

School of Accounting and Commercial Law

**COML 403**  
**SPECIAL TOPIC: CURRENT ISSUES IN**  
**INTELLECTUAL PROPERTY**

Trimester Two 2009

**COURSE OUTLINE**

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**Contact Details**

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Office Hours: Monday-Friday, 8.30 am - 5 pm

**Trimester Dates**

Monday 13 July to Friday 16 October 2009

**Teaching Period: Monday 13 July to Friday 16 October 2009**

**End of Year Study Period: Monday 19 October to Monday 26 October 2009**

**Examination Period: Tuesday, 27 October to Saturday 14 November 2009**

**Withdrawal dates:** Information available via

<http://www.victoria.ac.nz/home/admisenrol/payments/withdrawlsrefunds.aspx>

**Class Times and Room Number**

Wednesday: 9.30-12.20, RHG01

Meeting times and dates will be confirmed after the first class.

## Course Overview

This course will explore current issues in the intellectual property legal regime and their implications for the commercial and cultural environments.

Intellectual property law is perhaps one of the most rapidly evolving areas of law. There are many topical and controversial issues that are the subject of international debate and scholarly research. This course will focus upon topics selected from copyright, trade marks, patents, and the rights of indigenous peoples, and will examine some of the more contentious issues in detail.

## Course Learning Objectives

Students passing this course should be able to:

1. Explain the conceptual foundation for intellectual property laws.
2. Describe the international intellectual property regime and its influence upon the intellectual property legal structure in New Zealand.
3. Research and write a seminar (in essay form) on a selected aspect of intellectual property law and present this material to other students.
4. Comment critically but constructively on the ideas and arguments put forward by others.
5. Undertake independent study incorporating critical analysis of a chosen topic and
  - a. Present a summary of findings and conclusions to the class and defend them in class discussion; and
  - b. Produce a well-constructed, well-reasoned research essay.

## Course Content

There will be three introductory seminars by the lecturer on the basics of intellectual property law, including advice on research methods.

Some topical issues that are relevant to New Zealand's intellectual property regime will then be outlined and reviewed through a series of student-led seminars on specific topics in week 4 and 5. For each topic it will be necessary to review legislation, case authorities (where relevant) and relevant literature. If required, the lecturer will provide some guidance on materials for each selected topic. Student seminar topics and presentation times will be discussed and allocated at the second meeting.

Students will present and lead the discussion based on essays and questions prepared in advance and distributed to the lecturer and other students before their presentation. As other students in the course will be relying on the essay and presentation to learn about that particular topic, it is essential that each essay is factually correct. To meet this objective each essay must be checked and approved by the course lecturer before distribution to the rest of the class and the subsequent class presentation. Students should, therefore, allow themselves sufficient time for this checking process. Essays must be handed into the course lecturer by 5 pm on the Monday preceding the presentation. Necessary corrections must be made so that the final

version of the paper is emailed to the lecturer and other students by 5 p.m. on the Wednesday preceding the presentation.

The essay is to be handed in for assessment one week after the seminar presentation (this will allow time for incorporation of suggestions and comments made by the lecturer and other students at the seminar presentation).

Some suggested Essay topics:

1. Remix and copyright (music, film, or art)
2. The TRIPs' provisions for developing countries.
3. The interface between trade marks and domain names.
4. Archiving cultural heritage - the problem of orphan works.
6. Creative Commons licences.
7. Legal issues in Massive Multi-Player Online Games.
9. Traditional culture and intellectual property law.

Essays should be around 3,000-4,000 words **including questions for class discussion (not including footnotes, which should be limited to referencing and citations)**. Please provide adequate page margins for comments. Each essay should be typed with 1.5 line spacing and appropriately formatted. Students should ensure that each page of their essay is numbered and that it is carefully proofread before final submission. It may be helpful to enlist the help of a flatmate or family member to undertake proof reading

The essay presentations are scheduled to take place in week 4 and week 5 of the course. Some readings will be provided by the course lecturer, but students will also be expected to undertake independent research for their essay and presentation.

## **Readings**

### Recommended Texts:

Paul Sumpter *Intellectual Property Law Principles in Practice* (2006) CCH New Zealand.

Susy Frankel & Geoff McLay, *Intellectual Property in New Zealand*, (2002) LexisNexis Butterworths, Wellington. (Note that this text is not as up-to date as the Sumpter text)

The following texts have been placed on Reserve for COML 403 at the Commerce Library:

1. Susy Frankel & Geoff McLay, *Intellectual Property in New Zealand*, (2002) LexisNexis Butterworths, Wellington.
2. Paul Sumpter *Intellectual Property Law Principles in Practice* (2006) CCH New Zealand

3. Lawrence Lessig *The Future of Ideas* (2002) Vintage, New York.
4. Ronald V Bettig *Copyrighting Culture* (1996) Westview, USA.
5. Rosemary J Coombe *The Cultural Life of Intellectual Properties* (1998) Duke University Press, Durham and London.

### **Other resources**

There are also publications available to you on-line. These are available via the following databases listed under Databases on the VUW library webpage. These are regularly updated.

Lexis Nexis NZ — *The Laws of New Zealand: Intellectual Property Law*. Also available are links to English and Australian sources.

Brookers' — *Intellectual Property*.

See also the Intellectual Property Office of New Zealand at [www.iponz.govt.nz](http://www.iponz.govt.nz)

### **Research Essay**

Each student is required to complete a research essay. This is a major project, focusing on some area of topical interest in intellectual property (a draft list of suggested topics is set out below, but students may choose another topic with the approval of the lecturer). The essay should be between 6000-7000 words long. Students should choose their essay topic on or before Friday 14 August. The due date for the first draft of the research essay is Monday 14 September, and the due date for the final (completed) essay is Friday, October 16<sup>th</sup>. Students will present a draft of their research essay to the class, along with relevant questions for discussion. This should be distributed to other members of the class and to the lecturer on or before the Monday immediately preceding the relevant class. These presentations will take in the second half of the course, approximately weeks 9 - 11 of the trimester

### **Potential Research topics:**

- Patent law: TRIPs and the pharmaceutical debate.
- The use of trade marks and domain names for political and corporate critique.
- Archiving cultural heritage - the problem of orphan works and what New Zealand could learn from other jurisdictions.
- A comparative study and critique of the moral rights provisions in New Zealand copyright law and Australian copyright law.
- A critique of Creative Commons licences.
- The intellectual property rights of New Zealand players in Massive Multi-Player Online Games
- Ambush marketing: a comparative study (New Zealand and two other jurisdictions).
- Traditional indigenous culture and intellectual property law: a comparative study of the Australian and the New Zealand approaches.
- Online music and copyright.

## **Assessment Requirements**

- 3000-word essay and questions and class presentation 25%
- 7000-word research essay and class presentation. 60%
- Participation in other students' seminars and presentations 15%

*Note: Your assessed work may also be used for quality assurance purposes, such as to assess the level of achievement of learning objectives as required for accreditation and audit purposes. The findings may be used to inform changes aimed at improving the quality of FCA programmes. All material used for such processes will be treated as confidential, and the outcome will not affect your grade for the course.*

## **Use of Turnitin**

The following words (modified as necessary for particular circumstances) should be added to the section on plagiarism when work submitted by students is likely to be checked by Turnitin.

Student work provided for assessment in this course may be checked for academic integrity by the electronic search engine <<http://www.turnitin.com>> Turnitin is an on-line plagiarism prevention tool which compares submitted work with a very large database of existing material. At the discretion of the Head of School, handwritten work may be copy-typed by the School and subject to checking by Turnitin. Turnitin will retain a copy of submitted materials on behalf of the University for detection of future plagiarism, but access to the full text of submissions will not be made available to any other party.

**For the following important information follow the links provided:**

### **Academic Integrity and Plagiarism**

<http://www.victoria.ac.nz/home/study/plagiarism.aspx>

### **General University Policies and Statutes**

<http://www.victoria.ac.nz/home/about/policy/academic.aspx>

### **Faculty of Commerce and Administration Offices**

<http://www.victoria.ac.nz/fca/studenthelp/Contactus.aspx>

### **Manaaki Pihipihinga Programme**

[http://www.victoria.ac.nz/st\\_services/mentoring/](http://www.victoria.ac.nz/st_services/mentoring/)