

# LW4642: INTELLECTUAL PROPERTY LAW: THEORY, PATENTS AND TRADEMARKS

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## Effective Term

Semester A 2024/25

## Part I Course Overview

### Course Title

Intellectual Property Law: Theory, Patents and Trademarks

### Subject Code

LW - Law

### Course Number

4642

### 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

Non-law students must have completed year 1 (degree level)

### Precursors

Nil

### Equivalent Courses

LW4142 Intellectual Property: Theory, Patents and Trademarks (LLB) (from the old curriculum)

LW4142A Intellectual Property: Theory, Patents and Trademarks (AMLLB) (from the old curriculum)

LW5642 Intellectual Property Law: Theory, Patents and Trademarks

### Exclusive Courses

LW6196E International and Comparative Law of Trade Marks and Patents

## Part II Course Details

### Abstract

To enable students to acquire a knowledge and understanding of the rules and principles of intellectual property law in HKSAR as it relates to patents and trademarks.

### Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Explain IP in economic, cultural, scientific and political contexts		x		
2	Discuss IP legal principles in HK			x	
3	Apply the knowledge to advise on IP and related registrations			x	x
4	Apply the knowledge to advise on patent and trademark protection, infringement and defences			x	x
5	Apply the knowledge to advise on assignment and licensing of patents and trademarks			x	x
6	Research for and analyse cases and legislation about patents and trademarks		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	Interactive Seminars	Discussion, analysis and application of concepts, principles, legal sources and other course materials.	1, 2, 3, 4, 5, 6	3 hrs/wk
2	Class Reading	Analysis and critical evaluation of selected cases or other materials	1, 2, 3, 4, 5, 6	As required.

3	Class Discussion and / or Presentation	Exploration, analysis and application of key themes, selected issues and / or hypothetical fact questions. 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, 4, 5, 6	As required.
4	Guest Seminars (subject to availability and relevance of subject matter)	Provide additional insight on selected topics from an industry or practical perspective (may not be used every semester)	1, 2, 3, 4, 5, 6	

**Assessment Tasks / Activities (ATs)**

ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Group presentation research report	1, 2, 3, 4, 5, 6	10
2	Class Participation and PerformanceConfidence building and students' maturity	1, 2, 3, 4, 5, 6	20

**Continuous Assessment (%)**

30

**Examination (%)**

70

**Examination Duration (Hours)**

2 or 3

**Additional Information for ATs**

The use of Generative AI tools is not allowed.

Grading of Student Achievement: Refer to Grading of Courses in the Academic Regulations

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**

Group presentation research report

**Criterion**

Demonstration of understanding of principles, theories and concepts.  
Demonstration of ability to identify issues.  
Application of knowledge to specific problems and discussion questions.  
Application of research, writing and / or communication skills.  
Ability to engage in argument-based analysis.  
Aptitude for formulating innovative solutions to designated fact-based 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.

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**Assessment Task**

Class Participation and Performance

**Criterion**

Demonstration of oral presentation skills and willingness / ability to answer questions in class. 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.

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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.

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**Assessment Task**

Open Book Exam

**Criterion**

Demonstration of understanding of principles, theories and concepts.  
 Demonstration of ability to identify issues.  
 Application of knowledge to specific problems and discussion questions.  
 Ability to engage in argument-based analysis.  
 Aptitude for formulating innovative solutions to designated fact-based 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.

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

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**Part III Other Information****Keyword Syllabus**

General characteristics of intellectual property, general characteristics of creations protected by patents, trade mark, patent law, definition of patentable subject matter, registration of patents, invalidity, patent infringement and defences, assignment and licensing of patents, passing off, definition of trade marks, assignment and licensing of patents, passing off, definition of trade marks, registration of trade marks, trade mark infringement and defences, assignment and licensing of trade marks, Trade Descriptions Ordinance, civil remedy, criminal remedy, collection of evidence.

**Reading List****Compulsory Readings**

Title	
1	Nil

**Additional Readings**

Title	
1	David Llewelyn & Tanya Aplin Cornish, Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights, 10th Edition. London: Sweet & Maxwell, 2023.
2	Douglas Clark, Intellectual Property in Hong Kong, LexisNexis (2022)
3	Kenny WONG & Alice LEE, Intellectual Property Law and Practice in Hong Kong, Second Edition, Sweet & Maxwell, 2017
4	WIPO Lex: <a href="https://wipolex.wipo.int/en/main/legislation">https://wipolex.wipo.int/en/main/legislation</a>

5	Department of Justice Bilingual Laws Information System: <a href="http://www.legislation.gov.hk/eng/home.htm">http://www.legislation.gov.hk/eng/home.htm</a>
6	Hong Kong Customs and Excise Department: <a href="http://www.customs.gov.hk/">http://www.customs.gov.hk/</a>
7	Hong Kong Judiciary: <a href="http://www.judiciary.gov.hk/tc/index/index.htm">http://www.judiciary.gov.hk/tc/index/index.htm</a>
8	Intellectual Property Department: <a href="http://www.ipd.gov.hk/">http://www.ipd.gov.hk/</a>
9	World Trade Organization: <a href="http://www.wto.org/">http://www.wto.org/</a>
10	World Intellectual Property Organization: <a href="http://www.wipo.int/portal/index.html.en">http://www.wipo.int/portal/index.html.en</a>