

City University of Hong Kong

**Information on a Course
offered by School of Law
with effect from Summer Term in 2014**

Part I

Course Title: Intellectual Property: Theory, Copyright and Design

Course Code: LW5641

Course Duration: One semester (3 hours)

Credit Units: 3

Level: P5

Medium of Instruction: English

Prerequisites: For all cohorts: JD students who completed Year 1 are eligible to apply.
For 2013 cohort and thereafter: LW5621 Legal Systems of Hong Kong and Mainland China, LW5622 Legal Methods, Research and Writing, and LW5602 Law of Contract

Precursors: Nil

Equivalent Courses: LW4641 Intellectual Property: Theory, Copyright and Design

Exclusive Courses: Nil

Part II

Course Aims

To develop the capacity of students to understand and apply the legal principles and rules concerning copyright and design protection with a focus on Australian law in a comparative perspective.

Course Intended Learning Outcomes (CILOs)

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

No.	CILOs	Weighting (if applicable)
1.	Enable student to appreciate the policies and objectives underlying the regimes of intellectual property protection studied;	10%
2.	Equip students to analyse and comment critically on those policies and objectives and to relate them to proposals for law reform;	40%
3.	Develop the capacity to provide basic advice to authors, designers and other creators, as well as users of material created by such persons, on their rights and liabilities under the laws of copyright, designs and breach of confidence; and	30%
4	Understand the basic features of the international rules governing the protection of copyright and designs, circuit layouts and performers.	20%

Alignment of CILOs with PILOs (Please do the alignment between PILOs and CILOs.)

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

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)

CILO No.	Type of Assessment Tasks/Activities	Weighting (if applicable)	Remarks
CILO 1	Take Home Assignment	50%	
CILO 2	Open Book Exam	50%	The duration of the examination may last for 2 or 3 hours and it will be at the discretion of the course leader. The course leader will announce the duration of the examination in the first week of the course.

Grading of Student Achievement:

Refer to Grading of Courses in the Academic Regulations for Taught Postgraduate Degrees.

Standard (A+ A A- ... F)

To pass this course a student must obtain an aggregate of 40% and also minimum of 40% in the coursework and in the examination. Coursework means for this purpose those ways in which students are assessed otherwise than by the end of semester examination.

Part III

Keyword Syllabus

The rationale and scope of intellectual property protection; copyright and neighbouring rights (including performers' rights and databases); technological convergence and the development of the information superhighway; registered designs and the protection of industrial design, trade secrets and confidential information; comparative and international perspectives; the relationship between these rights and other parts of intellectual property law and competition law.

Detailed Syllabus

Copyright

1. Nature of copyright in the intellectual property context;
2. The provisions of Copyright Act 1968 (as amended) and case law relating to:
 - a) nature, duration and ownership of copyright works (literary, dramatic, musical and artistic works);
 - b) infringements of copyrights and fair dealing provisions;
 - c) acts not constituting infringements;
 - d) remedies and offences.

Designs

- a) Corresponding designs
- b) Registration of designs under Design Act 2003

Recommended Reading

Text(s)

- i) Landmarks in Australian Intellectual Property Law, edited by Andrew Kenyon, Cambridge University Press
- ii) Australian Intellectual Property Law by mark J Davidson, Leanne Wiseman, Ann. Monotti, Cambridge University Press, 2008
- iii) Cornish, William. Cases and Materials on Intellectual Property, 5th Edition, London Sweet & Maxwell, 2006.
- iv) Pendleton, Michael, et. Al. Intellectual Property Rights – Hong Kong SAR and People’s Republic of China, Hong Kong: Lexis Nexis, 2006.

Online Resources

1. Intellectual Property Department: <http://www.ipd.gov.hk/>
2. World Trade Organization: <http://www.wto.org/>
3. World Intellectual Property Organization: <http://www.wipo.int/portal/index.html.en>