



FACULTY OF LAW, School of Law

LAWS5239

Commons & Public Rights in Intellectual Property

SEMESTER 1, 2008

Course Outline

(Statement of Objectives and Assessment Strategy)

Postgraduate optional course
Total contact hours: 16 (intensive)

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1. Course details

This course has 4 Units of Credit value. It is an postgraduate optional course. **Total contact hours: 16 (intensive)**. A copy of this Course Outline is provided to all students in the first class.

Teachers : Graham Greenleaf (Convener) <g.greenleaf@unsw.edu.au> ; tel 9385 2233 and Catherine Bond <catherine.bond@student.unsw.edu.au>

Timetable - 18-19 April, 9am – 6pm; Each day 4 sessions x 1 hr 45 mins

2 Course aims

The course introduces and provides a critical survey of the new field of commons in intellectual property, and gives students the opportunity to pursue more detailed study of a topic of interest to them.

3 Student learning outcomes

By the end of this course, you should:

- Understand the significance of the changed concepts of ‘public domain’ and ‘commons’ in intellectual property, and the various roles of ‘open source’, ‘open content’ and ‘open standards’ in those developments;
- Appreciate the role that compulsory licences, fair dealings, term extension and other key concepts play in the new conceptions of commons;
- Be able to distinguish the key differences between the different types of voluntary public licences, and criticisms of each type;
- Be familiar with some of the business models and non-financial incentives necessary for the success of voluntary licensing, and their limitations;
- Be familiar with empirical work on quantifying commons;
- Be able to use tools to find commons content, and understand their limitations;
- Understand the critiques of the ‘romance of the commons’ and its implications for developing countries and particular disadvantaged groups.

Relationship to Law Graduate Attributes

[TO BE COMPLETED]

4. Subject content

The subject content is detailed in the Appendix to this Outline, together with key readings for each topic.

5. Teaching and learning approach and strategies

Learning and teaching rationale The rationale for this course’s educational strategy is that postgraduate students in a new and very policy-oriented area of law and practice will gain the best appreciation of the subject matter through active debate and discussion with their peers, facilitated by the course teacher and materials.

Learning and teaching strategy This course is based on learning through reading or selected materials for the purposes of class discussion, active discussion between all class participants, and each students leading at least one part of the class discussion.

The online reading guide then provides more extended versions of all class readings, and additional readings, so that students can explore in more depth the issues introduced in class, and so that they have an initial reading list for the purposes of their research essay.

Course evaluation and development - Your feedback on the course will be requested in a brief evaluation form at the end of the two days, since we do not meet again before the end of semester. This feedback is considered carefully in developing future versions of the course.

6. Required and recommended reading

Required and recommended readings for each topic are listed in Topic Outline and Reading Guide Annexed. The Guide is available at <http://www2.austlii.edu.au/commons/> with links to online materials. A printed 200 page selection of required readings is provided for classes.

7. Assessment

There is one item of assessment, a Take-Home Assignment/Research Essay which must be submitted by the start of the Examination Period. This will be discussed at the start of the course, and student views obtained on the format and topics to be covered, before it is finalised.

Late assignments will not be accepted except for demonstrated good cause (including medical reasons). Students who do not complete the assignment in time are able to do the two hour exam instead. The Faculty Policy on late submission is

“Late work will not be accepted without penalty unless an extension has previously been granted. Late work may be penalised by the deduction of up to 10% of available marks for that assessment for each full day that the work is late up to a maximum of 50% penalty. Extensions should not normally exceed one week. In the absence of documented grounds, an extension for a common assignment will not be granted beyond the date of return of the work of other students.”

Assignments must be submitted on paper at the Law Faculty counter according to the instructions on the assignment cover sheet.

Relationship between objectives and assessment strategy - This subject aims to help students acquire the fundamentals of this new field in the two intensive days of classes, and then encourages to apply this knowledge in a more sophisticated piece of research and analysis than would otherwise have been possible, on a topic of particular interest to them.

8 Administrative matters

Occupational Health and Safety - see www.riskman.unsw.edu.au/ohs for details of all UNSW OHS policies.

Equity and diversity - Those students who have a disability that requires some adjustment in their teaching or learning environment are encouraged to discuss their study needs with the course convenor prior to, or at the commencement of, their course, or with the Equity Officer (Disability) in the Equity and Diversity Unit (9385 4734 or www.equity.unsw.edu.au/disabil.html). Issues to be discussed may include access to materials, signers or note-takers, the provision of services and

additional exam and assessment arrangements. Early notification is essential to enable any necessary adjustments to be made.

9 Academic standards and plagiarism

The following statement is the official UNSW statement on plagiarism. You should read it carefully.

Plagiarism is the presentation of the thoughts or work of another as one's own.*

Examples include:

- direct duplication of the thoughts or work of another, including by copying material, ideas or concepts from a book, article, report or other written document (whether published or unpublished), composition, artwork, design, drawing, circuitry, computer program or software, web site, Internet, other electronic resource, or another person's assignment without appropriate acknowledgement;
- paraphrasing another person's work with very minor changes keeping the meaning, form and/or progression of ideas of the original;
- piecing together sections of the work of others into a new whole;
- presenting an assessment item as independent work when it has been produced in whole or part in collusion with other people, for example, another student or a tutor; and,
- claiming credit for a proportion a work contributed to a group assessment item that is greater than that actually contributed.†

Submitting an assessment item that has already been submitted for academic credit elsewhere may also be considered plagiarism. Knowingly permitting your work to be copied by another student may also be considered to be plagiarism. An assessment item produced in oral, not written form, or involving live presentation, may similarly contain plagiarised material.

The inclusion of the thoughts or work of another with attribution appropriate to the academic discipline does not amount to plagiarism.

Students are reminded of their Rights and Responsibilities in respect of plagiarism, as set out in the University Undergraduate and Postgraduate Handbooks, and are encouraged to seek advice from academic staff whenever necessary to ensure they avoid plagiarism in all its forms.

The [Learning Centre website](http://www.lc.unsw.edu.au/plagiarism) <www.lc.unsw.edu.au/plagiarism> is the central University online resource for staff and student information on plagiarism and academic honesty. The Learning Centre also provides substantial educational written materials, workshops, and tutorials to aid students, for example, in:

- correct referencing practices;
- paraphrasing, summarising, essay writing, and time management;
- appropriate use of, and attribution for, a range of materials including text, images, formulae and concepts.

Individual assistance is available on request from The Learning Centre.

Students are also reminded that careful time management is an important part of study and one of the identified causes of plagiarism is poor time management. Students should allow sufficient time for research, drafting, and the proper referencing of sources in preparing all assessment items.

** Based on that proposed to the University of Newcastle by the St James Ethics Centre. Used with kind permission from the University of Newcastle.*

† Adapted with kind permission from the University of Melbourne.

9 Course Staff

The course teachers for Session 1 2008 are Graham Greenleaf <graham@austlii.edu.au> or <g.greenleaf@unsw.edu.au> (Convener); tel 9385 2233; Room 224 Law Faculty Building and Catherine Bond <catherine.bond@student.unsw.edu.au>.

Outline revised by Graham Greenleaf (Convener) 9 April 2008

APPENDIX: UNSW SCHOOL OF LAW POSTGRADUATE ATTRIBUTES

[TO BE ADDED]