TE WHARE WĀNANGA O TE ŪPOKO O TE IKA A MĀUI

VICTORIA
UNIVERSITY OF WELLINGTON

School of Accounting and Commercial Law

COML 403 SPECIAL TOPIC:
CURRENT ISSUES IN INTELLECTUAL PROPERTY

Trimester Two 2011

COURSE OUTLINE

Names and Contact Details		Office	Telephone
Course Coordinator & Lecturer	Susan Corbett Susan.Corbett@vuw.ac.nz Office Hours: TBA	RH 722	463 5480
Course Administrator	Rebekah Sage Rebekah.Sage@vuw.ac.nz Office hours: Monday-Friday, 8.30am-5pm (Note: Office closed 10.30am-10.45am and 3.30pm-3.45pm)	RH 708	463 7465

Trimester Dates
Monday 11 July – Friday 14 October

Withdrawal from Course

1.   Your fees will be refunded if you withdraw from this course on or before 22 July 2011.

2.   The standard last date for withdrawal from this course is Friday 23 September 2011. After this date, students forced to withdraw by circumstances beyond their control must apply for permission on an *'Application for Associate Dean's Permission to Withdraw Late'* including supporting documentation.

The application form is available from either of the Faculty's Student Customer Service Desks.

Class Times and Room Numbers
Tuesday 1.40 - 4.30 pm in RH G01

Course Content

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, trademarks, 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 Delivery

There will be four introductory three hour 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 weeks five and six. For each topic it will be necessary to review legislation, case authorities (where relevant) and relevant literature. The lecturer will provide guidance on materials for each selected topic and the seminar will provide feedback for the first piece of formal assessment, the short essay. Student seminar topics and presentation times will be discussed and allocated at the second meeting.

During weeks seven- nine students will work on their major research essays and will be able to consult with the lecturer by appointment or during scheduled lecture hours. Weeks 10-11 will be led by students who will present on the topic of their research essay and obtain feedback from the class and lecturer.

Week 12 will consist of a review session led by the lecturer.

Expected Workload

The expected workload for the course is 150 hours, spread over the 12 teaching weeks, mid-trimester break and study week.

Readings

Recommended readings

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

Susy Frankel, *Intellectual Property in New Zealand*, (2nd edn) (2011) LexisNexis Butterworths, Wellington. (Note that this text is due to be published in July 2011)

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

1. Susy Frankel, *Intellectual Property in New Zealand*, (2011) 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. K Bowrey, M Handler & D Nicol (Eds) "Emerging Challenges in Intellectual Property" (2011) Oxford University Press, Australia.

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 and 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* and New Zealand *legislation*

See also the following websites:

Intellectual Property Office of New Zealand at www.iponz.govt.nz

World Intellectual Property Organisation at www.wipo.org

Creative Commons Aotearoa New Zealand at www.creativecommons.org.nz

Creative Freedom Foundation at www.creativefreedom.org.nz

Articles and cases will be given out in class from time to time, but students are expected to search for suitable articles and cases also. The Law Library, located in the Old Government Building, contains some resources students might use for completing the Research Essay. The Law Library is a University resource and is open to students of all Faculties. Library staff will assist with reasonable research requests; however students should be prepared to find most of the materials they need without assistance. Note that the Law Library is a reference library only and no books may be removed from the premises. However photocopying cards may be purchased

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%

1.   **Short essay and seminar presentation**

Students will present and lead discussion based on a short (3,500-4,000 word) essay and related questions, to be 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. <u>Essays must be handed into the course lecturer by 5 pm on the Friday preceding the presentation.</u> 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 Monday preceding the presentation.

The short 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).

Essays should be no longer than 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 5 and week 6 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.

2.   **Research Essay**

Each student is required to complete a 7000-word 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 no longer than 7000 words, excluding footnotes and headings. 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. Please provide adequate page margins for comments.

Students should choose their Research Essay topic on or before Friday 19 August. The due date for the first draft of the research essay is Tuesday 13th September, and the due date for the final (completed) essay is Friday, October 21st. 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 Friday immediately preceding the relevant class. These presentations will take in the latter part of the course, approximately weeks 10-11 of the trimester.

Potential Research topics (suggestions only):
- Patent law: TRIPs and the pharmaceutical debate
- Should computer software be patentable?
- Gripe sites: the use of trademarks 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.
- Intellectual property protection for business databases- following the *Ice TV* decision in Australia
- The intellectual property rights of 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, including ISP liability for file sharing.

Quality Assurance 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.

Penalties

Please try not to exceed the word limit for your Research Essay by more than 10%. This issue will be discussed (if relevant) when the first draft is submitted, and any penalty notified if necessary.

Mandatory Course Requirements

Students must complete all three items of assessment.

Class Representative

A class representative will be elected in the first class, and that person's name and contact details made available to VUWSA, the Course Coordinator and the class. The class representative provides a communication channel to liaise with the Course Coordinator on behalf of students.

Communication of Additional Information

Additional information during this course will be notified during classes, by email or Blackboard, or left in pigeonholes on Level 7 foyer near lifts.

Use of 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
Find key dates, explanations of grades and other useful information at
www.victoria.ac.nz/home/study

Find out about academic progress and restricted enrolment at
http://www.victoria.ac.nz/home/study/academic-progress.aspx

The University's statutes and policies are available at www.victoria.ac.nz/home/about/policy, except qualification statutes, which are available via the Calendar webpage at
http://www.victoria.ac.nz/home/study/calendar.aspx (See Section C).

Further information about the University's academic processes can be found on the website of the Assistant Vice-Chancellor (Academic) at
www.victoria.ac.nz/home/about_victoria/avcacademic/default.aspx

AVC (Academic) Website: information including: Conduct, Academic Grievances, Students with Impairments, Student Support
http://www.victoria.ac.nz/home/about_victoria/avcacademic/Publications.aspx

Faculty of Commerce and Administration Offices
http://www.victoria.ac.nz/fca/studenthelp/

Te Pūtahi Atawhai
Maori and Pacific Mentoring Programme
http://www.victoria.ac.nz/st_services/tpa/index.aspx