

Commons and Public Rights in Intellectual Property (4uoc)

A brief overview of the course

Although copyright law and practice is usually seen as concerning private (proprietary) rights in works, public rights and the public domain are of vital importance to both innovation and democracy in Australia. Finding ways to expand the creation and use of these public rights, to enhance innovative and public discourse, is at the heart of the 'Unlocking IP' research project based at UNSW Law Faculty, and its exploration will be the heart of this new LLM course which will be at the innovative edge of intellectual property law and practice.

The course will investigate the rapidly changing relationship between public and private rights in Australian copyright law and practice, and explore options for maximising the 'unlocking' of the potential uses of copyright works through sharing and trade in works involving public rights (open content, open source and open standards licensing) and through enhancement to the public domain. The four key elements of the course are (1) Analysing public rights – Theory and taxonomy (including Statutory public rights and limits of copyright; Effects of other public domains; Categories of commons ; The digital divide); (2) Licences involving public rights - Consistency, simplicity, effectiveness , implications; (3) Technical approaches to finding works with public rights more effectively; and (4) Incentives and requirements to expand public use rights (Incentives and voluntary measures; Legislation to enhance and protect the public domain)

The course will be coordinated by Professor Graham Greenleaf, and will also include contributions by various of the investigators involved in the 'Unlocking IP' Research project <<http://www.cyberlawcentre.org/unlocking-ip/>> based at the Faculty's Cyberspace Law & Policy Centre. The course will give students a unique insight into evolving research and scholarship in one of the most innovative areas of current intellectual property studies. A Background Paper on the 'Unlocking IP' project at <<http://www.cyberlawcentre.org/unlocking-ip/background.pdf>> gives an introduction to many of the issues that will be covered in the course. A full Course Outline and reading guide is being prepared and will be at <<http://www2.austlii.edu.au/commons>>.

Pre-requisites: None; **Exclusions:** None

Co-requisites: Any introductory IP course at undergrad or postgrad levels

The Faculty Handbook entry will be as follows:

This course investigates a new area of intellectual property studies: the role of public rights (now often referred to as 'commons') and the public domain in IP (particularly in copyright, but also in patent law and other areas of IP). Although copyright law and practice is usually seen as concerning private (proprietary) rights in works, public rights in intellectual property are of vital importance to both innovation and democracy in Australia. The course will cover theories of the roles of public rights and their place in existing legislation, a detailed examination of the growth of licensing to create open content (such as Creative Commons and AESN licences), the role of public rights and open content in new business models, and the technical and policy infrastructures being developed to expand the creation and use of these public rights. The course will examine the particular position of Australia's public domain in relation to a broader international commons, and the significance of commons to the national cultural estate.

(Students wishing to extend their study of this area can also apply to enrol in 4 uoc Research Thesis Elective so as to obtain a total of 8uoc.)

Graham Greenleaf , 26 May 2006