

LW4641: INTELLECTUAL PROPERTY: THEORY, COPYRIGHT AND DESIGN

Effective Term

Semester A 2024/25

Part I Course Overview

Course Title

Intellectual Property: Theory, Copyright and Design

Subject Code

LW - Law

Course Number

4641

Academic Unit

School of Law (FL)

College/School

School of Law (FL)

Course Duration

One Semester

Credit Units

3

Level

B1, B2, B3, B4 - Bachelor's Degree

Medium of Instruction

English

Medium of Assessment

English

Prerequisites

Nil

Precursors

Nil

Equivalent Courses

LW4141 Intellectual Property Law: Theory, Copyright and Design (LLB)(from the old curriculum)

LW4141A Intellectual Property Law: Theory, Copyright and Design (AMLLB) (from the old curriculum)

LW5641 Intellectual Property Law: Theory, Copyright and Design

Exclusive Courses

LW6195E International and Comparative Law of Copyright, Designs and Allied Rights

Part II Course Details

Abstract

Copyright and Design is one set of the core elements of what we call IP: intellectual property. This set of rights concerns the economic interests of individuals, publishing and entertainment industries, it also concerns the public as they can also be considered as a form of expression, which linked to fundamental rights of individuals. To be able to critically identify, evaluate, and analyze objects or products that concern copyright and design, and eventually apply legal principles in related problem-solving, is crucial for a qualified IP lawyer.

The aim of this course is to develop the capacity of students to understand and apply the legal principles and rules concerning copyright and design protection in HKSAR, and to provide students a roadmap of copyright and design, guide them right from the start to the end, from nature of rights to effective protection of rights. Successful completion of the course will enhance students' capabilities in critical thinking and analysis in relation to copyright and design in HKSAR, and build up students' practical skills in problem-solving copyright and design issues in a common law context.

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if DEC-A1 DEC-A2 DEC-A3 app.)			
1	Discuss the laws of copyright and design in the intellectual property context		x	x	
2	Explain thoroughly copyright and design legal principles in HKSAR		x	x	
3	Apply the knowledge to advise on copyright and design protection in different circumstances.		x	x	x

A1: Attitude

Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.

A2: Ability

Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to real-life problems.

A3: Accomplishments

Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.

Learning and Teaching Activities (LTAs)

LTAs		Brief Description	CILO No.	Hours/week (if applicable)
1	Lectures	Students will be introduced to substantive copyright & design laws in HK, the principals within, and to concepts and issues.	1, 2, 3	

2	Case Studies & Group Discussions	During the lectures, students will be organized as groups to study specific cases and to clarify the theories and principals behind via Socratic way of teaching. Develop self-confidence in application of legal principles, advocacy skills and public speaking. Foster students' growth through development of greater intellectual and interpersonal maturity.	1, 2, 3	
3	ReadingWeek (Week 7)	During the Reading Week students will be given a chance to summarize and develop their knowledge in the subject by doing further reading and research on the conceptual and theoretical sides of the subject, and to complete the take home assignment.		

Assessment Tasks / Activities (ATs)

	ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Group Presentation Research Report : Students are expected to master the basic skills of legal research and apply it in their written works. Their works should demonstrate their analytical abilities and good understanding of the legal theories as a group.	1, 2, 3	10	

2	Group Presentation: Students are expected to present on a designated topic and engage in discussions. Their high-quality comments, questions and answers, interactions with others, and general attendance will be assessed and valued. Confidence building and students' maturity	1, 2	20	
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Continuous Assessment (%)

30

Examination (%)

70

Examination Duration (Hours)

2

Additional Information for ATs

Examination: Students will be tested with fact-based/theoretical questions, they should demonstrate good understanding of the general theories and principals, and the ability to apply them to real life cases with sound arguments and justifications. The use of Generative AI tools is not allowed.

Grading of Student Achievement: Refer to Grading of Courses in the Academic Regulations (Attachment) and to the Explanatory Notes. Standard (A+ A A- ... F)

To pass each course, students need a total score of at least 40% and a minimum of 30% in both the continuous assessment (CA) component and final exam component.

To ensure fair and comprehensive assessment of students' course performance, the pass mark requirement for the CA component will be waived for courses with a CA component equal to or less than 30%. This means students only need to achieve the pass marks for the final exam component AND the overall mark to pass the course. Continuous assessment for this purpose means those ways in which students are assessed otherwise than by the end of semester examination.

Assessment Rubrics (AR)**Assessment Task**

1. Group Presentation Research Report

Criterion

Original thinking
Rational analysis
Structure and formation
Reasonable conclusion

Excellent (A+, A, A-)

Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good (B+, B, B-)

Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair (C+, C, C-)

Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal (D)

Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure (F)

Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

2. Participation & Presentation

Criterion

Quality of the questions/comments/General attendance
Confidence building and students' maturity

Excellent (A+, A, A-)

Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good (B+, B, B-)

Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair (C+, C, C-)

Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal (D)

Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure (F)

Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

3. Final Exam

Criterion

Application of Law in factual/theoretical scenarios
critical thinking in essay questions

Excellent (A+, A, A-)

Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good (B+, B, B-)

Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair (C+, C, C-)

Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal (D)

Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure (F)

Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Part III Other Information

Keyword Syllabus

Copyright works, performances, authorship, ownership, rights, duration, infringements, permitted acts, collective administration, civil remedies, criminal sanctions

Designs, ownership, examination, registration, rights, duration, infringement, civil remedies

Detailed SyllabusCopyright

- Nature of copyright in the intellectual property context;
- The provisions of the Copyright Ordinance (Cap.528) as amended and case law relating to:
 - copyright works, subsistence, authorship, ownership, duration, restricted acts, infringements, permitted acts, collective administration, presumptions, civil remedies and criminal sanctions;
 - moral rights and waivers,
 - right in performances, required consent, duration, infringements, permitted acts and civil remedies; and
 - qualification, assignment and licences.
- The provisions of the Prevention of Copyright Piracy Ordinance (Cap. 544) relating to:
 - licence to manufacture optical discs, marking of manufacturer code, power of authorized officers, criminal sanctions, seizure and forfeiture; and
 - unauthorized possession of video recording in place of public entertainment, refusal of admission, criminal sanctions, seizure and forfeiture.

Designs

- Nature of designs in the intellectual property context;
- The provisions of the Registered Designs Ordinance (Cap.522) and case law relating to:
 - registrable designs, unregistrable designs, confidential disclosure, ownership, application, examination, registration, rights conferred, duration, revocation, infringement, government use, transfer, infringements and civil remedies; and
 - corresponding designs and duration.

Reading List**Compulsory Readings**

Title	
1	Douglas Clark. Intellectual property in Hong Kong. Hong Kong: LexisNexis, 2022.

Additional Readings

Title	
1	Cornish, William, and David Llewelyn. Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights 9th Edition. London: Sweet & Maxwell, 2019.
2	Cornish, William. Cases and Materials on Intellectual Property Fifth Edition. London: Sweet & Maxwell, 2006.

3	Kenny WONG & Alice LEE, Intellectual Property Law and Practice in Hong Kong Second Edition, Sweet & Maxwell, 2017.
4	Intellectual Property Department: http://www.ipd.gov.hk/
5	World Trade Organization: http://www.wto.org/
6	World Intellectual Property Organization: http://www.wipo.int/portal/index.html.en
7	Hong Kong Legal Information Institute: http://www.hklii.hk/eng/hk/legis/ ord/