

**Form 2B**

**City University of Hong Kong**

**Information on a Course  
offered by School of Law  
with effect from Semester B in 2014/2015**

**Part I**

**Course Title:** Intellectual Property: Law, Practice and Procedure

**Course Code:** LW6198E

**Course Duration:** One semester

**Credit Units:** 3

**Level:** P6

**Medium of Instruction:** English

**Prerequisites:** Nil

**Precursors:** Nil

**Equivalent Courses:** Nil

**Exclusive Courses:** Nil

**Part II**

**Course Aims**

This course seeks to:

- Examine the various types of intellectual property rights (IP) and allied rights, the law and procedure in obtaining protection of statutory IP rights and the law regarding infringement proceedings of IP rights in the Hong Kong SAR;

- Equip students with the procedural skills and techniques necessary to provide legal advice on contemporary IP issues and to represent clients effectively in both contentious and non-contentious IP-related proceedings;
- Discuss and analyze the legal remedies available to clients in IP and technology related disputes;
- Apply the above skills and techniques to fact-based problems.

### Course Intended Learning Outcomes (CILOs)

*Upon successful completion of this course, students should be able to:*

No.	CILOs	Weighting (if applicable)	Alignment of CILOs with PILOs	
			Stream	PILO No. Contributed to
1.	<b>Identify</b> current legal and policy issues in the laws of Hong Kong relating to IP practice and procedure.		IP & Technology	1
2.	<b>Identify and analyse</b> the sources and key features of the laws of Hong Kong relating to IP practice and procedure.		IP & Technology	1,2
3.	<b>Critically evaluate</b> the procedural rules for obtaining and enforcing IP rights in Hong Kong from an industry perspective and / or practice-oriented perspective.		IP & Technology	2
4.	<b>Apply</b> the knowledge to hypothetical fact situations and / or in further research.		IP & Technology	3,4

### Teaching and Learning Activities (TLAs)

*(Indicative of likely activities and tasks designed to facilitate students' achievement of the CILOs. Final details will be provided to students in their first week of attendance in this course)*

CILO No.	TLAs	Hours/week (if applicable)
CILO 1-4	<p>Lectures/seminars—Students are required to pursue intensive, self-directed learning and research. The goal of the teaching approach is to provide essential information as well as to further develop students' analytical and research skills.</p> <p>The seminars will be based on specified / assigned reading materials. Students shall prepare for the seminars by studying the relevant materials as directed by the course leader. Students may be asked to set out and explain the legal decisions of various cases. Existing and proposed legislation may be studied. Students may be asked to discuss the policy rationales underlying selected legislative provisions. The purpose of such an exercise is to develop students' skills in analysis, critical thinking, writing and oral presentation.</p>	3

## Assessment Tasks/Activities

*(Indicative of likely activities and tasks designed to assess how well the students achieve the CILOs. Final details will be provided to students in their first week of attendance in this course)*

AT No.	Type of Assessment Tasks/Activities	Weighting (if applicable)	CILO Assessed	Remarks (exam duration, etc)
AT 1	Participation	20%	1-4	
AT 2	Coursework	30%	1-4	
AT 3	Final Examination	50%	1-4	2 hours

Students are required to attend at least 70% of the classes (lectures, seminars, presentations). If a student does not meet this requirement, he/she may be disqualified from writing the final examination.

Students must obtain a minimum mark of 40% in both coursework and examination and an overall mark of 40% in order to pass the course. Coursework for this purpose means those ways in which students are assessed other than by the final examination.

**Grading of Student Achievement:** Standard (A+, A, A...F). Grading is based on student performance in assessment tasks/activities.

## Part III

### Keyword Syllabus

- Copyright and Design Rights: The nature of copyright and various types of copyright; Ownership and subsistence of copyright; Infringement of copyright and moral rights; Statutory defences; Remedies; Dealings in copyright including licensing rights and the Copyright Tribunal; An overview on the law of registered designs and the registrability and registration of design rights.
- Trade Marks and Passing Off: What is a trade mark?; Registrability of marks; Registration procedure and Opposition Proceedings; Infringement Proceedings and statutory defences; Remedies; European law and unsatisfactory state of Hong Kong trade mark regime; An introduction and overview on the law of Passing Off. Patents, Confidence and Trade Secrets and Malicious Falsehood: Introduction and overview of the Patents Ordinance and patent law in Hong Kong; Introduction to the law of confidence and trade secrets; Overview on the law of malicious falsehood.
- General and special remedies in IP-related disputes: damages, interlocutory and final injunctions, account of profits, delivery up and Anton Piller orders and Mareva injunctions, gagging orders, Norwich Pharmacal orders, John Doe or “Persons Unknown” orders.

## **Detailed Syllabus**

This course provides an overview (and where appropriate a detailed and critical examination) of the law relating to IP practice and procedure in the Hong Kong SAR. Specific evidential and procedural rules on the registration, acquisition and enforcement of IP rights, defences, counterclaims and remedies will be discussed and analyzed. Special emphasis will be placed on the practice-oriented skills necessary to provide legal advice in practical fact-based situations and to represent clients effectively in both non-contentious and contentious IP-related proceedings, including the use of Alternative Dispute Resolution (ADR) procedures in IP and technology related disputes. The legislative and institutional framework governing IP practice and procedure, including but not limited to the ordinances, rules and regulations pertaining to copyright, designs, trade marks, patents and related rights, will also be explored and considered. Policy, technology and industry-related developments in IP practice and procedure may also be canvassed, where appropriate.

## **Selected Text**

Cornish, Llewelyn & Aplin, Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights 8th Edition (Sweet & Maxwell, 2013)

## **Online Resources**

- Government of Hong Kong: Intellectual Property Protection  
<http://www.gov.hk/en/residents/communication/infosec/intproperty.htm>
- Intellectual Property Department, Hong Kong  
<http://www.ipd.gov.hk/eng/copyright.htm>
- Hong Kong Legal Information Institute  
<http://www.hklii.hk/eng/>
- Department of Justice Bilingual Laws Information System  
<http://www.legislation.gov.hk/eng/home.htm>