

**City University of Hong Kong  
Course Syllabus**

**offered by School of Law  
with effect from Semester A 2016/17**

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**Part I Course Overview**

**Course Title:** Introduction to Information Law

**Course Code:** LW5672

**Course Duration:** One Semester

**Credit Units:** 3

**Level:** P5

**Medium of Instruction:** English

**Medium of Assessment:** English

**Prerequisites:**  
*(Course Code and Title)* \_\_\_\_\_

**Precursors:**  
*(Course Code and Title)* \_\_\_\_\_

**Equivalent Courses:**  
*(Course Code and Title)* \_\_\_\_\_

**Exclusive Courses:**  
*(Course Code and Title)* \_\_\_\_\_

## Part II Course Details

### 1. Abstract

The increasing role of technology in humanity raises constant major challenges to law in a variety of moral, theoretical and doctrinal dimensions. The purpose of this course is to discuss the interface of law, technology and networked communication platforms. The course examines legal aspects of the Internet and digital technologies with emphasis on the creative industries. Topics to be discussed include: legal regulation of search engines, liability for online copyright infringement, ISPs and third parties liability, net neutrality, digital cultural preservation, online privacy and new business models for content distribution.

### 2. Course Intended Learning Outcomes (CILOs)

(CILOs state what the student is expected to be able to do at the end of the course according to a given standard of performance.)

No.	CILOs	Weighting	DEC related learning outcomes		
			A1	A2	A3
1.	Students attending the course are expected to gain background and knowledge regarding the legal regulation of networked communication platforms and digital content environments. In addition to obtaining command over doctrinal and positive law aspects, students are expected to develop diversified theoretical understanding of the interface between law and innovative technologies. The course's additional focus on real-life case studies is expected to provide the students with tools to analyze skillfully cutting edge legal challenges in the fields of information law and digital content markets.		✓	✓	✓
		100%			

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 self-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.*

Alignment of CILOs with PILOs:

PILOs		CILOs
1	Explain and assess specified areas of the law and the legal system of Hong Kong, with particular emphasis on the law in action and the dynamic interplay between law and other social phenomena.	
2	Assess the common law system and its values, and its interaction with the law and legal system of mainland China, the East Asian region and the wider world.	
3	Explain, interpret and apply main principles of ethics, civil duty, and social and professional responsibility.	
4	Critically assess the strengths and weaknesses of law as a means of regulating society in the context of competing and conflicting interests.	
5	Demonstrate and apply skills of legal analysis and reasoning, of legal research, or problem solving, and of oral and written communication to a level appropriate to a graduate-entry degree in law.	

**3. Teaching and Learning Activities (TLAs)**

*(TLAs designed to facilitate students' achievement of the CILOs.)*

TLA	Brief Description	CILO No.	Hours/week (if applicable)
		1	
Lectures	The course is based on oral lectures by the course's teacher combined with active participation of the students. Regarding each learning topic, the discussion in class commences with a critical-theoretical analysis of the topic to be followed by a real-life case-study analysis regarding the same topic. The legal coverage of each topic touches upon both doctrinal and comparative dimensions of the relevant topic.		

**4. Assessment Tasks/Activities (ATs)**

*(ATs are designed to assess how well the students achieve the CILOs.)*

Assessment Tasks/Activities	CILO No.	Weighting	Remarks
	1		
Examination: 100%			
(duration: 2 hours , if applicable)	✓		
		100%	

**Grading of Student Achievement:** Standard (A+ A A- ... F)

To pass this course, students must obtain an aggregate mark of 40% and a minimum of 40% in each of the coursework/assignment, class participation and the examination elements of the assessment. Coursework for this purpose means those ways in which students are assessed otherwise than by the end of session examination.

The portion of the overall mark allocated to performance/participation in inter-active in class activities will be assessed on the quality of the participation. Assessment criteria for those activities, their nature and their timing will be set out in the study guide/course manual and will be further expanded upon by the course leader.

The duration of the examination may be 2 hours at the discretion of the course leader. The course leader will announce the duration of the examination in the first week of the course. Similarly the course leader will announce whether the examination will be closed book or open book.

To enable the full benefit to be obtained from this course, students should attend all of the classes and activities.

Assessment will be formative to enable students to demonstrate their capacity to understand, analyse and apply rules and principles and summative to assess ability to synthesise primary and secondary material to solve novel problems.

## 5. Assessment Rubrics

*(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)*

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Adequate (C+, C, C-)	Marginal (D)	Failure (F)
1. Examination	Ability to analyse facts, identify relevant issues, apply legal/ethical principles, and communicate one's reasoned views in writing	Excellent analysis of facts, identification of issues, application of legal/ethical principles, and communication of one's reasoned views	Good analysis of facts, identification of issues, application of legal/ethical principles, and communication of one's views	Adequate analysis of facts, identification of issues, application of legal/ethical principles, and communication of one's views	Barely adequate analysis of facts, identification of issues, application of legal/ethical principles, and communication of one's views	Poor analysis of facts, identification of issues, application of legal/ethical principles, and communication of one's views

### **Part III Other Information** (more details can be provided separately in the teaching plan)

#### **1. Keyword Syllabus**

*(An indication of the key topics of the course.)*

Copyright Law; The Political Economy of Media Markets; The Political Economy of the Internet; Third Parties Liability; ISP's Liability and Content-Sharing Platforms; Peer to Peer File-Sharing; Law and Technological Design; Blocking Orders; The Google Book Project; Google News; Free Culture; Net Neutrality; Search Engines; Privacy and Big-Data

#### **2. Reading List**

##### **Introduction to Copyright Law**

1. Copyright by Wendy J. Gordon and Robert G. Bone, in the Encyclopedia of Law & Economics  
<http://encyclo.findlaw.com/1610book.pdf>
2. Guy Pessach, Copyright Law as a Silencing Restriction on Noninfringing Materials: Unveiling the Scope of Copyright's Diversity Externalities, 76 University of Southern California Law Review, 1067-1104 (2003).  
<http://lawreview.usc.edu/issues/past/view/download/?id=1000333>

##### **The Political Economy of Media Markets – An Introduction**

3. Edwin C. Baker, Giving the Audience What It Wants, 58 OHIO ST. L.J. 311 (1997).  
Available at: [https://kb.osu.edu/dspace/bitstream/handle/1811/64899/OSLJ\\_V58N2\\_0311.pdf](https://kb.osu.edu/dspace/bitstream/handle/1811/64899/OSLJ_V58N2_0311.pdf)

##### **The Political Economy of the Internet – An Introduction**

4. Yochai Benkler, From Consumers to Users: Shifting the Deeper Structures of Regulation Toward Sustainable Commons and User Access, 52 Fed. Comm. L.J. 561 (2000)  
Available at: <http://www.yale.edu/lawweb/jbalkin/telecom/benklerfreeastheairtocommonuse.pdf>

##### **Third Parties Liability – An Introduction**

5. Guy Pessach, An International-Comparative Analysis of Peer to Peer File-Sharing – Framing Past-Present and Next Generation Questions, 40 Vanderbilt Journal of Transnational Law, 88-133 (2007).  
<https://wp0.its.vanderbilt.edu/wp-content/uploads/sites/78/Pessach.pdf>

##### **ISP's Liability and Content-Sharing Platforms**

6. Viacom Int'l, Inc. v. YouTube, Inc., 676 F.3d 19 (2d Cir. 2012);  
[http://cyber.law.harvard.edu/people/tfisher/IP/2012\\_Viacom.pdf](http://cyber.law.harvard.edu/people/tfisher/IP/2012_Viacom.pdf)

### **Peer to Peer File-Sharing**

7. Guy Pessach, An International-Comparative Analysis of Peer to Peer File-Sharing – Framing Past-Present and Next Generation Questions, 40 Vanderbilt Journal of Transnational Law, 88-133 (2007).

<https://wp0.its.vanderbilt.edu/wp-content/uploads/sites/78/Pessach.pdf>

### **Law and Technological Design**

8. Sony Corp. v. Universal City Studios, Inc., 464 U.S. 417 (1984).  
[http://w2.eff.org/legal/cases/betamax/betamax\\_supreme\\_ct.pdf](http://w2.eff.org/legal/cases/betamax/betamax_supreme_ct.pdf)
9. Cartoon Network LP, LLLP v. CSC Holdings, Inc. 536 F.3d 121 (2d Cir. 2008)  
<http://cyber.law.harvard.edu/people/tfisher/IP/2008%20Cartoon%20Abridged.pdf>
10. *American Broadcasting Companies v. Aereo*, 573 U.S. \_\_\_\_ (2014),  
<https://supreme.justia.com/cases/federal/us/573/13-461/case.pdf>

### **Blocking Orders**

11. *Twentieth Century Fox Film Corp & Ors v Sky UK Ltd & Ors [2015] EWHC (CH)*  
<http://www.bailii.org/ew/cases/EWHC/Ch/2015/1082.html>
12. Martin Husovec, Injunctions against Innocent Third Parties: The Case of Website Blocking’ (2013) 4 *Journal of Intellectual Property, Information Technology, and Electronic Commerce Law* (JIPITEC) 118).  
<http://www.jipitec.eu/issues/jipitec-4-2-2013/3745/husovec.pdf>

### **The Google Book Project**

13. Authors Guild v. Google, 804 F.3d 202 (2d Cir. 2015)  
[http://cyber.law.harvard.edu/people/tfisher/cx/2015\\_Authors.pdf](http://cyber.law.harvard.edu/people/tfisher/cx/2015_Authors.pdf)

### **Google News as a Case-Study**

<https://news.google.com/>  
<http://kluwercopyrightblog.com/2016/05/18/copyright-struggle-google-news/>  
<http://www.ivir.nl/newsconference2016>  
<http://www.ivir.nl/syscontent/pdfs/228.pdf>

### **Free Culture**

[https://en.wikipedia.org/wiki/Free\\_culture\\_movement](https://en.wikipedia.org/wiki/Free_culture_movement)

14. Guy Pessach, Beyond IP – The Cost of Free – Informational Capitalism in a Post IP Era,  
[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2761403](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2761403)

### **Net Neutrality**

15. Keeping the Internet Neutral?: Tim Wu and Christopher Yoo Debate  
[http://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1778&context=faculty\\_scholarship](http://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1778&context=faculty_scholarship)
16. Verizon v. Federal Communications Commission, 11-1356, U.S. Court of Appeals for the District of

Columbia (Washington).

[https://www.cadc.uscourts.gov/internet/opinions.nsf/3AF8B4D938CDEEA685257C6000532062/\\$file/11-1355-1474943.pdf](https://www.cadc.uscourts.gov/internet/opinions.nsf/3AF8B4D938CDEEA685257C6000532062/$file/11-1355-1474943.pdf)

### **Search Engines**

17. Jack Balkin, Some Realism about Pluralism: Legal Realist Approaches to the First Amendment, 1990 Duke L. J. 375

[http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1279&context=fss\\_papers](http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1279&context=fss_papers)

18. James Grimmelman, Speech Engines, 94 Minnesota Law Review (forthcoming 2014)

[http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=2420&context=fac\\_pubs](http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=2420&context=fac_pubs)

19. Oren Bracha & Frank Pasquale, *Federal Search Commission?: Access, Fairness and Accountability in the Law of Search*, 93 Cornell Law Review, 1143 (2008).

<http://www.lawschool.cornell.edu/research/cornell-law-review/upload/Bracha-Pasquale-Final.pdf>

### **Digitized Cultural Preservation**

20. Pessach, Guy, [Networked] Memory Institutions: Social Remembering, Privatization and its Discontents. Cardozo Arts & Entertainment Law Journal,

<http://www.cardozoelj.com/wp-content/uploads/2013/05/26-1-Pessach-Networked-Memory.pdf>

[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1085267](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1085267)

### **Privacy and Big-Data**

TBA