

LW6195E: INTERNATIONAL AND COMPARATIVE LAW OF COPYRIGHT, DESIGNS AND ALLIED RIGHTS

Effective Term

Semester B 2024/25

Part I Course Overview

Course Title

International and Comparative Law of Copyright, Designs and Allied Rights

Subject Code

LW - Law

Course Number

6195E

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

Nil

Exclusive Courses

LW4641, LW5641

Part II Course Details

Abstract

This course seeks to:

- With a comparative reference to copyright regimes in the EU and US, examine the law of copyright and related rights in the Hong Kong SAR, including the Copyright Ordinance, the Registered Designs Ordinance, and relevant case law
- Apply the law of copyright and related rights of Hong Kong to fact-based problems
- Provide students with an overview of the law of copyright and related rights of Hong Kong and beyond from an international as well as a practice-oriented and industry perspective

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Identify current legal issues in the law of copyright and related rights of Hong Kong.		x	x	
2	Identify and analyse the sources and key features of the law of copyright and related rights of Hong Kong.		x	x	
3	Critically evaluate the significance of the law of copyright and related rights of Hong Kong from an industry perspective and its relevance to Hong Kong society.		x	x	x
4	Apply the knowledge to hypothetical fact situations and / or in further research.		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/seminars	Students are required to pursue intensive, self-directed learning and 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 legislation may be studied. Students may be asked to discuss the policy rationales underlying selected legislative provisions. The purpose of such an exercise is to develop students' skills in analysis, critical thinking, writing and oral presentation.	3

Assessment Tasks / Activities (ATs)

ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Participation	1, 2, 3, 4	10 The use of GenAI tools to assist students in finishing their homework assignments is permitted, only if the benefit and support from the GenAI tools are clearly indicated and acknowledged. This permission is intended to allow access to benefits of new technological development that will assist and facilitate the improvement of students' academic research quality, rather than a green light for dishonest free riding. The onus of clearly indicating and acknowledging the use of GenAI tools is on students themselves by assignment submission should they choose to use GenAI to assist their assessment, and the failure of doing so will be treated as academic dishonesty accordingly.

2	Coursework	1, 2, 3, 4	40	The use of GenAI tools to assist students in finishing their homework assignments is permitted, only if the benefit and support from the GenAI tools are clearly indicated and acknowledged. This permission is intended to allow access to benefits of new technological development that will assist and facilitate the improvement of students' academic research quality, rather than a green light for dishonest free riding. The onus of clearly indicating and acknowledging the use of GenAI tools is on students themselves by assignment submission should they choose to use GenAI to assist their assessment, and the failure of doing so will be treated as academic dishonesty accordingly.
---	------------	------------	----	---

Continuous Assessment (%)

50

Examination (%)

50

Examination Duration (Hours)

2

Additional Information for ATs

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

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 continuous assessment and examination and an overall mark of 40% in order to pass the course.

When University facilities and resources are available, students are required to take a computer-based examination in computer labs. During the examination, students are blocked from access to files, programme and the Internet.

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

Students must obtain a minimum mark of 50% in both continuous assessment and examination and an overall mark of 50% in order to pass the course.

When University facilities and resources are available, students are required to take a computer-based examination in computer labs. During the examination, students are blocked from access to files, programme and the Internet.

Assessment Rubrics (AR)**Assessment Task**

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

Criterion

70% of class attendance required. Coursework demonstrates good grasp of the issues related with both theoretical and practical touch.

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

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

Criterion

Shows decent grasp of the knowledge covered and able to apply it to both case questions and essay questions critically.

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

Participation and Coursework (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

70% of class attendance required. Coursework demonstrates good grasp of the issues related with both theoretical and practical touch.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Assessment Task

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

Criterion

Shows decent grasp of the knowledge covered and able to apply it to both case questions and essay questions critically.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Part III Other Information

Keyword Syllabus

- Introduction to Copyright;
- Justifications and Theoretical Underpinning;
- Subsistence of Copyright: Classes, Originality, Fixation;
- Authorship and Ownership;
- Exclusive Rights and Infringement;
- Copyright Exceptions;
- Moral Rights;
- Remedies;
- Regional & International Trading Frameworks and Copyright Reform;
- Industrial Designs;
- Layout Designs of Integrated Circuits.

Detailed Syllabus

With a comparative reference to the copyright regimes in the EU, US, and the PRC, this course provides an overview of the law of copyright, designs and allied rights in the Hong Kong SAR from a practice-oriented and / or industry perspective. Particular focus will be on the examination and analysis of the specific legislation on copyright law, such as the Copyright Ordinance and the Prevention of Copyright Piracy Ordinance. Keeping in mind the regional and international copyright frameworks, in addition to studying the qualifying factors for copyright protection, the types of copyright infringement, exceptions to infringement, and remedies, students will also be introduced to the various copyright societies and associations in Hong Kong and beyond which seek to promote the interests of authors, composers, creative artists, publishers and the recording industry. Recent policy developments relating to copyright amendment in Hong Kong and implications for copyright protection in digital environment, EU copyright reform and the development of the digital single market, regional and international trading negotiations and implications for copyright protection etc. will be explored.

Reading List

Compulsory Readings

Title	
1	Nil

Additional Readings

Title	
1	Selected Texts
2	Kenny Wong & Alice Lee, Intellectual Property Law and Practice in Hong Kong (2nd ed., Sweet & Maxwell, 2017).
3	Wenwei Guan, The Origin of Copyright: Expression as Knowing in Being and Copyright Onto-Epistemology (London: Routledge, 2021).
4	Online Resources
5	Government of Hong Kong: Intellectual Property Protection - http://www.gov.hk/en/residents/communication/infosec/intproperty.htm
6	Intellectual Property Department, Hong Kong - http://www.ipd.gov.hk/eng/copyright.htm
7	Hong Kong Legal Information Institute - http://www.hklii.hk/eng/
8	Department of Justice Bilingual Laws Information System - http://www.legislation.gov.hk/eng/home.htm