Subject Outline

LLB 365 / LAW 365

International and Comparative Intellectual Property Law: Licensing

Summer Session

2007

University of Wollongong
Credit Point Value

LLB 365: 8
LAW 365: 6

Introduction

This course covers much of the law and some of the business and economics of licensing intellectual property (IP). IP is a broad field, including patents, trade secrets, copyrights, semiconductor chip protection, trademarks, trade dress, Internet domain names, and rights of publicity.

Licensing of intellectual property takes many different forms in different types of businesses. Research and manufacturing businesses typically license technology, such as patents and trade secrets. They also may license copyrights (for example, in computer programs) and protected semiconductor chip designs. Multimedia licenses, such as those for films, video games, and multimedia websites, often involve multiple copyrighted properties, and virtually every business has a trademark or trade name that might or must be licensed.

We will try to discuss most, if not all, major types of businesses and their licensing practices. No single course, however, can cover all the nuances of law and practice affecting all of the industries that may involve licensing. We will focus primarily on technology licensing (of patentable inventions and trade secrets), but we will also discuss licensing of "soft" IP, including such things as computer software and multimedia properties like video games.

The course is interdisciplinary. About one-third of its substance explores the business and economic aspects of licensing, including the scope of a license, how licensors make money, and how business people estimate the economic value of IP and licensing rights. Another third discusses legal considerations in licensing, including relevant IP law, antitrust or competition law, involuntary licensing by operation of law, the problem of “clearing” legal rights in IP, and selected issues in international practice, such as jurisdiction and enforcement. The final third involves practice or “skills” training in drafting and negotiating licenses and getting a “sense of the deal” in licensing transactions.

Because the professor is American, much of the reading will involve U.S. law, with a bit of European Union law included. Class discussion will use the readings as a spring board for discussing licensing in more general and international contexts, and students’ resort to their own business experience (if any) and personal experience will be encouraged. Grading will be based 50% on a final examination, 30% on a license drafting exercise, and 20% on active and useful participation in classroom discussion.

Learning Objectives

The objectives of this course are:

1. To review and strengthen your understanding of intellectual property law and its application in business and commerce;
2. To acquaint you with the business and economics of licensing and how business people “trade” in selected rights in intellectual property in order to realize commercial objectives and make money;

3. To help you to see intellectual property and licensing from the client’s perspective and to assist the client in realizing legitimate commercial objectives;

4. To give you a basic understanding of key business provisions and commonly used legal clauses in licenses and how to draft and negotiate them;

5. To provide an understanding of pitfalls and opportunities that the law creates in licensing of intellectual property and how to avoid or exploit them;

6. To develop your skills in extracting a “sense of the deal” from dry legal documents and brief discussions with parties, so that you can understand, negotiate and document licensing transactions from a holistic perspective; and

7. To provide an introduction to selected issues in international licensing, whose details may vary among national or supranational jurisdictions, including the EU.

**Tertiary Literacies**

This subject will contribute to the development of the following tertiary literacies:

- An understanding of the economic value of intellectual property and its use as an object of commerce and trade;
- The ability to conceptualize licensing deals both as legal transactions involving intellectual property and as practical methods for realizing commercial objectives;
- The abilities to predict when intellectual property might create impediments to realizing commercial objectives and to develop plans and strategies for removing the impediments;
- An understanding of the importance of clear communication with clients and among business partners;
- Skill in identifying ambiguities and important omissions in communication and avoiding ambiguity in documentation;
- Knowledge of key commercial objectives, business terms and legal clauses in licensing agreements and skill in negotiating terms and drafting suitable unambiguous language;
- An understanding of the importance of viewing agreements as a whole, rather than as a collection of separate terms and clauses;
- Knowledge of the substance of major terms and conditions and important legal pitfalls and opportunities sufficient to identify key issues and to look up applicable law or query local counsel in any jurisdiction intelligently; and
- A sense of how and when competition law may apply and may limit permissible transactions as a basis for further research and study of this complex field.
Subject Administration

Subject Coordinator:

Professor Jay Dratler, Jr.
Goodyear Professor of Law, University of Akron, Ohio, USA

Room: Building 67, Room 212
Phone: 4221 4293
E-mail: jayd@uow.edu.au
Consultation: By email

Enquiries
If the coordinator is unavailable, inquiries can be made at the Law Faculty Administration Office, Building 67, McKinnon Building, Level 2, Office number 239, Phone (02) 4221 3456, Fax (02) 4221 3188.

Attendance Requirements

Attendance is required each day of the course from 9:00 am till 5:00 pm.

Lecture / Seminar Times

This is an intensive subject taught over four (4) consecutive days in the week commencing 17 December 2007. The subject will be held in Building 67 Room 203

Law Faculty Seminar Allocation Policy

The University of Wollongong timetable allocation system is generated centrally, and does not automatically reconcile each Faculty timetable with each other Faculty timetable. Consequently, double degree students and students in subjects taught outside their home Faculty will generally have to compromise on their preferred timetable.

After seminars are allocated, students may seek to change from their allocated seminar to another. In many cases, there will be vacancies available in the desired seminar. If, however, the seminar enrolment has already been closed, a student must provide adequate documentation of their reasons.

Acceptable reasons:

- safety concerns
- child-care
- timetable clashes with other compulsory Law subjects within a common year.

‘Work commitments’ is not an acceptable reason to seek to change seminars.

Seeking to consolidate classes into fewer days is not an acceptable reason to seek to change seminars.

Not all students will be satisfied with their seminar allocation. This is unavoidable.
Study Groups

If your studies are not advancing in accordance with your expectations or assumptions, or if you feel that you are struggling with either the work load or content, it is essential that you seek the advice of other students or the Subject Coordinator or other appropriate University support services such as the Learning Development Centre, Counselling Service or Disabilities Office. Doing nothing will only lead to a crisis of confidence and perhaps unnecessary anxiety.

To this end, it is recommended that you form and participate in an informal study group with other students. Ideally, study groups should consist of 4 to 6 students. They should meet regularly to discuss specific topics, and can also discuss particular problem questions. **Study groups are especially recommended for this course.**
Subject Materials

Essential Readings


Excerpts from Jay Dratler, Jr., *Licensing of Intellectual Property* (two-volume treatise) (Law Journal Press 1994 & Supps.), available on line on Westlaw under acronym LICENSIP, as described at [http://gozips.uakron.edu/~dratler/treatises/handling.htm#online](http://gozips.uakron.edu/~dratler/treatises/handling.htm#online) (visited Oct. 29, 2007) (hereinafter, “Treatise”)  **Note:** some material from this source will be available on line, but some recently updated material will be distributed by e-mail once the class enrollment list is stable.


Recommended Readings

These readings are recommended and are not intended to be exhaustive. Students are encouraged to use the Library catalogue and databases to locate additional resources.


Other General Reference Works


Specialist Reference Works

These works deal with specific topics in much greater depth.


David M. Epstein, *Eckstrom’s Licensing in Foreign and Domestic Operations* (Thomson-West 1972 & Supps.) (binder/looseleaf)
Assessment

CLASS PARTICIPATION  20%

Marks are awarded for valuable contribution to the class. You must prepare in advance for the seminar and be able to exhibit analytical skills in dealing with the materials. Students should refer to the faculty policy in the faculty handbook and on the faculty website for further information. Self assessment forms will be distributed in class on the final day and must be completed and returned by the end of classes on Thursday 20 December 2007. They will be taken into consideration when the final assessment for class participation is made.

LICENSING DRAFTING EXERCISE  30%

The license drafting exercise will be distributed at the end of the second day of class (Tuesday, December 18). Your work will be due by e-mail by 5:00 p.m. on Friday, December 21. Please see the instructions for submitting your work electronically below.

TAKE HOME EXAM    50%

The take home exam will be delivered by e-mail and/or posted on an available website by 2:00 p.m. Friday, January 4. Answers will be due by e-mail by midnight on the following Monday, January 7. You may take no more than three consecutive hours to take the exam, including reading the instructions, reading the questions, doing any research, writing and correcting your answers, spell checking, “pruning” to meet the word limit, and submitting your answers by e-mail.

During that time, you may consult any written materials prepared by you or generally published by persons other than students in this course. That includes your class notes, the assigned materials for this course, and any generally published on-line material posted before the beginning of the course. You may not consult with any other person on the exam, the questions, or any matter related to this course or its subject matter. The questions will address specific factual scenarios, so pre-prepared or “canned” material will be useless and will receive no credit whatsoever in grading, no matter how brilliant it may be. Please don’t waste your time preparing written material on your computer (other than a course outline) in anticipation of the exam.

WORD LIMITS. Each of the two written exercises—the License Drafting Exercise and your answer to the Take Home Exam—will have a word count limit, which will be strictly enforced. The limit will including everything in your submission (except for e-mail headers), including titles, headings, and your identifying number (see below). I will delete or will not read any material over the limit, so “pruning” and revising your work to meet the limit will improve your grade. The word limits are as follows:

LICENSE DRAFTING EXERCISE  1000 WORDS
TAKE HOME EXAM    2,000 WORDS

ANONYMITY. My personal policy is to grade all written work anonymously. In order to insure anonymity, it is important to follow these instructions precisely:

Student Number: Please put your Student Number at the bottom of your work, and make sure there is no other identifying information in the file that you save.

Save in RTF format: Be sure to save your work in Rich Text Format, not any proprietary word-processing format. When saved, your file should have an “.rtf” extension, NOT “.doc” or any other extension. (If you are using Microsoft Word, click on “Save As” under “File” and then click on the double arrows at the right of the “Format” field to select the format. Be sure that the words “Rich Text Format (RTF)” appear in the field before clicking on the “Save” button.
Attach file, do not include in e-mail: Attach your work file in .rtf format, with your Student Number (and no other identifying information) at the end of your answer file, to your e-mail and send it to all the addresses in the listed instructions. Be sure to double check each address and make sure it is correct. DO NOT include your work in the body of your e-mail. Once I have checked that all work has arrived by e-mail, I will have an assistant strip the files from the e-mails and include them in a folder with arbitrary files names. I will grade the assignments and assign course grades based on student numbers only.

COMPUTER ISSUES. If you do not have access to a computer with Internet access but nevertheless wish to take this course, or if you have any doubt about your ability to follow any of the instructions relating to submitting your work by e-mail, please let me know in person on the first day of class. If the first day passes without in-person notice from you, you will be responsible for accessing all assigned on-line and e-mailed materials, following precisely these instructions and any further instructions in the assignments, and doing everything necessary to prepare your work in electronic form and to submit it by e-mail as instructed. You may practice following any instructions by sending test messages, and I will let you know, in person or by e-mail, whether your test messages were received in proper form.

As a backup in case of computer problems beyond your control, please make a paper copy of each of your e-mail submissions, just before sending it electronically. Put the date and time on the paper copy and sign your name underneath. The copy will serve as evidence that you completed the assignment on time in case of any unforeseen electronic difficulty.

GRADING METHODS

The License Drafting Exercise. Marks will be based on the following criteria: (1) whether all important business and legal issues are addressed, (2) whether contentious issues are resolved in a reasonable manner to which both sides could agree, (3) whether the drafting avoids ambiguities and other substantive problems, and (4) freedom from defects in expression, organization, tone and writing. Grammar, spelling and punctuation will count, but not as much as substance.

The Take Home Exam. Marks will be based on the following criteria: (1) whether the answers to the questions asked are correct and complete; (2) the thoroughness and accuracy of explanations for the answers; (3) good judgment in determining what issues, subissues and sources of law to discuss (you may not have time or space to address all possible issues); (4) support for the answers and explanations in the form of citation to legal principles and/or legal authority; (5) absence of extraneous and erroneous matter, (6) prioritization of answers and reasons, with the most important first; and (7) clarity in expression and organization. Answers may be “close calls” or matters of judgment, so explanations may be as important or more important than “correct” answers.

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Teaching Program Summer Session 2007

The first day of Summer Session will begin on December 04 2007.

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<thead>
<tr>
<th>Week</th>
<th>Date</th>
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<tr>
<td>Week 1</td>
<td>4th December 2007</td>
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<tr>
<td>Week 2</td>
<td>10th December</td>
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<tr>
<td>Week 3</td>
<td>17th December 2007</td>
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Spring Session Subject Outline 2007
This subject runs in Week 3 from Monday 17 – Thursday 20 December 2007
The teaching program is as follows (for abbreviations for texts, see :

Monday 17 December:

*Morning:* Review of intellectual property (IP) from a licensing perspective; key features of patents, copyright, and trade secrets; what legal doctrines matter most for licensing


*Afternoon:* Business aspects of licensing agreements: key commercial and business terms for licensors and licensees; how each side makes money; each side's most vital interests and how to protect them.

Readings: Treatise, Chapter 1A, Introduction and Sections 1A.01, 1A.03, as distributed by e-mail (not on-line version).

Tuesday 18 December:


Readings: (1) Casebook, Chapter 3, (Intellectual Property Audits), pages 97 - 123; (2) Casebook, Chapter 4 (Negotiating the License), pages 125 - 127, 143 - 161; (3) Casebook, Chapter 5 (Valuation of Intellectual Property), Appendices A and B, pages 233 - 240, then pages 181 - 207 and pages 214 - 233.

*Afternoon:* Multimedia licensing; rights “clearance;” common terms in licensing agreements, their risks and opportunities, and how to draft them; co-ownership of IP.

Readings: (1) IP Book, pages 207 -215 (copyright licensing); (2) Casebook, Chapter 6 (Copyright: Multimedia and Entertainment Licensing), pages 241 - 285; (3) Casebook, Chapter 7 (Key Provisions in License Agreements and Special Types of License Agreements), pages 287 - 332.

Wednesday 19 December:

*Morning:* Implied licensing and compulsory licensing, including denial of injunctive relief.

Readings: Treatise, Chapter 3, Sections 3.02 – 3.04, 3.06, as distributed by e-mail (not on-line version).

*Afternoon:* Equitable licenses; shrink-wrap and “click-wrap” licenses; the open-source movement; the General Public License (GPL).

Readings: (1) Treatise, Chapter 3, Section 3.05 (on-line version); (2) Casebook, Chapter 8 (Contract Law Issues in Intellectual Property Licensing), pages 355 - 387; (3) Casebook, Chapter 8 (Contract Law Issues in Intellectual Property Licensing), Pages 400 - 423.
Thursday 20 December:

Morning: Antitrust and competition law in licensing: monopolization/abuse of dominant position and tying; the Microsoft cases in the U.S. and EU.

Readings: (1) Casebook, Chapter 9 (Antitrust and Misuse Issues in Licensing), pages 425 - 432; (2) Treatise, Chapter 5, Sections 5.01, 5.02[1], 5.02[2][a] (excluding subsection [iv] on “exit” agreements) (on-line version); (3) Treatise, Chapter 5, Sections 5.02[2][b] (introduction) and [ii][A], [iii] (on-line version); (4) Treatise, Chapter 5, Section 5.03 (e-mailed version) and Section 5.02[2][b][ii][C] (e-mailed version); (5) Treatise, Chapter 7, Section 7.06 (on-line version).

Afternoon: Territorial restraints; misuse of intellectual property; restrictions on assignment and sublicensing; co-ownership of IP; sovereign immunity.

Readings: (1) Treatise, Section 7.11, as distributed by e-mail (not on-line version); (2) Treatise, Section 5.04 (on-line version); (2) Treatise, Section1A.02[2], [3], as distributed by e-mail (not on-line version).

MID SESSION RECESS: 23 December to January 01 2008

Week 4  02 January 2008
Week 5  7th January 2008
Week 6  14th January 2008
Week 7  21st January 2008

STUDY RECESS: 29th January to 4th February 2008

EXAMINATIONS: 5th February to 11th February 2008
Additional Information

Cross Institutional Studies
To apply for cross-institutional studies or to appeal assessment or subject results, you MUST obtain the relevant form from the Faculty Office and adhere to specified deadlines.

Submission of Written Work
Students are advised that only student numbers, not names, must be written on assignments so that work is anonymous as far as possible. Except for the Final Examination, which will be given by e-mail, assignments must be placed in the box outside the Faculty Administration Office on the day that they are due and on or before the due time. Work is not to be placed under the door of an academic’s office. Students submitting assignments after the due date, whether or not they have been granted an extension, must still place their assignments in the faculty assignment box. Assignments should be attached to a Law Faculty coversheet, copies are provided at the back of this subject outline, and outside the Faculty of Law administration office.

Once the assignment has been placed in the box, the Faculty of Law Administration staff will collect it and date-stamp it. An assignment lodged after 5.00 pm on any day will be collected on the next working day. A register of assignments received will be kept at the front desk. The lists will be in order of student number only.

Within 1-2 days of the due date of the assignment, this register will be placed on the relevant subject coordinator’s door and it is the responsibility of the student to check the register to ensure that the office has received your essay. Alternatively, you can check that your assignment has been received online at the following link:

Where an assignment has been received, the student number will appear in BOLD print. If your student number is not in BOLD print, then this means that the office has not received your assignment and you need to consult with your subject coordinator immediately.

ASSIGNMENTS MAY NOT BE SUBMITTED BY FACSIMILE OR EMAIL except in the manner described above.

Lodgment of Assignments by Post
Assignments posted to the Faculty must be received by the due date and an official Australia Post receipt, evidence of posting, must be kept by the student. Assignments should be mailed to:

LLB 365 Assignment
Faculty of Law
University of Wollongong
WOLLONGONG NSW 2522.

Collection of Marked Assignments
Assignments that have been marked by the lecturer are to be handed back to students in their seminars or tutorials. Students who are absent when assignments are returned in class may then retrieve their paper at the Law Faculty administration office.

Format of Work
Assignments must be in the following format:

• The front page must consist of a completed Law Faculty cover sheet.
• All pages should be in black type, on white A4 paper, printed on one side only with 3 cm margins on all sides (left, right, top, bottom).
• The font size must be 12 point font using the ‘Times’ font and line spacing should be ‘double spaced’. Pages must be numbered.
• Do not use folders, binders or covers.
• **Always** keep a photocopy of your work. A signed printout is sufficient for the Final Examination, as described above.
• Assignments must conform to adequate reference and citation practice (including an alphabetical bibliography for essays). Marks will be lost for failing to undertake this procedure.

**Acknowledgement and Referencing**
You must acknowledge all sources of information. You should ensure that you are familiar with the rules on referencing and acknowledgement. You should consult the University Policy on Acknowledgment Practice [http://www.uow.edu.au/handbook/courserules/plagiarism.html](http://www.uow.edu.au/handbook/courserules/plagiarism.html) and the Faculty of Law Policy on Plagiarism [www.uow.edu.au/law](http://www.uow.edu.au/law) or Studying Law 2007 handbook. Plagiarism will not be tolerated and you will be penalised if you commit plagiarism (see Academic Misconduct below).

It is important to use a standard system of citation and referencing. The Faculty of Law’s official citation guide is the **Australian Guide to Legal Citation** (Melbourne University Law Review Association Inc., Melbourne, second edition 2002). The Guide may be borrowed from the University library, purchased from the Unicentre Bookstore or accessed online at [http://mulr.law.unimelb.edu.au/aglcdl.asp](http://mulr.law.unimelb.edu.au/aglcdl.asp)

**Word/Page Limits**
Students must observe the word/page limits for assignments. Markers are not required to read beyond the set word/page limit, and this may affect your final mark.

**Special Consideration, Extensions, Late Submission of Written Work and Penalties**
To apply for Special Consideration, students must log onto SOLS and select the Special Consideration link. A personalised application form will be then appear for electronic completion and submission. Once you have completed and submitted the application, you must forward all relevant (original) medical certificates and documentation to Student Central within 3 days so that they can be verified and accepted. Once verified and accepted, the subject coordinator for your subject will receive your application via SMP (Student Management Package) and will be advised of the outcome.

It is the policy of the University of Wollongong and the Faculty of Law that extensions of time for submission of assessable work are only granted in exceptional circumstances, such as serious illness or unforeseen circumstances beyond your control.

Extension applications must be made in accordance with the University’s Special Consideration Policy [http://www.uow.edu.au/handbook/courserules/specialconsideration.html](http://www.uow.edu.au/handbook/courserules/specialconsideration.html)

Assessment tasks must be submitted by 5pm (or other designated time), on the due date. An assessment task that is submitted late will receive a penalty of 5% of the total available mark for each 24-hour period, or part thereof that it is late. Penalties accrue on each day that the assessment task is late, including Saturdays, Sundays and public holidays. You should also note that an assessment task that is submitted after 5 pm on any day will be deemed to have been submitted on the next working day.

**No work will be accepted later than 7 days after the due date.** After that time a student will be deemed to have failed to meet the subject requirements and will therefore receive a fail grade.

**Supplementary Examinations**
To apply for a supplementary examination, students must log onto SOLS (Student Online Services) and select the special consideration link. A personalised application form will then appear for electronic completion and submission. You must ensure that you select the appropriate button to request a supplementary examination.
Once you have completed and submitted the application, you must forward all relevant medical certificates and documentation to ARD (Academic Registrars Division) within 3 days so that they can be verified and accepted.

Once verified and accepted, the subject coordinator for your subject will receive your application via SMP (Student Management Package) and you will be advised that the application will be considered by the Faculty of Law Assessment Committee.

All applications for supplementary exams are determined by the Faculty of Law Assessment Committee on the advice of the relevant subject coordinator. The Associate Dean determines all applications for supplementary exams, which are lodged after the Faculty Assessment Committee meeting. The Faculty will then forward details of your supplementary examination to ARD. ARD will then notify you via SOLS as to the time and date of the supplementary examination.

Please note:
That the Faculty Examination Committee may, in appropriate circumstances, approve a special consideration application for a supplementary examination for students who provide adequate documentation of medical or other circumstances beyond their control. The Faculty will not grant additional opportunities for supplementary exams. Students who still fail to achieve a Pass grade (or PC grade) in a subject after being granted a supplementary exam will either receive a Fail grade (or PR grade where relevant) or, in appropriate circumstances, be allowed to withdraw from the subject without academic penalty.

For further information regarding eligibility for supplementary examinations, please refer to the University's Special Consideration Policy, which can be found at: www.uow.edu.au/handbook/courserules/specialconsideration.html and also refer to SOLS at http://www.uow.edu.au/student/ for more special supplementary examination information.

IMPORTANT:
The University's Special Consideration Policy requires that where a student supports an application for a supplementary exam with a medical certificate or a counsellor's letter, that documentation must specifically state that as a result of the medical complaint, treatment or other problem described in the documentation, the student was unfit to complete the examination on the relevant date. It is not sufficient that the supporting documentation merely state that the student was ill, or that her or his performance or preparation was adversely affected. Documentation to that effect would support only an application to have an appropriate adjustment of the examination mark.

Re-Marking of Assignments and Examinations
Students are advised to consult the University rules on Reassessment of Grades in the Undergraduate Calendar http://www.uow.edu.au/handbook/

Student Academic Grievance Policy
The University and the Faculty of Law have formal Student Academic Grievance Policies. These policies are to be used only when informal approaches have been made to the marker or the Subject Coordinator.

“Academic grievance” means a complaint by a student concerning a decision, act or omission of a member of UOW staff or committee, which affects the student's academic experience. Examples of the types of complaints that may be covered by this definition follow:

a. failure to assess work in accordance with specified criteria;
b. bias by marker;
c. technical marking or collating error;
d. failure to manage requests for special consideration in accordance with the Special Consideration Policy;
e. failure of a research project supervisor to fulfill their responsibilities as defined in the Code of Practice - Honours;

f. failure to adhere to the requirements of the General Course Rules, including the rules governing the award of grades of performance, granting of awards "with Distinction", minimum rate of progress, advanced standing, amendments to academic records;

g. failure to adhere to the requirements of the Award Rules;

h. failure to adhere to mandatory requirements of a relevant Code of Practice (e.g. Teaching and Assessment, Honours, Practical Placements), including assessment or examination requirements;

i. failure to adhere to Faculty assessment or examination requirements;

j. failure to follow due process in handling student requests or complaints.

You can obtain a copy of the policy and the Appeal against decision or action affecting academic experience form from the Faculty office or on the Faculty website at www.uow.edu.au/law

Please note that there are strict guidelines and timeframes.

A full copy of the University Student Academic Grievance Policy can be found at: www.uow.edu.au/handbook/courserules/studacgrievpol.html

**Academic Misconduct**

The University regards academic misconduct as a very serious matter. Students found guilty of academic misconduct may be excluded from the University for a specified period of time or permanently. Paragraph 4.1 of the rules of the student conduct and discipline defines academic misconduct as;

4.1 **Academic Misconduct** – including plagiarism and other forms of cheating by students in breach of the General Course Rules or any relevant policy or code, for example, Codes of Practice – Teaching and Assessment, Students, Honours, Supervision and Research.

**Examples:**

- Bringing unauthorised material into an examination room
- Plagiarism: using the ideas of another person without giving them credit

The rules can be found at the following website;

You should note, academic misconduct is relevant to your admission as a lawyer. The Legal Profession Admission Board’s current application for Admission as a Lawyer requires applicants to make a number of declarations relating to fame and character including the following:

5.9 I am not and have never been the subject of disciplinary action in a tertiary education institution in Australia or in a foreign country that involved an adverse finding.

"Application must disclose details of any relevant incidents if they cannot make the above declaration"

**ADDITIONAL INFORMATION**

**Email and Faculty Notice Boards**

Email and the Faculty's electronic Notice Board are used on a regular basis by Faculty Staff to contact students and to send out essential information to the Faculty of Law student body. Consequently, it is essential that you check your University email account and the Faculty's electronic Notice Board on a regular basis (every 2-3 days minimum).
For this course, students should check their e-mail for reading material (see above) at least three days before the first day of class and every evening after class.

1. It is each student's responsibility to ensure that they have an active, official University email account.

2. If a student wishes to forward email from their University account to another account, it is the student's responsibility to ensure that this has been successfully done. For information on how to forward your University email account to your preferred email address refer to: http://www.uow.edu.au/its/userguides/students.html

3. Except as stated above, students are not permitted to submit assignments by email.

4. The Faculty's electronic Notice Board will be used to provide electronic copies of documents to students as the group email facility does not allow academics or the Faculty to send enclosures to students.

The Faculty's Notice Board can be found at: http://www.uow.edu.au/law

**Late Withdrawal**

The last date for withdrawal from a single session (Summer Session) 2007 subject *without financial penalty* (HECS refunded/International Student Fees credited) if withdrawn by is: 17\(^{th}\) December 2007.

Last day to withdraw from single session subjects (Summer Session) *without academic penalty* - subject deleted from record. (Fail grade recorded if subject withdrawn after this date) is: 23\(^{rd}\) December 2007.

**Disability**

If a student with a disability requires reasonable accommodation in this subject, they are strongly advised to discuss the issues early in the session with one of the following people: The Faculty of Law Student Equity and Diversity Liaison Officer (SEDLO), the Faculty Disability officer and/or the subject coordinator.

**Student Equity and Diversity Liaison Officer is:**

**Vivienne McIlroy**
Location: McKinnon Building 67:207 – (Monday, Tuesday)
Phone: 4221 5017
Location: Building 19:1075 – (Wednesday-Friday)
Phone: 4221 3635
Email: vmcilory@uow.edu.au

**The Faculty Disability Officer for the Faculty of Law is:**

**Scott Grattan (Sub-Dean)**
Room: 67.237
Phone: 4221 4423
Email: sgrattan@uow.edu.au

Appointments with the Sub-Dean can be made by contacting the Law Faculty Administration Office on (02) 4221 3456 or via email: law@uow.edu.au
Grades of Performance for 100, 200, 300 and 400 level subjects.

The approved grades of performance and associated ranges of marks for 100, 200, 300 and 400 level subjects (except for subjects referred to in Rule 8.5.2 or subjects constituting an Honours program applying Method 1 in Rule 8.5.6 to determine the Honours grade) are as follows:

**Satisfactory completion:**
High Distinction 85-100%
Distinction 75-84%
Credit 65-74%
Pass 50-64%
Pass Restricted (for 100 & 200 level subjects only) or Pass Conceded 45-49%**
Fail 0-44%

Subjects satisfactorily completed at a Pass Conceded or Pass Restricted grade may comprise no more than one sixth of the minimum credit point value of a course (see Rule 8.5.4 of the General Course Rules - Assessment)

The award of the grade Pass Restricted in a subject will prohibit a student progressing to the next subject in a sequence for which the subject in which the pass restricted is awarded is a pre-requisite. However, students are not prevented from repeating a subject for which, a Restricted Pass has been awarded.

**Commerce Students should note that a Pass Conceded, Pass Terminating or Pass Restricted grade at 300-level in any required subject within most of the programs of study for the Commerce Faculty, do not satisfy the degree requirements. Please check the 2006 Undergraduate Calendar for more details.

Grades of Performance for 800 and 900 level subjects

The approved grades of performance and associate ranges of marks for 800 and 900 level subjects (except for research subjects)

**Satisfactory completion:**
High Distinction 85-100%
Distinction 75-84%
Credit 65-74%
Pass 50-64%
Unsatisfactory Completion: Fail 0% to 49%

Scaling of Marks

The University reserves the right to scale marks in any subject. If scaling is routinely used in a subject, the method of scaling must be clearly stated in the subject outline.

Scaling of an individual assessment component or a final mark must preserve the rank order within a cohort – see Best Practice – Scaling policy:

http://www.uow.edu.au/about/teaching/scaling.html#guidelines

Once marks for individual components of assessment have been released to students they cannot be scaled down.
University Policies

Students should make themselves aware of the following University of Wollongong policies which are to be found on the University website in the current Undergraduate Calendar:

Code of practice – Teaching and Assessment

Code of Practice – Honours

Code of Practice – Students

Code of Practice – Practical Placements

Acknowledgment Practice – Plagiarism (Plagiarism will not be tolerated)

Special Consideration

Non-Discriminatory Language Practice and Presentation Policy
http://staff.uow.edu.au/eed/nondiscrimlanguage.html

Occupational Health and Safety

Intellectual Property Policy

Student Academic Grievance Policy

Supplementary Examinations and Assessment and Examination Rules and Re-Assessment of Grades

For Faculty of Law policies, students must refer to the Faculty of Law Handbook for 2006 or the Faculty of Law website at www.uow.edu.au/law

Academic Misconduct

The University regards academic misconduct as a very serious matter. Students found guilty of academic misconduct may be excluded from the University for a specified period of time or permanently. Examples of academic misconduct are:

- using un-authorised aids in an examination;
- submitting work for assessment knowing it to be the work of another person;
- improperly obtaining prior knowledge of an examination paper and using that knowledge in the examination.

Students are advised that the Associate Dean of the Faculty of Law carries all authority in relation to special consideration and supplementary examinations.
ASSIGNMENT COVER SHEET

Declaration:
By submitting this assignment I am certifying that this is entirely my own work, except where I have given fully documented references to the work of others, and that the material contained in this assignment has not previously been submitted for assessment in any formal course of study.

Subject
☐ LLB 365
☐ LAW ----

Tutorial Day And Time ..................................................................................

Tutor’s Name .............................................................................................

Assignment Topic ........................................................................................
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Date Submitted ...........................................................................................

Date Due ......................................................................................................
(Complete only if submitting before or after the due date)

Estimated Word/Page Length: ........................................................................

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OFFICE USE ONLY

Date Assignment Removed from Box
Official Law Faculty date stamp must be placed in this box

Spring Session Subject Outline 2007 18