

**City University of Hong Kong  
Course Syllabus**

**offered by School of Law  
with effect from Semester A 2019/20**

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**Part I Course Overview**

<b>Course Title:</b>	<u>Intellectual Property: Theory, Copyright and Design</u>
<b>Course Code:</b>	<u>LW5641</u>
<b>Course Duration:</b>	<u>3 hours</u>
<b>Credit Units:</b>	<u>3</u>
<b>Level:</b>	<u>P5</u>
<b>Medium of Instruction:</b>	<u>English</u>
<b>Medium of Assessment:</b>	<u>English</u>
<b>Prerequisites:</b> <i>(Course Code and Title)</i>	<u>Nil</u>
<b>Precursors:</b> <i>(Course Code and Title)</i>	<u>Nil</u>
<b>Equivalent Courses:</b> <i>(Course Code and Title)</i>	<u>Nil</u>
<b>Exclusive Courses:</b> <i>(Course Code and Title)</i>	<u>LW4641 Intellectual Property Law: Theory, Copyright and Design LW6195E International and Comparative Law of Copyright, Designs and Allied Rights</u>

## Part II Course Details

### 1. Abstract

Copyright and Design is one set of the core elements of what we call IP: intellectual property. This set of rights concerns the economic interests of individuals, publishing and entertainment industries, it also concerns the public as they can also be considered as a form of expression, which linked to fundamental rights of individuals. To be able to critically identify, evaluate, and analyze objects or products that concern copyright and design, and eventually apply legal principles in related problem-solving, is crucial for a qualified IP lawyer.

The aim of this course is to develop the capacity of students to understand and apply the legal principles and rules concerning copyright and design protection in HKSAR, and to provide students a roadmap of copyright and design, guide them right from the start to the end, from nature of rights to effective protection of rights. Successful completion of the course will enhance students' capabilities in critical thinking and analysis in relation to copyright and design in HKSAR, and build up students' practical skills in problem-solving copyright and design issues in a common law 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)	DEC related learning outcomes		
			A1	A2	A3
1.	Appreciate the laws of copyright and design in the intellectual property context		√	√	
2.	Understand thoroughly copyright and design legal principles in HKSAR		√	√	
3.	Develop the capacity to advise on copyright and design protection in different circumstances.		√	√	√
		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	
Lectures	Students will be introduced to substantive copyright & design laws in HK, the principals within, and to concepts and issues.	√	√	√	
Case Studies & Group Discussions	During the lectures, students will be organized as groups to study specific cases and to clarify the theories and principals behind via Socratic way of teaching.	√	√	√	
Reading Week (Week 7)	During the Reading Week students will be given a chance to summarize and develop their knowledge in the subject by doing further reading and research on the conceptual and theoretical sides of the subject, and to complete the take home assignment.				

### 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:				50%	
<b>Group Assignment (30%)</b>	√	√	√		
Students are expected to master the basic skills of legal research and apply it in their written works. Their works should demonstrate their analytical abilities and good understanding of the legal theories as a group.					
<b>Group Presentation (20%)</b>	√	√			
Students are expected to present on a designated topic and engage in discussions. Their high-quality comments, questions and answers, interactions with others, and general attendance will be assessed and valued.					
Examination: (duration: 2 or 3 hours, if applicable)				50%	
<b>Open Book Exam (50%)</b>	√	√	√		
Students will be tested with fact-based/theoretical questions, they should demonstrate good understanding of the general theories and principals, and the ability to apply them to real life cases with sound arguments and justifications.					
				100%	

**Grading of Student Achievement:** Refer to Grading of Courses in the Academic Regulations (Attachment) and to the Explanatory Notes.

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

Students must obtain a minimum mark of 40% in both group assignment and the final exam 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)
1. Group Assignment	Original thinking Rational analysis Structure and formation Reasonable conclusion	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.
2. Participation	Quality of the questions/comments/ General attendance					
3. Final Exam	Application of Law in factual/theoretical scenarios critical thinking in essay questions					

### **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 works, performances, authorship, ownership, rights, duration, infringements, permitted acts, collective administration, civil remedies, criminal sanctions

Designs, ownership, examination, registration, rights, duration, infringement, civil remedies

#### **Detailed Syllabus**

##### Copyright

- (a) Nature of copyright in the intellectual property context;
- (b) The provisions of the Copyright Ordinance (Cap.528) as amended and case law relating to:
  - (i) copyright works, subsistence, authorship, ownership, duration, restricted acts, infringements, permitted acts, collective administration, presumptions, civil remedies and criminal sanctions;
  - (ii) moral rights and waivers,
  - (iii) right in performances, required consent, duration, infringements, permitted acts and civil remedies; and
  - (iv) qualification, assignment and licences.
- (c) The provisions of the Prevention of Copyright Piracy Ordinance (Cap. 544) relating to:
  - (i) licence to manufacture optical discs, marking of manufacturer code, power of authorized officers, criminal sanctions, seizure and forfeiture; and
  - (ii) unauthorized possession of video recording in place of public entertainment, refusal of admission, criminal sanctions, seizure and forfeiture.

##### Designs

- (a) Nature of designs in the intellectual property context;
- (b) The provisions of the Registered Designs Ordinance (Cap.522) and case law relating to:
  - (i) registrable designs, unregistrable designs, confidential disclosure, ownership, application, examination, registration, rights conferred, duration, revocation, infringement, government use, transfer, infringements and civil remedies; and
  - (ii) corresponding designs and duration.

## 2. Reading List

### 2.1 Compulsory Readings

*(Compulsory readings can include books, book chapters, or journal/magazine articles. There are also collections of e-books, e-journals available from the CityU Library.)*

1.	Cornish, William. <u>Cases and Materials on Intellectual Property Fifth Edition</u> . London: Sweet & Maxwell, 2006.
2.	Cornish, William, and David Llewelyn. <u>Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights Eighth Edition</u> . London: Sweet & Maxwell, 2013.
3.	Michael D. Pendleton, and Alice Lee. <u>Intellectual property in Hong Kong</u> . Hong Kong: LexisNexis, 2008.
4.	Kenny WONG & Alice LEE, <u>Intellectual Property Law and Practice in Hong Kong Second Edition</u> , Sweet & Maxwell, 2017.

### 2.2 Additional Readings

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

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