

# City University of Hong Kong

## Course Syllabus

offered by School of Law  
with effect from Semester B 2021/22

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### Part I Course Overview

**Course Title:** Law and Technology

**Course Code:** LW6113E

**Course Duration:** One semester (in Semester B only); or two semesters (in Semester B and in the following Summer Term)

**Credit Units:** 3

**Level:** P6

**Medium of Instruction:** English

**Medium of Assessment:** English

**Prerequisites:** Nil  
(Course Code and Title)

**Precursors:** Nil  
(Course Code and Title)

**Equivalent Courses:** Nil  
(Course Code and Title)

**Exclusive Courses:** Nil  
(Course Code and Title)

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## Part II Course Details

### 1. Abstract

Technology is changing the practice of law in all fields of law. This course will provide you with the theoretical and practical background to understand these changes and to positively influence your responses as a lawyer to such challenges. To be able to critically identify, evaluate, and analyze the latest challenges to the law brought by new technologies, and eventually apply legal principles to solve them, is a crucial skill for a qualified lawyer today.

The aim of this course is to introduce the challenges that new technology developments have raised to our current legal system, and to develop the capacity of students to understand and get ready to these theoretical and practical challenges. Typical law and technology issues as cases are selected to provide students an international and comparative perspective. Successful completion of the course will enhance students' capabilities in critical thinking and analysis in relation to tech-related field of law in general and build up students' practical skills in addressing cutting-edge cases that concern law and technology.

### 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.	Appreciate the laws and legal principals intertwined with new technologies in a global context		√	√	√
2.	Understand thoroughly how technological advancement impacts on discrete areas of law		√	√	√
3.	Develop the capacity to conduct legal practice representing tech clients.		√	√	√
		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	
Seminars	Students will be introduced to substantive issues related to law and technology in different fields of laws, the principles within, and to the challenges and possible solutions.	√	√	√	
Case Studies & Group Discussions	During the seminar, students will be organized as groups to study specific cases and to clarify the theories and principals behind via Socratic way of teaching.	√	√	√	

### 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		
<b>Continuous Assessment:</b>				50%	
<b>Participation</b>	√	√	√	10%	
Students are expected to actively engage in class discussion and ad-hoc presentation.					
<b>Assignment</b>	√	√	√	40%	
A 4000-word essay, focusing on a specific topic provided by course instructors. Students will complete the essay in randomly allocated groups to be submitted by end of Semester B or Summer Term.					
<b>Examination: (duration: 2 or 3 hours)</b>				50%	
<b>Exam</b>	√	√	√	50%	
Students should demonstrate good understanding of the general theories and principals, and the ability to apply them to the exam questions with sound arguments and justifications.					
				100%	

Students must obtain a minimum mark of 40% in both coursework and examination 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. Participation	Students will be assessed based on their contributions to online and in-class discussions, their preparation for ad-hoc questions, and their interaction with the instructor and other points of discussion raised by students.	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. 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.
3. Final Exam	Application of Law in factual/theoretical scenarios critical thinking in essay 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.)

3D printing, artificial intelligence, broadband development, online wrongs, online platforms, consumer protection, and dispute resolutions, automation, smart contracts, technologized lawyers and related businesses, FinTech, data-mining, blockchain, encryption, Intellectual property rights.

#### Detailed Syllabus

Introduction to law and technology; Technology standard setting; Technology and intellectual property (e.g. 3D printing technology, artificial intelligence and IP protection); Broadband development and law; Online dispute resolution and challenges; New technologies (3D printing) and consumer protection; Technology development and the bills of lading law and optimization of sea traffic; Online contracts, smart contracts and challenges to the traditional doctrines of contract law; New information technologies and worker's rights; The uniqueness of tech business and representing tech clients in law firms; Technologized lawyers and law practice; Legal aspects of big data and data mining; Cloud Computing and data protection; Blockchain, encryption, and the law; Global E-commerce and Internet liability; FinTech; International Trade Law and the Diffusion of Low-carbon Technologies.

#### 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.	Roger Brownsword, <i>Law 3.0: Rules, Regulation and Technology</i> (Routledge, 2020).
2.	Roger Brownsword, 3D Printing, Transformative Technologies, and Responsive Legal Scholarship in Dinusha Mendis, Mark Lemley, and Matthew Rimmer (eds), <i>3D Printing and Beyond: The Intellectual Property and Legal Implications Surrounding 3D Printing and Emerging Technology</i> (Cheltenham: Elgar, 2019) 137-157
3.	Roger Brownsword, Law, Liberty and Technology—Criminal Justice in the Context of Smart Machines (2019) 15 <i>International Journal of Law in Context</i> 107-125 (co-authored with Alon Harel)
4.	Roger Brownsword, Regulatory Fitness: Fintech, Funny Money, and Smart Contracts (2019) 20 <i>European Business Organization Law Review</i> 5-27
5.	Roger Brownsword, Law Disrupted, Law Re-imagined, Law Re-invented (2019) 1 <i>Technology and Regulation</i> 10-30 (open access at <a href="https://techreg.org/index.php/techreg/article/view/5">https://techreg.org/index.php/techreg/article/view/5</a> )
6.	Roger Brownsword, <i>Law, Technology and Society: Re-Imagining the Regulatory Environment</i> (Routledge, 2019)
7.	Roger Brownsword, <i>Rights, Regulation and the Technological Revolution</i> (OUP, 2008)
8.	Roger Brownsword, <i>Law and the Technologies of the 21st Century</i> (with Morag Goodwin) (CUP, 2012)
9.	Angela Daly, <i>Socio-Legal Aspects of the 3D Printing Revolution</i> (Palgrave 2016)
10.	Maurice Stucke and Allen Grunes, <i>Big Data and Competition Policy</i> (OUP 2016)
11.	Konstantinos Komaitis, <i>The Current State of Domain Name Regulation: Domain Names as Second Class Citizens in a Mark-Dominated World</i> (Routledge 2010)
12.	Colin Rule, <i>Online Dispute Resolution For Business: B2B, ECommerce, Consumer, Employment, Insurance, and other Commercial Conflicts</i> (John Wiley & Sons 2002)
13.	Gary M. Lawrence & Carl Baranowski, <i>Representing High-Tech Companies</i> (ALM 2005)
14.	Margaret Jane Radin, <i>Boilerplate: The Fine Print, Vanishing Rights, and the Rule of Law</i> (Princeton University Press 2012)
15.	Geraint Howells, Christian Twigg-Flesner and Chris Willett, <i>Protecting the Values of</i>

	Consumer Law in the Digital Economy: The case of 3D-printing, forthcoming
16.	ND Berkowitz, Strict Liability for Individuals? The impact of 3-D printing on Products Liability Law, 92 <i>Washington University Law Review</i> 1019 (2014)
17.	Anderson, <i>Makers: The New Industrial Revolution</i> (Random House 2013)
18.	Noel Cox, <i>Technology and Legal Systems</i> (Routledge 2016)
19.	Colin R. Davies, An evolutionary step in intellectual property rights – Artificial intelligence and intellectual property, 27 <i>Computer Law &amp; Security Review</i> 601 (2011)

## 2.2 Additional Readings

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

1.	Omri Ben-Shahar, The Myth of Opportunity to Read in Contract Law, 5 <i>European Review of Contract Law</i> 1 (2009)
2.	Nathan B. Oman, Reconsidering Contractual Consent, Why We shouldn't Worry Too Much About Boilerplate or Other Puzzles, 83 <i>Brooklyn. L. Rev.</i> 215 (2017)
3.	Kar, Robin Bradley and Radin, Margaret Jane, Pseudo-Contract & Shared Meaning Analysis (February 14, 2018). 132 <i>Harvard Law Review</i> (2019)
4.	L.S. Osborn, Regulating Three-Dimensional Printing: The Converging World of Bits and Atoms, 51 <i>San Diego Law Review</i> 553 (2014)
5.	J. Nielsen and L Griggs, Allocating Risks and Liability for 3D printed products: product safety, negligence, or something new?, 42 <i>Monash L.R.</i> 712 (2016)