

**City University of Hong Kong**  
**Course Syllabus**

**offered by School of Law**  
**with effect from Semester A 2020/21**

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**Part I Course Overview**

<b>Course Title:</b>	<u>Intellectual Property Law: Theory, Patents and Trademarks</u>
<b>Course Code:</b>	<u>LW5642</u>
<b>Course Duration:</b>	<u>One Semester</u>
<b>Credit Units:</b>	<u>3 hours</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>LW4642 Intellectual Property Law: Theory, Patents and Trademarks</u>
<b>Exclusive Courses:</b> <i>(Course Code and Title)</i>	<u>LW6196E International and Comparative Law of Trade Marks and Patents</u>

## Part II Course Details

### 1. Abstract

To enable students to acquire a knowledge and understanding of the rules and principles of intellectual property law in HKSAR as it relates to patents and trademarks.

### 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.	Consider and appreciate IP in economic, cultural, scientific and political contexts		✓		
2.	Acquire thorough knowledge of IP legal principles in HK			✓	
3.	Advise on IP and related registrations			✓	✓
4.	Advise on patent and trademark protection, infringement and defences			✓	✓
5.	Advise on assignment and licensing of patents and trademarks			✓	✓
6.	Research for and analyse cases and legislation about patents and trademarks		✓	✓	✓
		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	4	5	6	
Interactive Seminars	Discussion, analysis and application of concepts, principles, legal sources and other course materials.	✓	✓	✓	✓	✓	✓	3 hrs/wk
Class Reading	Analysis and critical evaluation of selected cases or other materials	✓	✓	✓	✓	✓	✓	As required.
Class Discussion and / or Presentation	Exploration, analysis and application of key themes, selected issues and / or hypothetical fact questions.	✓	✓	✓	✓	✓	✓	As required.

TLA	Brief Description	CILO No.						Hours/week (if applicable)
		1	2	3	4	5	6	
Guest Seminars (subject to availability and relevance of subject matter)	Provide additional insight on selected topics from an industry or practical perspective (may not be used every semester)	✓	✓	✓	✓	✓	✓	

#### 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	4	5	6		
Continuous Assessment: 50%								
Take Home Assignment	✓	✓	✓	✓	✓	✓	30%	
Class Participation and Performance	✓	✓	✓	✓	✓	✓	20%	
Examination: 50% (duration: 2 hours)								
Open Book Exam	✓	✓	✓	✓	✓	✓	50%	
							100%	

Grading of Student Achievement: Refer to Grading of Courses in the Academic Regulations

To pass this course, students must obtain an aggregate mark of 40% and a minimum of 40% in each of the coursework 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.

## 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. Take Home Assignment	Demonstration of understanding of principles, theories and concepts. Demonstration of ability to identify issues. Application of knowledge to specific problems and discussion questions. Application of research, writing and / or communication skills. Ability to engage in argument-based analysis. Aptitude for formulating innovative solutions to designated fact-based questions.	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. Class Participation and Performance	Demonstration of oral presentation skills and willingness / ability to answer questions in class.	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.
3. Open Book Exam	Demonstration of understanding of principles, theories and concepts. Demonstration of ability to identify issues. Application of knowledge to specific problems and discussion questions. Ability to engage in argument-based analysis. Aptitude for formulating innovative solutions to designated fact-based questions.	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. Keyword Syllabus**

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

General characteristics of intellectual property, general characteristics of creations protected by patents, trade mark, patent law, definition of patentable subject matter, registration of patents, invalidity, patent infringement and defences, assignment and licensing of patents, passing off, definition of trade marks, assignment and licensing of patents, passing off, definition of trade marks, registration of trade marks, trade mark infringement and defences, assignment and licensing of trade marks, Trade Descriptions Ordinance, civil remedy, criminal remedy, collection of evidence.

#### **2. Suggested Course Text(s) and / or Reference Text(s)\***

Lionel Bently, Brad Sherman, Dev Gangjee, and Phillip Johnson, Intellectual Property Law (latest edition) (Oxford University Press)

Tanya Aplin and Jennifer Davis, Intellectual Property Law: Text, Cases, and Materials (latest edition) (Oxford University Press)

Abbe Brown, Smita Kheria, Jane Cornwell, and Marta Ijadica, Contemporary Intellectual Property: Law and Policy (latest edition) (Oxford University Press)

\*Subject to change. Details of course text(s) and / or reference text(s) to be adopted for a given semester will be announced by the course leader in class.

#### **Online Resources**

- WIPO Lex: <https://wipolex.wipo.int/en/main/legislation>
- Department of Justice Bilingual Laws Information System: <http://www.legislation.gov.hk/eng/home.htm>
- Hong Kong Customs and Excise Department: <http://www.customs.gov.hk/>
- Hong Kong Judiciary: <http://www.judiciary.gov.hk/tc/index/index.htm>
- Intellectual Property Department: <http://www.ipd.gov.hk/>
- World Trade Organization: <http://www.wto.org/>
- World Intellectual Property Organization: <http://www.wipo.int/portal/index.html.en>