be able to:

1. Identify and apply legal principles relating to confidential information, copyright, patents, designs, trade marks, plant breeder's rights, unfair competition and the protection of business reputation.
2. Demonstrate an understanding of the legal and practical steps needed to ensure that intellectual property rights remain valid and enforceable.
3. Demonstrate a capacity to identify, apply and assess ownership rights and marketing protection under intellectual property law as applicable to information, ideas, creativity and innovation.
4. Critique intellectual property protection for indigenous knowledge and culture, information technology especially biotechnology and international trade.

Alignment of Learning Outcomes, Assessment and Graduate Attributes



Alignment of Assessment Tasks to Learning Outcomes

| Assessment Tasks | Learning Outcomes | | | |
|---|-------------------|---|---|---|
| | 1 | 2 | 3 | 4 |
| 1 - Presentation and Written Assessment - 50% | • | • | • | • |
| 2 - Written Assessment - 40% | • | • | • | • |

Alignment of Graduate Attributes to Learning Outcomes

| Graduate Attributes | Learning Outcomes | | | |
|---|-------------------|---|---|---|
| | 1 | 2 | 3 | 4 |
| 1 - Communication | | | • | • |
| 2 - Problem Solving | • | • | • | • |
| 3 - Critical Thinking | • | • | • | • |
| 4 - Information Literacy | | | | |
| 5 - Team Work | | | | |
| 6 - Information Technology Competence | | | | |
| 7 - Cross Cultural Competence | | | | • |
| 8 - Ethical practice | | | | |
| 9 - Social Innovation | | | | |
| 10 - Aboriginal and Torres Strait Islander Cultures | | | | |

Alignment of Assessment Tasks to Graduate Attributes

| Assessment Tasks | Graduate Attributes | | | | | | | | | |
|---|---------------------|---|---|---|---|---|---|---|---|----|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 1 - Presentation and Written Assessment - 50% | • | • | • | | | | | | | |
| 2 - Written Assessment - 40% | • | • | • | | | | • | | | |
| 3 - Group Discussion - 10% | • | • | • | | • | | | | | |

Textbooks and Resources

Textbooks

LAWS12068

Prescribed

Introduction to Intellectual Property

Edition: First (2015)

Authors: Anne Fitzgerald, Dimitrios G Eliades

Thomson Reuters

Sydney , NSW , Australia

ISBN: 9780455233710

Binding: Paperback

Additional Textbook Information

Copies can be purchased from the CQUni Bookshop here: <http://bookshop.cqu.edu.au> (search on the Unit code)

IT Resources

You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)
- Prescribed text: Ann Fitzgerald and Dimitrios G Eliades, *Introduction to Intellectual Property* (Thomas Reuters (Professional) Australia Ltd, 2015).

Referencing Style

All submissions for this unit must use the referencing style: [Australian Guide to Legal Citation, 4th ed](#)

For further information, see the Assessment Tasks.

Teaching Contacts

AJ George Unit Coordinator

a.m.george@cqu.edu.au

Schedule

Week 1 - 11 Mar 2019

| Module/Topic | Chapter | Events and Submissions/Topic |
|---|---|------------------------------|
| Overview of intellectual property: ghastly caricatures | Ann Fitzgerald and Dimitrios G Eliades, <i>Introduction to Intellectual Property</i> (Thomas Reuters (Professional) Australia Ltd, 2015), Ch 1: Overview of Intellectual Property | |

Week 2 - 18 Mar 2019

| Module/Topic | Chapter | Events and Submissions/Topic |
|---|--|------------------------------|
| Copyright law: protecting creativity (was Mark Twain right?) | Ann Fitzgerald and Dimitrios G Eliades, <i>Introduction to Intellectual Property</i> (Thomas Reuters (Professional) Australia Ltd, 2015), Ch 2, 3. | |

Week 3 - 25 Mar 2019

| Module/Topic | Chapter | Events and Submissions/Topic |
|--|--|------------------------------|
| Confidential information and patent law: protecting secrecy and useful ideas (how to get that perfect chip sandwich) | Ann Fitzgerald and Dimitrios G Eliades, <i>Introduction to Intellectual Property</i> (Thomas Reuters (Professional) Australia Ltd, 2015), Ch 4, 5. | |

Week 4 - 01 Apr 2019

| Module/Topic | Chapter | Events and Submissions/Topic |
|--|---|------------------------------|
| Trade marks: protecting business signs (taking care of business) | Ann Fitzgerald and Dimitrios G Eliades, <i>Introduction to Intellectual Property</i> (Thomas Reuters (Professional) Australia Ltd, 2015), Ch 6. | |

Week 5 - 08 Apr 2019

| Module/Topic | Chapter | Events and Submissions/Topic |
|---|---|------------------------------|
| Passing off and Australian competition law (taking care of business II) | Ann Fitzgerald and Dimitrios G Eliades, <i>Introduction to Intellectual Property</i> (Thomas Reuters (Professional) Australia Ltd, 2015), Ch 7. Australian Competition Law Organisation, <i>Australian Competition Law Overview</i> (June to September 2016) australiancompetitionlaw.org < http://www.australiancompetitionlaw.org/overview.html > (Outline of the Part IV provisions) Prof Ian Harper et al, <i>Competition Policy Review: Final Report</i> (31 March 2015) < http://competitionpolicyreview.gov.au/files/2015/03/Part3_final-report_online.pdf > (Harper Review), (** Read only Part 3, Section 9 (Intellectual Property)). Australian Government The Treasury, <i>Response to the Competition Policy Review</i> (24 November 2015) < http://www.treasury.gov.au/PublicationsAndMedia/Publications/2015/CPR-response > (** Read only the Responses to Recommendations 1, 6, 7, 13, 22, 23, 25, 27, 28, 30, 32, 33, 34, 38, 39. Note that the Government did not agree to Recommendation 6 that a separate inquiry be called into negotiating mandates to incorporate IP provisions in international trade agreements) Update on Harper Review: ACCC welcomes new era in competition law (October 2017): < https://www.accc.gov.au/media-release/accc-welcomes-new-era-in-competition-law > Finally, s51(3) of the Competition and Consumer Act will be repealed (the Treasury Laws Amendment (2018 Measures No. 5) Bill 2018 was passed by Federal Parliament 18 Feb 2019): < <a 193.html"="" 2003="" au="" cases="" cth="" fcafc="" href="https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search/Results/Result?>=bid=r61895&fbclid=IwAR137EmeAQ0bGFIEu_s5_PPzVnSiaG5cx8mdwEGzeIhwWEEJPd1TrWts>https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search/Results/Result?>=bid=r61895&fbclid=IwAR137EmeAQ0bGFIEu_s5_PPzVnSiaG5cx8mdwEGzeIhwWEEJPd1TrWts> Universal Music Australia Pty Ltd v ACCC [2003] FCAFC 193 <http://www.austlii.edu.au/au/cases/cth/FCAFC/2003/193.html > (Skim this case) | |

Vacation Week - 15 Apr 2019

| Module/Topic | Chapter | Events and Submissions/Topic |
|--------------|---------|------------------------------|
|--------------|---------|------------------------------|

Week 6 - 22 Apr 2019

| Module/Topic | Chapter | Events and Submissions/Topic |
|--|---|------------------------------|
| Remedies for infringement (How the IP West was won. Or not). | Ann Fitzgerald and Dimitrios G Eliades, <i>Introduction to Intellectual Property</i> (Thomas Reuters (Professional) Australia Ltd, 2015), Ch 8. | |

Week 7 - 29 Apr 2019

| Module/Topic | Chapter | Events and Submissions/Topic |
|-------------------------------|---|------------------------------|
| IP reform (are we there yet?) | Selected reading from below and/or additional research if this is your paper topic. Also see Moodle and study guide. Start Here: Productivity Commission, <i>Intellectual Property Arrangements</i> , Inquiry Report No 78 (Dec 2016) Overview of Report: < http://www.pc.gov.au/inquiries/completed/intellectual-property/report/intellectual-property-overview.pdf > (The full IP Arrangements report is here: < https://www.pc.gov.au/inquiries/completed/intellectual-property#report >) Government Response to the Productivity Commission Report (August 2017): < https://www.industry.gov.au/sites/g/files/net3906/f/government_response_to_pc_inquiry_into_ip_august_2017.pdf > Implementation efforts by IP Australia. See overview of 2018 consultations: < https://www.ipaustralia.gov.au/about-us/public-consultations/public-consultation-several-intellectual-property-ip-matters > See also IP Australia's overview of the 2018/2019 legislative reform agenda: < https://www.ipaustralia.gov.au/about-us/news-and-community/news/implementation-government-response-productivity-commissions-2016 > and < https://www.ipaustralia.gov.au/policy-register > See also resources for week 8 on copyright reforms/fair use which are a subset of the overall reform agenda. | |

Week 8 - 06 May 2019

| Module/Topic | Chapter | Events and Submissions/Topic |
|----------------------------------|---|------------------------------|
| Fair use has a posse (giddy up!) | Selected reading from below and/or additional research if this is your paper topic. Also see Moodle and study guide. Start Here: Department of Communication and the Arts, <i>Copyright Modernisation Consultation Paper</i> , "Flexible Exceptions" (March 2018): < https://www.communications.gov.au/file/34991/download?token=AseAjiWg > (Submissions on the Consultation closed after extended period, 4 July 2018). Submissions may be found here: < https://www.communications.gov.au/have-your-say/copyright-modernisation-consultation >) Productivity Commission, <i>Intellectual Property Arrangements</i> , Report No 78 (2016) Chapter 6 "Fair Use", pp 165-193: < http://www.pc.gov.au/inquiries/completed/intellectual-property/report/intellectual-property.pdf > Katharina Freund, "'Fair use is legal use": Copyright negotiations and strategies in the fan-vidding community', (2016) 18(7) <i>New Media & Society</i> < http://journals.sagepub.com/doi/pdf/10.1177/1461444814555952 >, 1. | |

Week 9 - 13 May 2019

| Module/Topic | Chapter | Events and Submissions/Topic |
|--------------|---------|------------------------------|
|--------------|---------|------------------------------|

Bio-piracy, evergreening and globalisation (the Patenting Jack Sparrow)

Selected reading from below and/or additional research if this is your paper topic. Also see Moodle and study guide.

Biopiracy - start here: Jim Chen, 'There's No Such Thing as Biopiracy ... and It's a Good Thing Too' (2006) 37 *McGeorge Law Review*, 1 <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=781824>.

Chris Hamilton, 'Biodiversity, Biopiracy And Benefits: What Allegations Of Biopiracy Tell Us About Intellectual Property', (2006) 3 *Developing World Bioethics* 158-173 (CQU Library Wiley Database).

Verity Dawkins, 'Combating biopiracy in Australia: Will a disclosure requirement in the Patents Act 1990 be more effective than the current regulations?' (2018) 21 *The Journal of World Intellectual Property* 15-31 (CQU library Wiley Database).

Daniel Robinson and Margaret Raven, 'Identifying and Preventing Biopiracy in Australia: patent landscapes and legal geographies for plants with Indigenous Australian uses' (2017) 48(3) *Australian Geographer* 311-331 (CQU library Taylor & Francis database).

See further study guide for this week.

Evergreening - start here: Michael Caine, 'Follow-on innovation or evergreening: what is the difference?' (2016) 29(10) *Australian Intellectual Property Law Bulletin*, 226-230, <<https://www.lexology.com/library/detail.aspx?g=3a7ce23b-7c17-464f-8f47-12c412ee89c2>> See also the Productivity Commission on evergreening (refer to pp 319-324 of its final Report) <<http://www.pc.gov.au/inquiries/completed/intellectual-property/report/intellectual-property.pdf>>.

See further the study guide for this week.

Week 10 - 20 May 2019

| Module/Topic | Chapter | Events and Submissions/Topic |
|---|--|------------------------------|
| Patenting transhuman technologies (Frankenstein rules, ok?) | <p>Selected reading from below and/or additional research if this is your paper topic. Also see Moodle and study guide.</p> <p>Start here: Nick Bostrom, 'Human genetic enhancements: a transhumanist perspective' (2003) 37(4) <i>Journal of Value Inquiry</i> 493-506 <http://www.nickbostrom.com/ethics/genetic.html></p> <p>Andrew Pollack, 'Scientists Announce HGP-Write, Project to Synthesize the Human Genome' <i>The New York Times (online)</i>, 2 June 2016 <https://www.nytimes.com/2016/06/03/science/human-genome-project-write-synthetic-dna.html?_r=0></p> <p>Aparna Vidyasagar, 'Human-Animal Chimeras: Biological Research & Ethical Issues' on <i>LiveScience: Animals</i>, 28 September 2016 <http://www.livescience.com/56309-human-animal-chimeras.html></p> <p>William Bartlett, 'D'Arcy v Myriad Genetics Inc [2015] HCA 35: the plurality's new factorial approach to patentability rearticulates the question in <i>NRDC</i>' (2016) 24(1) <i>Journal of Law, Information and Science</i> <http://www.jlisjournal.org/abstracts/Bartlett.24.1.html#></p> | |

Week 11 - 27 May 2019

| Module/Topic | Chapter | Events and Submissions/Topic |
|--|---|---|
| Trade marks and the leveraging of commercial interests (This Sick Beat®) | <p>Selected reading from below and/or additional research if this is your paper topic. Also see Moodle and study guide.</p> <p>Trade marks and parody use - start here: Mark A Lemley, 'Fame, Parody, and Policing in Trademark Law' <i>Stanford Public Law Working Paper</i> (September 4, 2018). Available at SSRN: https://ssrn.com/abstract=3243968 or http://dx.doi.org/10.2139/ssrn.3243968.</p> <p>Copycat branding in China - start here: Laura Wen-yu Young, 'Understanding Michael Jordan v. Qiaodan: Historical Anomaly or Systemic Failure to Protect Chinese Consumers' (2016) 106 <i>Trademark Rep.</i> 883 (HeinOnline database, CQU Library).</p> <p>Aldi copycat branding locally - start here: Nils Versemann, 'How Does Aldi Get Away With It?', <i>Moore's News Blog</i> (25 January 2017) https://www.moore's.com.au/news/how-does-aldi-get-away-with-it.</p> | <p>Workshop Presentation, Paper and Reflection Due: Week 11 Wednesday (29 May 2019) 6:00 pm AEST</p> |

Week 12 - 03 Jun 2019

| Module/Topic | Chapter | Events and Submissions/Topic |
|--|---------|------------------------------|
| Feedback, Reflection and Looking Forward Troubleshooting on assignments | | |

Review/Exam Week - 10 Jun 2019

| Module/Topic | Chapter | Events and Submissions/Topic |
|--------------|---------|---|
| | | <p>Research Paper Due: Review/Exam Week Monday (10 June 2019) 6:00 pm AEST</p> <p>Group Discussion Due: Review/Exam Week Monday (10 June 2019) 6:00 pm AEST</p> |

Exam Week - 17 Jun 2019

| Module/Topic | Chapter | Events and Submissions/Topic |
|--------------|---------|------------------------------|
|--------------|---------|------------------------------|

Assessment Tasks

1 Workshop Presentation, Paper and Reflection

Assessment Type

Presentation and Written Assessment

Task Description

This unit is designed to facilitate students' critical thinking and collaborative research skills. Accordingly, the unit will present students with complex and sometimes controversial issues, in order to develop an awareness of how intellectual property law impacts socially and globally, a keen sense of inquiry, and motivated, collaborative research.

The latter part of this unit is comprised of a series of weekly video-conferenced workshop activities that explore various themes in the IP debate. In this task, you will deliver a **group presentation** as follows:

- select one of the workshop modules from weeks 8-11 and form a group for that week's workshop presentation,
- prepare as a group for the workshop,
- each group member will present a part of the workshop (which should last 45 minutes in total), and
- all group members will act as discussion leaders at the end of the workshop, to facilitate other students' understanding of the topic during the zoom session. You will need to leave sufficient question time (10 minutes) for discussion and debate following your presentation.

There will be a limited number of leaders in each workshop, depending on the number of students in the unit. You will be able to select your workshop on Moodle from week 1 of term.

This assessment will **also** require written work:

- a 2000-word paper (group submission), and
- a 500-word reflection (individual submission) on what you have learned in the process of preparing and presenting the workshop.

Every student in every group is expected to contribute in a fair and equitable manner to the final group presentation and group paper.

The task is worth a total of 50%, or 50 marks:

- the group presentation will be worth 20% (20 marks),
- the group paper will be worth 15% (15 marks), and
- the individual reflection will be worth 15% (15 marks).

****Note:** the work must be submitted as follows:

1. the workshop must be presented on the date and time of the usual workshop/tutorial scheduled for that topic,
2. the written group paper may be submitted up to one week after the date of the presentation, to allow for refinements and discussion following on from the workshop tutorial, and
3. the individual paper must also be submitted within one week of the date of the presentation, to allow for reflection following the preparation and presentation process.

****Note:** your individual end of semester research paper (see next assessment task) must be on a different topic than this workshop presentation and paper.

Assessment Due Date

Week 11 Wednesday (29 May 2019) 6:00 pm AEST

****Due** from weeks 8-11 depending on the topic selected.

Return Date to Students

Maximum of two weeks from submission

Weighting

50%

Assessment Criteria

| | High Distinction | Distinction | Credit | Pass | Fail |
|-------------------------|---|--|--|---|---|
| Formulation of argument | Well-crafted argument that evidences a mastery of relevant legal issues. May make astute observations on any pertinent social, cultural or ethical factors that bear directly upon the issue, while remaining concise. Logically persuasive line of reasoning on the topic(s) chosen. | Argument identifies all or almost all of the relevant issues and is progressed in a forthright, convincing manner. May make other pertinent connections on the subject matter without digressing into irrelevant issues. | Argument Identifies most of the relevant issues and discusses these with solid competence. May digress into irrelevant areas or show some unwarranted assumptions or leaps of logic. | Argument identifies a many of the relevant issues but may wander off topic or become distracted with irrelevancies. | Argument misses a significant proportion of the issues and/or focuses on irrelevant ones. |

| | | | | | |
|---|---|--|--|---|--|
| Collaborative research | Evidence of highly focussed, sustained effort in research on the chosen topic, which may extend to or make connections with other directly relevant fields or issues to build a more sophisticated understanding of the subject matter. Collaborative sharing of that research with peers in the relevant discussion forum for the topic. Insightful engagement with peers in discussing the research in the forums; pro-actively assisting peers to understand and analyse the research results. | Evidence of research that identifies appropriate legal principles and meets other topic requirements that are directly linked to the legal issues. Relevant rules and authorities and possibly further related and directly relevant sources cited in research notes. Research is shared collaboratively online, with some proactive discussion and debate or analysis with peers on research results. | Research shared collaboratively online that shows a good understanding of the topic and relevant research requirements. Most of the appropriate legal principles identified and linked to the issues. Some limited discussion in online forums. | Research identifies some of the appropriate legal rules and principles, perhaps some less appropriate ones. May miss important resources to support their argument, evidencing more limited research capacity. Collaborative online sharing of research results but little discussion or detailed analysis of same. | Research misses a significant proportion of the main principles and rules. May not share research collaboratively online, or shares research but discussion shows little understanding of the results. |
| Presentation at workshop | Exceptional communication skills and professional demeanour in co-managing the workshop group, including keeping to the time allotted. Professional presentation utilises software appropriately to demonstrate pertinent points. Engages and encourages student cohort to actively participate. Takes the cohort through the relevant points and argument leads to the convincing conclusion that the presenter's opinion is both logical and legally (and morally, socially, ethically) persuasive. | Highly commendable communication skills and professional demeanour in co-managing the workshop group, including time management. Competent presentation, probably using appropriate software. Encourages a good level of engagement in student cohort. Presentation leads cohort to conclude their argument is logically probative and legally sound. | Sound and professionally competent communication skills. Good leadership of workshop with satisfactory time management. Some engagement with student cohort. Presentation leads cohort to conclude their argument is fairly complete and displays some critical insight. | Presentation is generally sound although communication or analysis of the issues may be somewhat unclear. Time management may be lacking. Some omissions may be apparent in their argument, or little critical insight provided to the student cohort. | Presentation provides little or no analysis. Communication may be unclear or unconvincing, revealing a lack of adequate understanding of the issues and principles and their application. Lack of student cohort or time management. |
| Reflective piece | Reflective piece shows commanding insight into their research strategy, and concisely documents their evolving sophistication in thought or argument. Reveals an excellent understanding of the strengths and weaknesses of their argument and their presentation. Evidences a realisation of how to improve on their performance and may plan for implementation of these insights. | Reflective piece shows a very good level of insight into the strengths and weaknesses of their research process and evolving argument. Evidences a good understanding of how to improve performance. | Reflective piece shows some insight into the research and presentation process. Evidences some understanding of strengths and weaknesses and how to improve. | Reflective piece merely traces the student's steps in making the presentation but shows little understanding of strengths and weaknesses or how to improve. | Unconvincing conclusion. Little or no evidence of critical thinking skills. |
| Written paper structure, format and writing style. Referencing style. | Exceptionally well written: clear, concise, free of spelling, grammatical errors; consistent and accurate referencing using the Australian Guide to Legal Citation (AGLC). Possibly with extra creative flair. | Very well written: clear, free of spelling, grammatical errors; consistent and accurate referencing using AGLC. | Overall well written: clear, mostly free of spelling, grammatical errors; mostly consistent and accurate referencing using AGLC. | Adequately written: may lack consistency; digresses; needs to develop ideas. Inconsistent or inaccurate use of AGLC. | Simplistic; tends to summarize; illogical or poorly developed ideas; many grammatical, spelling errors; too longwinded; little use of AGLC). |

Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

Submission

Online Group

Submission Instructions

Group presentation in class. Papers submitted via Moodle.

Learning Outcomes Assessed

- Identify and apply legal principles relating to confidential information, copyright, patents, designs, trade marks, plant breeder's rights, unfair competition and the protection of business reputation.
- Demonstrate an understanding of the legal and practical steps needed to ensure that intellectual property rights remain valid and enforceable.
- Demonstrate a capacity to identify, apply and assess ownership rights and marketing protection under intellectual property law as applicable to information, ideas, creativity and innovation.
- Critique intellectual property protection for indigenous knowledge and culture, information technology especially biotechnology and international trade.

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking

2 Research Paper

Assessment Type

Written Assessment

Task Description

Research paper 2000 words.

In this unit, as noted above, you will encounter some complex and controversial subject matter which will hopefully inspire your research curiosity.

You are strongly encouraged to pursue your own particular research interests within the bounds of the unit material. You may develop your own, unique research question to pursue (in consultation with the unit coordinator, who will be able to provide you with assistance in scoping your research question appropriately for the task).

If you decide to develop your own research question to write on, you must have **emailed your paper proposal to the unit coordinator for approval by the end of week 4**. Your paper proposal must demonstrate that you have considered the following issues in order to submit the paper on time and in a well-researched manner:

1. What is the research question or problem that you wish to write about? Clearly define the research problem and

- how you want to address it;
- Why do you want to research this issue? You should show that you have at least conducted a preliminary review of the literature to demonstrate it is a research question worthy of study.
 - How are you going to do it? You should show that you have a defined schedule for your full literature review that is achievable within approximately one month to allow time for the write-up of your paper.

If you do not wish to develop your own research question to write on, you will submit a final individual paper on one of these topics:

- “Intellectual property rights have overstepped the bounds of reasonableness, and cannot be justified in their present form.” Discuss. (Here, you need to decide whether or not you agree with the statement and argue accordingly. You can discuss IP rights generally using examples from different fields, or you may select one IP right in particular and focus on its merits or otherwise).
- What is the key priority for reform of the Australian intellectual property law system? (Here, you need to choose one of the proposed reforms in the IP Arrangements Report by the Productivity Commission, demonstrate the urgency for reform, track any implementation efforts, and justify your support or otherwise for the current approach with original research).

You are encouraged to discuss and debate your research, and the ideas you have formed for your paper, with others in the cohort. **However, your final paper submission must be your own work.**

****Note:** your end of semester research paper must be on a different topic than your workshop presentation and paper.

Assessment Due Date

Review/Exam Week Monday (10 June 2019) 6:00 pm AEST

Return Date to Students

Two weeks from submission

Weighting

40%

Assessment Criteria

| | High Distinction | Distinction | Credit | Pass | Fail |
|---|---|--|---|---|--|
| Formulation of argument | Well-crafted argument that evidences a mastery of relevant legal issues. May make astute observations on any pertinent social, cultural or ethical factors that bear directly upon the issue, while remaining concise. Logically persuasive line of reasoning on the topic(s) chosen. | Argument identifies all or almost all of the relevant issues and is progressed in a forthright, convincing manner. May make other pertinent connections on the subject matter without digressing into irrelevant issues. | Argument Identifies most of the relevant issues and discusses these with solid competence. May digress into irrelevant areas or show some unwarranted assumptions or leaps of logic. | Argument identifies a many of the relevant issues but may wander off topic or become distracted with irrelevancies. | Argument misses a significant proportion of the issues and/or focuses on irrelevant ones. |
| Research | Evidence of highly focussed, sustained effort in research on the chosen topic, which may extend to or make connections with other directly relevant fields or issues to build a more sophisticated understanding of the subject matter. Collaborative sharing of that research with peers in the relevant discussion forum for the topic. Insightful engagement with peers in discussing the research in the forums; pro-actively assisting peers to understand and analyse the research results. | Evidence of research that identifies appropriate legal principles and meets other topic requirements that are directly linked to the legal issues. Relevant rules and authorities and possibly further related and directly relevant sources cited in research notes. Research is shared collaboratively online, with some proactive discussion and debate or analysis with peers on research results. | Research shared collaboratively online that shows a good understanding of the topic and relevant research requirements. Most of the appropriate legal principles identified and linked to the issues. Some limited discussion in online forums. | Research identifies some of the appropriate legal rules and principles, perhaps some less appropriate ones. May miss important resources to support their argument, evidencing more limited research capacity. Collaborative online sharing of research results but little discussion or detailed analysis of same. | Research misses a significant proportion of the main principles and rules. May not share research collaboratively online, or shares research but discussion shows little understanding of the results. |
| Written paper structure, format and writing style. Referencing style. | Exceptionally well written: clear, concise, free of spelling, grammatical errors; consistent and accurate referencing using the Australian Guide to Legal Citation (AGLC). Possibly with extra creative flair. | Very well written: clear, free of spelling, grammatical errors; consistent and accurate referencing using AGLC. | Overall well written: clear, mostly free of spelling, grammatical errors; mostly consistent and accurate referencing using AGLC. | Adequately written: may lack consistency; digresses; needs to develop ideas. Inconsistent or inaccurate use of AGLC. | Simplistic; tends to summarize; illogical or poorly developed ideas; many grammatical, spelling errors; too longwinded; little use of AGLC). |

Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

Submission

Online

Submission Instructions

Submit your paper via Moodle.

Learning Outcomes Assessed

- Identify and apply legal principles relating to confidential information, copyright, patents, designs, trade marks, plant breeder's rights, unfair competition and the protection of business reputation.
- Demonstrate an understanding of the legal and practical steps needed to ensure that intellectual property rights remain valid and enforceable.
- Demonstrate a capacity to identify, apply and assess ownership rights and marketing protection under intellectual property law as applicable to information, ideas, creativity and innovation.
- Critique intellectual property protection for indigenous knowledge and culture, information technology especially biotechnology and international trade.

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Cross Cultural Competence

3 Group Discussion

Assessment Type

Group Discussion

Task Description

As noted above, this unit is designed to foster a **collaborative** research community. You are rewarded for sharing, engaging in discussion and cultivating the participation of others. In this assessment item you may focus on synchronous or asynchronous discussion, depending on your primary mode of engagement.

Synchronous discussion

If you focus on synchronous discussion you will need to contribute **meaningfully** contribute to the discussion at tutorial workshops **each week between weeks 1 to 10**. To satisfy the requirements for this task, it will be necessary to demonstrate real critical analysis and insight into both the material set for that week **and** the arguments and insights that other students are sharing in the workshop/tutorial each week. See the rubric below for posts in asynchronous work, as it will apply *mutatis mutandis* (with appropriate adjustment) to synchronous work.

Asynchronous discussion

If you focus on asynchronous discussion, you will need to **meaningfully** contribute to the discussion for a **each week between weeks 1 to 10**, as the topics for that week are scheduled to be discussed. It will **not** be sufficient to make contributions in the discussion fora 'en masse' at or towards the end of term. We cannot cultivate a sense of 'community of inquiry' if we do not have a sense of 'student presence' on our learning journey throughout the term. In order to obtain the requisite marks for this component in asynchronous mode, it will not be sufficient to simply post up your comments without considering and commenting on others' posts. It will be necessary to demonstrate real critical analysis and insight into both the material set for that week **and** the arguments and insights that other students are sharing in the discussion fora. Please refer to the rubric below.

Assessment Due Date

Review/Exam Week Monday (10 June 2019) 6:00 pm AEST

Return Date to Students

Two weeks from submission.

Weighting

10%

Assessment Criteria

| | High Distinction (9+/10) | Distinction (8/10) | Credit (7/10) | Pass (5/10) | Fail(<5/10) |
|------------------|---|--|--|---|---|
| Quality of posts | Evidences a thorough and masterful engagement with the weekly readings and questions posed for discussion, including the social, cultural and/or ethical considerations. May make astute observations on additional relevant issues, or make connections with other fields, demonstrating an ability to see 'the bigger picture'. Is able to defend their position on a given point in a respectful and professional manner, with sound reasoning and legal references. | Shows a highly commendable level of engagement with the weekly readings and questions posed for discussion. Demonstrated understanding of the relevant related social, cultural or ethical issues. Can provide support for their position. Is respectful and professional in all communications. | Engages meaningfully with the weekly readings and questions posed for discussion. Shows a solid understanding of the legal and/or social, cultural, ethical considerations relevant to the issues. May digress into irrelevant areas or show some unwarranted assumptions or leaps of logic. | Some engagement with the weekly readings and questions posed for discussion. May propose argument that identifies some of the relevant issues but may wander off topic or become distracted with irrelevancies. | Little or no engagement with the weekly readings and questions posed for discussion. Arguments miss a significant proportion of the issues and/or focuses on irrelevant ones. |

| | | | | | |
|---------------------------------------|--|--|--|--|--|
| Number of posts, level of interaction | Posts every week on several of the issues or questions posed for discussion, and may go to the effort of proactively posing further or different but related questions. Engages insightfully with the weekly topic and with other students, extending or building on their arguments, or providing helpful assistance in others' learning process. Proactively encourages debate or discussion, responds to feedback and provides constructive feedback to others. | Posts every week on several issues. Competently engages with other students and proactively encourages discussion and debate. Responds to feedback positively and provides feedback to others. | Posts every week on at least one of the issues for discussion. Good level of engagement in discussion or debate. | Posts every week. Solid attempt at engagement in discussion or debate. | Posts in fewer than one half of the weekly posts. Posts are cursory or ill-informed. Makes little or no attempt at engaging with others in discussion or debate. |
|---------------------------------------|--|--|--|--|--|

Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

Submission

Online

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Team Work

Academic Integrity Statement

As a CQUniversity student you are expected to act honestly in all aspects of your academic work.

Any assessable work undertaken or submitted for review or assessment must be your own work. Assessable work is any type of work you do to meet the assessment requirements in the unit, including draft work submitted for review and feedback and final work to be assessed.

When you use the ideas, words or data of others in your assessment, you must thoroughly and clearly acknowledge the source of this information by using the correct referencing style for your unit. Using others' work without proper acknowledgement may be considered a form of intellectual dishonesty.

Participating honestly, respectfully, responsibly, and fairly in your university study ensures the CQUniversity qualification you earn will be valued as a true indication of your individual academic achievement and will continue to receive the respect and recognition it deserves.

As a student, you are responsible for reading and following CQUniversity's policies, including the [Student Academic Integrity Policy and Procedure](#). This policy sets out CQUniversity's expectations of you to act with integrity, examples of academic integrity breaches to avoid, the processes used to address alleged breaches of academic integrity, and potential penalties.

What is a breach of academic integrity?

A breach of academic integrity includes but is not limited to plagiarism, self-plagiarism, collusion, cheating, contract cheating, and academic misconduct. The Student Academic Integrity Policy and Procedure defines what these terms mean and gives examples.

Why is academic integrity important?

A breach of academic integrity may result in one or more penalties, including suspension or even expulsion from the University. It can also have negative implications for student visas and future enrolment at CQUniversity or elsewhere. Students who engage in contract cheating also risk being blackmailed by contract cheating services.

Where can I get assistance?

For academic advice and guidance, the [Academic Learning Centre \(ALC\)](#) can support you in becoming confident in completing assessments with integrity and of high standard.

What can you do to act with integrity?



Be Honest

If your assessment task is done by someone else, it would be dishonest of you to claim it as your own



Seek Help

If you are not sure about how to cite or reference in essays, reports etc, then seek help from your lecturer, the library or the Academic Learning Centre (ALC)



Produce Original Work

Originality comes from your ability to read widely, think critically, and apply your gained knowledge to address a question or problem