

# LW6216E: CHINA PATENT LITIGATION AND ADJUDICATION RULES

---

## Effective Term

Semester A 2026/27

## Part I Course Overview

### Course Title

China Patent Litigation and Adjudication Rules

### Subject Code

LW - Law

### Course Number

6216E

### Academic Unit

School of Law (FL)

### College/School

School of Law (FL)

### Course Duration

One Semester

### Credit Units

1.5

### Level

P5, P6 - Postgraduate Degree

### Medium of Instruction

English

### Medium of Assessment

English

### Prerequisites

Nil

### Precursors

Nil

### Equivalent Courses

Nil

### Exclusive Courses

Nil

## Part II Course Details

### Abstract

With China now serving as both a technology innovation powerhouse and a central node of the global supply chain, the country has inevitably emerged as a premier global forum for patent disputes. For patent professionals advising multinational corporations or domestic innovators, mastery of the procedural and substantive rules that shape Chinese judicial decision making has become an indispensable pillar of effective legal strategy.

This course aims to offer a comprehensive overview of how patent litigation is adjudicated under Chinese patent law, and to equip students with the ability to apply these rules. Topics will cover administrative litigation, literal and equivalent infringements, defences, procedural rules, evidence, damages and remedies, and SEP litigation. Upon successful completion, students will not only have deepened their critical and strategic reasoning in patent law generally, but will also have acquired a practical, actionable toolkit for navigating and resolving real world patent disputes in mainland China with confidence and precision.

### Course Intended Learning Outcomes (CILOs)

| CILOs |                                                                                                      | Weighting (if app.) | DEC-A1 | DEC-A2 | DEC-A3 |
|-------|------------------------------------------------------------------------------------------------------|---------------------|--------|--------|--------|
| 1     | Understand and explain the fundamental notions related to patent litigation and adjudication.        |                     | x      | x      | x      |
| 2     | Identify and critically analyse the legal issues in patent litigation and adjudication.              |                     | x      | x      | x      |
| 3     | Develop the capability of conducting independent research and applying knowledge on relevant issues. |                     | x      | 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                                               | <ul style="list-style-type: none"> <li>· Students will acquire knowledge of the substantive and procedural rules of patent litigation and adjudication.</li> <li>· Students will be given guidance on their reading and practice for their in-class and group project presentations.</li> <li>· 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.</li> </ul> | 1, 2, 3  | 3                          |
| 2    | Guided Preparation & Presentation of Group IP Projects | <ul style="list-style-type: none"> <li>· Students will research relevant case studies</li> <li>· Students will give presentations on selected topics in which they will scrutinise, analyse and evaluate relevant issues and concerns.</li> </ul>                                                                                                                                                                                                                                                          | 1, 2, 3  |                            |

**Assessment Tasks / Activities (ATs)**

| ATs |                                                                                                                                                                                                                                                                                                            | CILO No. | Weighting (%) | Remarks                                                                             | Allow Use of GenAI? |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|---------------|-------------------------------------------------------------------------------------|---------------------|
| 1   | In-class Group Presentation: Students will be divided into several groups. Each group will be required to present in one class. Apart from the traditional slides-presentation, students are also encouraged to use other methods, such as interactive dialogues, in-class debates, surveys, and AI tools. | 1, 2, 3  | 30            | Depending on the instructors design, the use of Generative AI tools may be allowed. | Yes                 |

|   |                                                                                                                                                                                                                              |         |    |                                                                                     |     |
|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|----|-------------------------------------------------------------------------------------|-----|
| 2 | In-class Group Work:<br>Students will be divided into several groups. Each group will be assigned some work to finish in class. The work may include answering questions, doing quizzes, or collaborating on small projects. | 1, 2, 3 | 20 | Depending on the instructors design, the use of Generative AI tools may be allowed. | Yes |
|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|----|-------------------------------------------------------------------------------------|-----|

**Continuous Assessment (%)**

50

**Examination (%)**

50

**Examination Duration (Hours)**

2

**Minimum Continuous Assessment Passing Requirement (%)**

40

**Minimum Examination Passing Requirement (%)**

40

**Additional Information for ATs**

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.

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.

**Assessment Rubrics (AR)****Assessment Task**

In-class Group Work (Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

**Criterion**

Quality of the presentations  
questions/comments/  
General attendance

**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**

In-class Group Presentation (Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

**Criterion**

Quality of the presentations  
questions/comments/  
General attendance

**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 and superior presentation skills.

**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 and good presentation skills.

**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, and adequate presentation skills.

**Marginal**

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

**Failure**

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

---

**Assessment Task**

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

**Criterion**

Application of Law in factual/theoretical scenarios  
critical thinking in essay 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**

In-class Group Work (Applicable to students admitted from Semester A 2022/23 to Summer Term 2024)

**Criterion**

Quality of the presentations  
questions/comments/  
General attendance

**Excellent**

(A+, A, A-) High

**Good**

(B+, B) Significant

**Marginal**

(B-, C+, C) Moderate

**Failure**

(F) Inadequate

---

**Assessment Task**

In-class Group Presentation (Applicable to students admitted from Semester A 2022/23 to Summer Term 2024)

**Criterion**

Quality of the presentations  
questions/comments/  
General attendance

**Excellent**

(A+, A, A-) High

**Good**

(B+, B) Significant

**Marginal**

(B-, C+, C) Moderate

**Failure**

(F) Inadequate

---

### Assessment Task

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

### Criterion

Application of Law in factual/theoretical scenarios  
critical thinking in essay questions

### Excellent

(A+, A, A-) High

### Good

(B+, B) Significant

### Marginal

(B-, C+, C) Moderate

### Failure

(F) Inadequate

---

## Part III Other Information

### Keyword Syllabus

Administrative Litigation;  
Acts of Infringement;  
Literal Infringement;  
Equivalent Infringement;  
Defences;  
Procedural rules and evidence;  
Damages and Remedies;  
SEP Litigation and the Antitrust Interface.

### Reading List

#### Compulsory Readings

| Title |                                                                                                                                                                  |
|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1     | Peter Ganea, Danny Friedmann, Jyh-An Lee & Douglas Clark, Intellectual Property Law in China, 2nd edn, Kluwer Law International, 2021.                           |
| 2     | Douglas Clark, Patent Litigation in China (2nd edn, Oxford University Press 2015)                                                                                |
| 3     | Stefan Luginbuehl & Peter Ganea (eds), Patent Law in Greater China, Edward Elgar, 2nd edn, 2026.                                                                 |
| 4     | Ren Xiaolan, Patent Administrative Litigation: Rules and Review, Springer & Intellectual Property Publishing House, 2024.                                        |
| 5     | Jorge L. Contreras (ed.), FRAND Cases in Context, Edward Elgar, 2026.                                                                                            |
| 6     | Kung-Chung Liu, Reto M. Hilty (eds), SEPs, SSOs and FRAND: Asian and Global Perspectives on Fostering Innovation in Interconnectivity, 1st edn, Routledge, 2019. |
| 7     | China Institute of Applied Jurisprudence (Ed.), Selected cases from the Supreme People's Court of the People's Republic of China: Volume 1. Springer, 2020.      |

|    |                                                                                                                                                             |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8  | China Institute of Applied Jurisprudence (Ed.), Selected cases from the Supreme People's Court of the People's Republic of China: Volume 2. Springer, 2021. |
| 9  | China Institute of Applied Jurisprudence (Ed.), Selected cases from the Supreme People's Court of the People's Republic of China: Volume 4. Springer, 2024. |
| 10 | China Institute of Applied Jurisprudence (Ed.), Selected cases from the Supreme People's Court of the People's Republic of China: Volume 5. Springer, 2026. |
| 11 | Additional readings will be provided to students in class as they become available.                                                                         |

### Additional Readings

| Title |                                                                                                                                                                                                         |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1     | Weekly Readings:                                                                                                                                                                                        |
| 2     | To be specified and circulated by relevant weekly speakers ahead of time.                                                                                                                               |
| 3     | Online Resources:                                                                                                                                                                                       |
| 4     | Intellectual Property Department, Hong Kong: <a href="http://www.ipd.gov.hk/eng/home.htm">http://www.ipd.gov.hk/eng/home.htm</a>                                                                        |
| 5     | · Patent Basics, <a href="https://www.ipd.gov.hk/en/patents/patent-basics/index.html">https://www.ipd.gov.hk/en/patents/patent-basics/index.html</a>                                                    |
| 6     | · Apply for a Patent, <a href="https://www.ipd.gov.hk/en/patents/apply-for-a-patent/index.html">https://www.ipd.gov.hk/en/patents/apply-for-a-patent/index.html</a>                                     |
| 7     | · Hong Kong IP Journal – Patents, <a href="https://www.ipd.gov.hk/en/hkipjournal/index.html?cat=2&amp;section=patent">https://www.ipd.gov.hk/en/hkipjournal/index.html?cat=2&amp;section=patent</a>     |
| 8     | · Patents Examination Guidelines, <a href="https://www.ipd.gov.hk/en/patents/patents-examination-guidelines/index.html">https://www.ipd.gov.hk/en/patents/patents-examination-guidelines/index.html</a> |
| 9     | · Patent system since December 2019 and New initiatives, <a href="https://www.ipd.gov.hk/en/patents/new-initiatives/index.html">https://www.ipd.gov.hk/en/patents/new-initiatives/index.html</a>        |
| 10    | Patents Ordinance (Cap. 514), <a href="https://www.elegislation.gov.hk/hk/cap514">https://www.elegislation.gov.hk/hk/cap514</a>                                                                         |