

LW6133E: INTERNATIONAL AND COMPARATIVE COPYRIGHT LAW

Effective Term

Semester B 2024/25

Part I Course Overview

Course Title

International and Comparative Copyright Law

Subject Code

LW - Law

Course Number

6133E

Academic Unit

School of Law (FL)

College/School

School of Law (FL)

Course Duration

One Semester

Credit Units

3

Level

P5, P6 - Postgraduate Degree

Medium of Instruction

English

Medium of Assessment

English

Prerequisites

Nil

Precursors

Nil

Equivalent Courses

LW5533 International and Comparative Copyright Law

Exclusive Courses

LW6533E International and Comparative Copyright Law

Part II Course Details

Abstract

This course seeks to compare the copyright system of the People's Republic of China (PRC), with those of the United States (US), the United Kingdom (UK), Canada and/or other selected jurisdictions. Additionally, the course will trace the development of copyright law from a global perspective, and explore how the laws of the selected jurisdictions fit within the international copyright system.

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Identify, analyse and critically explain the theoretical basis for the existence and continuing development of copyright law.		x	x	
2	Analyse and compare the important parts of the copyright regimes of the PRC, the US, the UK, Canada and / or other selected jurisdictions, and study their relevance to international copyright law.		x	x	
3	Analyze and critically evaluate the differences amongst the copyright systems of the PRC, the US, the UK, Canada and / or other selected jurisdictions, and evaluate how these systems fit within the international copyright system.			x	x
4	Apply the knowledge to hypothetical fact situations and / or in further research.			x	x

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 real-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.

Learning and Teaching Activities (LTAs)

LTAs		Brief Description	CILO No.	Hours/week (if applicable)
1	Lectures/seminars	Lectures/seminars— Students are required to pursue intensive, directed library research. The goal of the teaching approach is to provide essential information as well as to further develop students' analytical and research skills. The seminars will be based on specified / assigned reading materials. Students shall prepare for the seminars by studying the relevant materials as directed by the course leader. Students may be asked to set out and explain the legal decisions of various cases. Existing and proposed legislations may be studied. Students may be asked to discuss policy rationales underlying relevant forms of legislation. The purpose of such an exercise is to develop students' skills in analysis, critical thinking, writing and oral presentation.	1, 2, 3, 4	3

Assessment Tasks / Activities (ATs)

ATs		CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Mid-Term Assessment(s)	1, 2, 3, 4	50	The use of Generative AI tools is not allowed.

Continuous Assessment (%)

50

Examination (%)

50

Examination Duration (Hours)

2

Additional Information for ATs

Exam: The use of Generative AI tools is not allowed.

Applicable to students admitted from Semester A 2022/23 to Summer Term 2024

Students must obtain a minimum mark of 50% in both coursework and examination and an overall mark of 50% in order to pass the course. Coursework for this purpose means those ways in which students are assessed other than by the final examination.

Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter

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. Coursework for this purpose means those ways in which students are assessed other than by the final examination.

Assessment Rubrics (AR)

Assessment Task

Mid-Term Assessment(s) (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

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.

Excellent

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Final Examination (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

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.

Excellent

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Mid-Term Assessment(s) (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

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.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Assessment Task

Final Examination (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

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.

Excellent

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(B-, C+, C) Moderate

Failure

(F) Inadequate

Part III Other Information

Keyword Syllabus

Copyright; Berne Convention; Universal Copyright Convention; World Intellectual Property Organization; World Trade Organization; author's rights; subject matter; duration; renewal; authorship; compilations; internet; motion pictures; copies; public performance; fair use.

Detailed Syllabus

a. An Introduction to Copyright Law

What is copyright law? Its legal and economic implications. The theoretical framework underlying the various copyright regimes. The copyright systems in the PRC, UK, Canada and US. International copyright law. Berne Convention. Universal Copyright Convention. World Intellectual Property Organization. TRIPS Agreement.

b. The Nature of Copyright

Author's rights. Copyright as property. Moral Rights. The Rights of the author and the public interest. Copyright as monopoly. Subject Matter of copyright. Duration. Renewal. Ownership. Formalities. Geographical Connecting Factors. Scope of Exclusive Rights. Distinguished from patent and trademark.

c. Subject Matter of Copyright

General subject matter. Original works of authorship. Fixation in a tangible form. Literary works. Musical works. Dramatic works. Pictorial, graphic or sculptural works. Motion pictures. Sound recordings. Facts v Ideas. Compilations and derivative works. Computers. Internet. Electronic Information.

d. Duration, Renewal and Ownership

Short term rights. Long term rights. Benefits to the author. Advantages to the community. Dates of publication. Life of the author. Joint works. Anonymous works. Pseudonymous works. Works made for hire. Subsisting copyrights. Terminal dates.

e. Rights and Remedies

The right to make copies. The right to make records. The right to distribute. The rights of public performance.
Infringement. Fair use. Remedies.

Reading List

Compulsory Readings

Title	
1	Nil

Additional Readings

Title	
1	Recommended Readings
2	William Cornish, David Llewelyn & Tanya Aplin, Intellectual Property: Patents, Copyrights, Trade Marks & Allied Rights (7th Ed) (Sweet & Maxwell, 2010)
3	Gordon Gao, Dixon Zhang & Fang Qi, Intellectual Property Rights in China (Sweet & Maxwell, 2011) Gordon Gao, Dixon Zhang & Fang Qi, Intellectual Property Rights in China (Sweet & Maxwell, 2011)
4	Michael J. Moser, ed., Intellectual Property Law of China (Juris, 2011)
5	Peter Ganeva & Thomas Pattloch, Intellectual Property Law in China (Kluwer Law International, 2005)
6	Xue Hong & Zheng Chengsi, Chinese Intellectual Property Law in the 21st Century (Sweet & Maxwell Asia, 2002)
7	Robert P. Merges/Peter S. Menell/Mark A. Lemley, Intellectual Property in the New Technological Age, 4th ed., (New York: Aspen Publishers, 2006)
8	William P. Alford, To Steal a Book is an Elegant Offense: Intellectual Property Law in Chinese Civilization (Stanford: Stanford University Press, 1995)
9	Articles
10	Ken Shao, "The Global Debates on Intellectual Property: What if China is not a Born Pirate?", Intellectual Property Quarterly, Issue 4, 2010, pp. 341-355
11	Graham Dutfield, "Making TRIPS Work for Developing Countries", in G. Sampson & W. Chambers (eds.), Developing Countries and the WTO: Policy Approaches, United Nations University Press, 2008, pp. 141-168.
12	Peter Yu, "From Pirates to Partners: Protecting Intellectual Property in China in the Twenty-first Century", 50 Am. U. L. Rev. 131 (2000)
13	Peter Yu, "Piracy, Prejudice, and Perspectives: An Attempt to Use Shakespeare to Reconfigure the U.S.-China Intellectual Property Debate", 19 B.U. Int'l L.J. 1 (2001)
14	Peter Yu, "From Pirates to Partners (Episode II): Protecting Intellectual Property in Post-WTO China", 55 Am. U. L. Rev. 901 (2006)
15	Peter Yu, "Sino Trade Agreements and China's Global Intellectual Property Strategy", Electronic copy available at: http://ssrn.com/abstract=1333431
16	Peter Yu, "Intellectual Property Rulemaking in the Global Capitalist Economy", in The Intellectual Property Right Domain in Contemporary Capitalism (Birgitte Andersen ed., Routledge forthcoming 2010).
17	Peter Yu, "Intellectual Property Reforms in China", in Intellectual Property and Sustainable Development: Development Agendas in a Changing World 37 (Ricardo Meléndez-Ortiz & Pedro Roffe eds., Edward Elgar Publishing 2009).
18	Peter Yu, "The Confucian Challenge to Intellectual Property Reforms", 4 WIPO J. 1 (2012)
19	Ke Shao, "Alien to Copyright?: A Reconsideration of the Chinese Historical Episodes of Copyright", Intellectual Property Quarterly, London: Sweet & Maxwell, No. 4, 2005, pp. 400-31.
20	Ke Shao, "Software Protection in China: the Post-TRIPS Expansionism of Intellectual Property", International Journal of Private Law, Vol. 2, No. 1, 2009.
21	Ken Shao, "From Lockean Theory to Intellectual Property: Marriage by Mistake and its Incompatibility with Knowledge Creativity and Dissemination", Hong Kong Law Journal, 39(2), 2009, pp. 401 - 420.

22	Keith E. Maskus & Jerome H. Reichman, 'The Globalization of Private Knowledge Goods and the Privatization of Global Public Goods', J. Int. Economic Law, No. 7, 2004, pp. 279-320.
23	Online Resources
24	World Trade Organization (WTO) / TRIPS: << www.wto.org/english/tratop_e/trips_e/trips_e.htm >>
25	World Intellectual Property Organization (WIPO): << www.wipo.org >>
26	WIPO Lex: << www.wipo.int/wipolex/en/ >>
27	United Nations Educational, Scientific and Cultural Organization (UNESCO): << www.unesco.org >>