

City University of Hong Kong

Course Syllabus

offered by School of Law
with effect from Semester B 2017/18

Part I Course Overview

Course Title: Business Intellectual Property

Course Code: LW6199E

Course Duration: One semester

Credit Units: 3

Level: P6

Medium of Instruction: English

Medium of Assessment: English

Prerequisites:
(Course Code and Title) Nil

Precursors:
(Course Code and Title) Nil

Equivalent Courses:
(Course Code and Title) Nil

Exclusive Courses:
(Course Code and Title) Nil

Part II Course Details

1. Abstract

Almost any product or service in the marketplace is the result of a long chain of innovations. Either as a business asset or an investment, intellectual property plays a crucial role in business. In general, the process of the product innovation starts with a secret that can be protected under trade secret protection, and most enterprises will have their own valuable confidential business information. Eventually, various technical parts of a product might need obtain patent protection; its design may be protected by industrial design rights. The brand name of the product concerned can be protected by a trademark. Of course, these various intellectual property rights, such as patent, trademark, or business secrets, will be brought into life through production, transfer or licensing, or M&A in various market activities. To be able to critically identify, evaluate, and analyse intellectual property issues in business, and eventually apply legal principles in IP related problem-solving, is crucial for business success.

This course aims at providing a discovery-enriched curriculum for students to discover and explore the principles and framework of intellectual property in the contemporary business environment, from the incubation and development of innovation, to validation, acquisition and licensing or M&A of various intellectual property rights, to effective protection of intellectual property rights through dispute resolution. Through discovery-enriched group projects on certain contemporary business IP issues, interactive lectures by selected IP-related industry leaders or elite professionals, and practise oriented IP field trips, students will be put in a discovery-enriched environment to explore the structure and effects of a particular legal and regulatory environment concerning business IP. Subjects cover the development, commercialization, management, realization, and protection of various IP rights. Successful completion of the course will enhance students' capabilities in critical thinking and analysis in relation to business IP and build up students' practical skills in problem-solving IP issues in a business context.

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 (if applicable)	Discovery-enriched curriculum related learning outcomes (please tick where appropriate)		
			A1	A2	A3
1.	Identify, analyse and critically explain the substantive rules and legal framework concerning business IP in Hong Kong and other related jurisdictions such as the PRC. <ul style="list-style-type: none">● Assess, scrutinize and recognize the role of IP in modern business model and international market.		√	√	
2.	Analyse, compare and critically evaluate: <ul style="list-style-type: none">● issues and concerns in the field of business IP.● the objectives of IP law and the practical implications of the IP rules in the commercial/social context.● the operation of the substantive rules of IP protection in commercial activities.		√	√	

3.	<p>Apply the principles of IP law to solve legal problems by:</p> <ul style="list-style-type: none"> ● researching on business IP issues in Hong Kong and other relevant jurisdictions. ● analysing and offering different approaches in resolving problems concerning IP issues in business context. ● communicating their solutions coherently and accurately. 		√	√	√
		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.

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	2	3	
<i>Seminars by the coordinator</i>	<ul style="list-style-type: none"> ● Students will acquire knowledge of the substantive rules of IP law in business through a comparative approach in Hong Kong, the PRC and other jurisdictions. ● Students will be given guidance on their reading and research for their seminars and group project presentations. ● Students by responding to questions and performing exercises will develop their analytical and critical capabilities and discuss important issues pertaining to topics covered in the syllabus. 	√	√	√	3
<i>Seminars by guest speakers</i>	<ul style="list-style-type: none"> ● Instructors will introduce students to issues, concerns and aspects of the operation of the substantive rules applicable to IP law in business. ● Instructor will show how legal problems are solved by applying principles and rules and compare international legal principles related to IP law in business. 				
<i>Visiting business IP institutes</i>	<ul style="list-style-type: none"> ● Students will be organized to visit institutes closely related to business IP practice in Hong Kong, including leading law firms, the IP courts and professional institutions. ● Students will be organized to experience IP practice in the PRC, and to visit leading firms and institutions related to business IP in the Mainland. 				
<i>Guided Preparation & Presentation of Group IP Projects</i>	<ul style="list-style-type: none"> ● Students will research issues of business IP law. Students will give presentations on selected topics in which they will scrutinise, analyse and evaluate issues and concerns in the field of business IP law and provide a comparative aspect. 				

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	2	3		
Continuous Assessment: 100%					
A discovery-enriched group project presentation and report on a current business IP issue to assess students' originality, problem-solving ability, and sensitivity to current IP-related business opportunities.	√	√	√	50%	
Individual research paper on one of the selected issues of the course to assess students' abilities for analytical thinking and critical examination on relevant business IP issue from both theoretical and practical perspectives.	√	√	√	50%	
				100%	

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 for assessment.

Students must obtain a minimum mark of 40% in both group project presentation and report and the final individual research paper and an overall mark of 40% in order to pass the course.

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-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
A discovery-enriched group project presentation and report on a current business IP issue to assess students' originality, problem-solving ability, and sensitivity to current IP-related business opportunities.	An original group project shows evidence of problem-solving ability and sensitivity to IP business opportunities.	Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.
Individual research paper on one of the selected issues of the course to assess students' abilities for analytical thinking and critical examination on relevant business IP issue from both theoretical and practical perspectives.	Good selection of topic and smooth formulation of the argumentation that shows good grasp of the subject matter with decent coverage and depth, and indicates evidence of the abilities for critical thinking and analytical analysis.	Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

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

1. Syllabus

1.1 Keyword Syllabus

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

Global IP strategies; trade secrets and IP in a company; IP audit, M&A and due diligence; commercialization of IP and financial innovation; internet and cultural economy; technology transfer and licensing; venture capital and angel investment; IP and technology transfer in China; IP court and professional institutions; IP dispute resolution.

1.2 Detailed Syllabus

1. Global IP strategies for emerging technology
2. Developing IP Trading: Opportunities and Challenges facing HK
3. Trade secrets and effective IP in a company
4. IP audit, M&A and due diligence
5. Commercialization of IP and financial innovation
6. IP opportunities in the internet and cultural economy
7. Exploitation of IP rights in business: technology transfer and licensing
8. IP transfer and innovation cooperation in PRC
9. IP and international investment: venture capital and angel investment
10. IP dispute resolution through litigation, mediation and arbitration
11. Field Trip I & II: IP business practice in Hong Kong and the Mainland:- law firm, IP court and professional institutions

2. Reading List

2.1 Suggested Background Readings:

(Additional references for students to learn to expand their knowledge about the subject.)

Kenny WONG & Alice LEE, *Intellectual Property Law and Practice in Hong Kong* (Sweet & Maxwell, 2012).

Wenwei GUAN, *Intellectual Property Theory and Practice: A Critical Examination of China's TRIPS Compliance and Beyond* (Heidelberg, 2014), pp. 1-9, 45-93.

WIPO, *Intellectual Property for Business*, available at:

http://www.wipo.int/export/sites/www/sme/en/ip_business/pdf/ip_business.pdf .

2.2 Weekly Readings:

To be specified and circulated by relevant weekly speakers ahead of time.

2.3 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/home.htm> .

Asia IP Exchange: http://www.asiaipex.com/Home/Index_EN.