



LAWS12068 *Innovation and Intellectual Property*

Law

Term 1 - 2021

Profile information current as at 26/04/2024 08:01 pm

All details in this unit profile for LAWS12068 have been officially approved by CQU University 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

This unit introduces you to the innovation ecosystem and the place of intellectual property (IP) within that ecosystem. In the first half of the unit, you will learn about Australia's statutory IP rights, including copyright, patents, designs, and trade marks, and the associated international IP conventions and treaties. You will also consider other rights regarding confidentiality, passing off and unfair competition, and data ownership/privacy. IP is an important business asset, and in the second half of the unit, you will investigate the protection and enforcement of IP; assignment, licensing, and the business risks involved in anti-competitive licensing. You will also be introduced to some fundamental considerations in the negotiation of IP licences, including relational contracting and design thinking.

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

Co-requisite LAWS11057 and LAWS11059 for Law students. Pre-Req of LAWS11030 and co-requisite of LAWS12076 for Business students.

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 - 2021

- 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. **Online Quiz(zes)**

Weighting: 20%

2. **Online Test**

Weighting: 30%

3. **Written Assessment**

Weighting: 50%

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 Email

Feedback

I'd like to start by saying this has been the best course I have done so far with CQU - I am four courses out from graduating. It has to do with how involved you are with the students, the way you interact and checked in with us periodically, and the layout of the course was a breath of fresh air. Your tutorial has been so easy to attend, and one that I have actually looked forward too throughout the term. I must disagree about the suggestion with the course layout - I wouldn't change it at all, it was fantastic. The peer to peer learning was a breath of fresh air and so interesting. Thank you so much for pouring so much time and effort into the course, it really was enjoyable.

Recommendation

1. Remove own topic design for written assessment and revert to lecturer-set problem based work. 2. Remove the group work component. 3. To stimulate interactivity, allocate more marks to the discussion fora so that students feel adequately recompensed for the effort required each week to provide thoughtful posts.

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. Critically analyse intellectual property protection and leveraging, including assignment and licensing strategies, for potential business and competition law risks.

Alignment of Learning Outcomes, Assessment and Graduate Attributes

 N/A Level Introductory Level Intermediate Level Graduate Level Professional Level Advanced Level

Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes			
	1	2	3	4
1 - Online Quiz(zes) - 20%	•	•	•	
2 - Online Test - 30%	•	•	•	
3 - Written Assessment - 50%	•		•	•

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 - Online Quiz(zes) - 20%		•	•							
2 - Online Test - 30%	•	•	•							
3 - Written Assessment - 50%	•	•	•				•			

Textbooks and Resources

Textbooks

LAWS12068

Prescribed

Commercialisation of Intellectual Property

1st edition (2019)

Authors: Natalie Stoianoff, Fred Chilton, Ann L Monotti

Lexis Nexis Butterworths

Chatswood , NSW , Australia

ISBN: 9780409340648

Binding: Paperback

Additional Textbook Information

The text may be purchased as an e-book if students wish. The ISBN for this is 9780409340655. They can be purchased at the CQUni Bookshop here: <http://bookshop.cqu.edu.au> (search on the Unit code)

[View textbooks at the CQUniversity Bookshop](#)

IT Resources

You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)

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

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Schedule

Week 1 - 08 Mar 2021

Module/Topic	Chapter	Events and Submissions/Topic
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- Study guide and lecture slides for week 1;
- Natalie P Stoianoff, Fred Chilton and Anne L Monotti, *Commercialisation of Intellectual Property* (LexisNexis Butterworths, 2019) (**Text**):
 - Chapter 1, 'Setting the Scene for Intellectual Property Commercialisation'; and
 - Chapter 2, 'Overview of Intellectual Property Rights'.
- Any other resources as advised on Moodle.

Week 2 - 15 Mar 2021

Module/Topic	Chapter	Events and Submissions/Topic
Copyright Law	<ul style="list-style-type: none"> • Study guide and lecture slides for week 2; • Any other resources as advised on Moodle. 	

Week 3 - 22 Mar 2021

Module/Topic	Chapter	Events and Submissions/Topic
Patent Law	<ul style="list-style-type: none"> • Study guide and lecture slides for week 3; • Any other resources as advised on Moodle. 	

Week 4 - 29 Mar 2021

Module/Topic	Chapter	Events and Submissions/Topic
Trade marks	<ul style="list-style-type: none"> • Study guide and lecture slides for week 4; • Any other resources as advised on Moodle. 	Multiple Choice Questions Due: Week 4 Friday (2 Apr 2021) 11:45 pm AEST

Week 5 - 05 Apr 2021

Module/Topic	Chapter	Events and Submissions/Topic
Passing off and Australian competition law	<ul style="list-style-type: none"> • Study guide and lecture slides for week 5; • Any other resources as advised on Moodle. 	

Vacation Week - 12 Apr 2021

Module/Topic	Chapter	Events and Submissions/Topic
Vacation week	Vacation week	

Week 6 - 19 Apr 2021

Module/Topic	Chapter	Events and Submissions/Topic
Designs and Confidential Information	<ul style="list-style-type: none"> • Study guide and lecture slides for week 6; • Any other resources as advised on Moodle. 	

Week 7 - 26 Apr 2021

Module/Topic	Chapter	Events and Submissions/Topic

The Bigger Picture of Innovation & IP: Regulatory Context

- Study guide and lecture slides for week 7;
- Text, chapter 3: 'Drivers of Innovation';
- Amanda-Jane George and Julie-Anne Tarr, '[Addressing Australia's collaboration 'problem': Is there a Brave New World of innovation policy post COVID-19?](#)' (forthcoming, Australian Journal of Public Administration);
- (Optional): Amanda-Jane George, Julie-Anne Tarr and Susan Bird, '[Forty Years of Freedom of Information \(FOI\): Accountability, Policymaking and the National Innovation and Science Agenda](#)' (2020) 31 PLR 189-211
- Any other resources as advised on Moodle.

Assessment Task 2 Due: Week 7 Friday (30 Apr 2021) 11:45 pm AEST

Week 8 - 03 May 2021

Module/Topic	Chapter	Events and Submissions/Topic
Commercialisation I: Ownership and Employment Issues	<ul style="list-style-type: none"> • Study guide and lecture slides for week 8; • Text, chapter 4, 'Issues Regarding the Development of Intellectual Property'; • Amanda George and Julie-Anne Tarr, 'Faculty and employee ownership of inventions in Australia' (2010) 28(1) <i>Nature Biotechnology</i>. (You will need your CQUniversity library login to access this link); • Any other resources as advised on Moodle. 	

Week 9 - 10 May 2021

Module/Topic	Chapter	Events and Submissions/Topic
Commercialisation II: Business Structures for IP Commercialisation, Funding	<ul style="list-style-type: none"> • Study guide and lecture slides for week 9; • Text, chapter 5, 'Structures for Commercialisation'; • Text, chapter 6, 'Funding Innovation and Commercialisation'; • (Optional) Text, chapter 11, 'Security and Insolvency', **but only paragraphs 11.1-11.46; • Any other resources as advised on Moodle. 	

Week 10 - 17 May 2021

Module/Topic	Chapter	Events and Submissions/Topic

Licensing I: Negotiation - Relational versus Adversarial Approaches (Or a Bit of Both?)

- Study guide and lecture slides for week 10;
- Text, chapter 8, 'Licensing of Intellectual Property Rights';
- David Frydinger, Tim Cummins, Kate Vitasek and Jim Bergman, 'Unpacking Relational Contracts' (Haslam College of Business, IACCM and Lindahl, 2017);
- Noel Byrne and Amanda McBratney, *Licensing Technology* (Jordan Publishing, 2006), chapter 4, 'Negotiating the Licensing Contract';
- (Optional): Captain Greg Lazton, 'The FFG Enterprise - Excellence in Asset Management through Collaboration';
- Any other resources as advised on Moodle.

Week 11 - 24 May 2021

Module/Topic	Chapter	Events and Submissions/Topic
Licensing II: The licensing agreement (the nuts and bolts)	<ul style="list-style-type: none"> • Study guide and lecture slides for week 11; • Text, chapter 9, 'Drafting Licences'; • Text, chapter 10, 'Multimedia Licensing and Commercialisation in the Age of the Digital Entrepreneur'; • Any other resources as advised on Moodle. 	

Week 12 - 31 May 2021

Module/Topic	Chapter	Events and Submissions/Topic
Licensing III: Licensing and competition law	<ul style="list-style-type: none"> • Study guide and lecture slides for week 12; • Any other resources as advised on Moodle. 	

Review/Exam Week - 07 Jun 2021

Module/Topic	Chapter	Events and Submissions/Topic

Exam Week - 14 Jun 2021

Module/Topic	Chapter	Events and Submissions/Topic
		Assessment Task 3 Due: Exam Week Friday (18 June 2021) 9:00 pm AEST

Assessment Tasks

1 Multiple Choice Questions

Assessment Type

Online Quiz(zes)

Task Description

This assessment task will consist of 10 multiple choice questions covering weeks 1 to 3. The assessment task will assess topics covered in weeks 1 to 3.

Due date - Week 4 Friday at 11:45pm.

Number of Quizzes

Frequency of Quizzes

Assessment Due Date

Week 4 Friday (2 Apr 2021) 11:45 pm AEST
Complete and submit via link on Moodle.

Return Date to Students

One week after close of quiz.

Weighting

20%

Assessment Criteria

A sound understanding of the different IP regimes and their basic features - 40%

A good understanding of the nature and scope of copyright law - 30%

A good understanding of the nature and scope of patent law - 30%

Referencing Style

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

Submission

Online

Submission Instructions

Complete and submit via link on 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

Graduate Attributes

- Problem Solving
- Critical Thinking

2 Assessment Task 2

Assessment Type

Online Test

Task Description

This assessment will examine student's knowledge of topics covered in Week 4 to Week 6 and it will be based on hypothetical scenarios.

Assessment Due Date

Week 7 Friday (30 Apr 2021) 11:45 pm AEST

Submit via link on Moodle.

Return Date to Students

Two weeks from due date.

Weighting

30%

Assessment Criteria

This assessment will be assessed according to the following criteria: quality of the statement of the legal issue(s) (10%), and rules/legal principles (30%); correct and thorough analysis and application of the rules and legal principles to the legal issue(s) (40%); well thought-out conclusion (10%), and quality of the language usage and observance of proper structure, format, and instructions (10%).

Referencing Style

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

Submission

Online

Submission Instructions

Submit via link on 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

Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking

3 Assessment Task 3

Assessment Type

Written Assessment

Task Description

Research paper 2000 words.

In this unit, you will encounter some complex subject matter which will hopefully inspire your research curiosity. For this final piece of assessment, you are encouraged to pursue your own individual research interests within the bounds of the unit material. You may develop your own, unique research question to pursue (in consultation with Dr George, 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 Dr George for approval by the end of week 8. 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;
2. 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.
3. How are you going to do it? You should show that you have a defined schedule for your literature review that is achievable, to allow time for the write-up of your paper and submission by the due date.

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:

- "The capture and commercialisation of IP rights is fundamentally inequitable. Open access to IP is the best way to encourage innovation." Discuss. (Here, you need to decide whether or not you agree with the statement and argue accordingly, supporting your argument with appropriate research, citing legislation, case law, articles, reports, books, etc).

OR

- Your client is a large Australian university with a virology team that has developed a promising COVID-19 vaccine; it has not yet filed a provisional patent application. The university has been approached by a multinational pharmaceutical company to discuss the possibility of a long-term commercial relationship, potentially including clinical trials, production and worldwide sales. Advise the university (citing appropriate research, such as legislation, case law, articles, reports, books, etc) regarding:
 - the necessary due diligence it will need to do on the invention,
 - the IP protections it will need to put in place,
 - the best way for the team to approach the negotiation process; and
 - the salient factors the university will need to take into account when arriving at any potential licensing terms.

Assessment Due Date

Exam Week Friday (18 June 2021) 9:00 pm AEST

Submit via link on Moodle.

Return Date to Students

Two weeks from submission date.

Weighting

50%

Assessment Criteria

	High Distinction	Distinction	Credit	Pass	Fail
Formulation of argument for essays	Well-crafted argument that evidences a mastery of relevant legal and or issues. May make astute observations on 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.
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).
Written advice	Clear mastery of all suggested aspects of advice, comprehensive research to support advice, taking account of all practical legal and business issues. Demonstrates exceptional insights of benefit to the client's strategy and practice.	Very well written advice, demonstrating a high level of understanding of all issues, with commendable level of supporting research. Demonstrates valuable insights for client's strategy and practice.	Overall well written advice, demonstrating a good level of understanding of the issues, with a good level of supporting research. Demonstrates some insights for the client.	Adequately written advice covering most issues, with a sound level of research.	Simplistic advice, missing most or all of the issues, or incorrectly advising the client. Little evidence of independent research.

Referencing Style

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

Submission

Online

Submission Instructions

Submit via link on 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 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

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