

LW6199E: COMMERCIALISATION OF INTELLECTUAL PROPERTY

Effective Term

Semester B 2024/25

Part I Course Overview

Course Title

Commercialisation of Intellectual Property

Subject Code

LW - Law

Course Number

6199E

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

Nil

Part II Course Details

Abstract

Almost any product or service in the marketplace is the result of a long chain of innovations and intellectual property (IP) plays a crucial role. In fact, the interconnection of business and IP has never been stronger evolving into a symbiotic relationship where the value of one is tied to the other and vice versa. Today's successful lawyers dealing with IP and related trade issues know this and are in tune with their clients' business strategies. Even the World Intellectual Property Office (WIPO) now places particular emphasis on IP commercialization and business. To be able to critically identify, evaluate, and analyse intellectual property issues in business, and eventually apply legal principles in IP related problem-solving, is crucial for business success and as noted earlier, success as an IP practitioner.

This course aims at providing a discovery-enriched curriculum for students to discover and explore the principles and framework of IP in the contemporary business environment, from the incubation and development of innovation, to validation, strategy and commercialization and also covers some of the most important developments affecting the business of IP including the growing intersection of IP and fintech and IP tokenization, IP trading and exchanges and the associated challenges, artificial intelligence and cross border data flows. Subjects cover the development, commercialization, management, realization, and protection of various IP rights. Successful completion of the course will enhance students' capabilities in critical thinking and analysis in relation to business IP and build up students' practical skills in problem-solving IP issues in a business context.

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Identify, analyse and critically explain the substantive rules and legal framework concerning business IP in Hong Kong and other related jurisdictions such as the PRC. - Assess, scrutinize and recognize the role of IP in modern business model and international market.		x	x	
2	Analyse, compare and critically evaluate: - issues and concerns in the field of business IP. - the objectives of IP law and the practical implications of the IP rules in the commercial/social context. - the operation of the substantive rules of IP protection in commercial activities.		x	x	
3	Apply the principles of IP law to solve legal problems by: - researching on business IP issues in Hong Kong and other relevant jurisdictions. - analysing and offering different strategic approaches concerning IP issues in business context. - communicating their solutions coherently and accurately.		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	Seminars by the coordinator	- Students will acquire knowledge of the substantive rules of IP law in business through a comparative approach in Hong Kong and other jurisdictions. - Students will be given guidance on their reading and research for their seminars and group project presentations. - 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.	1, 2, 3	3
2	Seminars by guest speakers (if any)	- Instructors will introduce students to issues, concerns and aspects of the operation of the substantive rules applicable to IP law in business. - Instructor will show how legal problems are solved by applying principles and rules and compare international legal principles related to IP law in business.	1, 2, 3	3
3	Guided Preparation & Presentation of Group IP Projects	- Students will research contemporary issues of business & IP law. - Students will give presentations on selected topics in which they will scrutinise, analyse and evaluate issues and concerns in the field of business IP law and provide a comparative aspect.	1, 2, 3	3

Assessment Tasks / Activities (ATs)

ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)	
1	A discovery-enriched group project presentation and report on a current business IP issue to assess students' originality, problem-solving ability, and sensitivity to current IP-related business opportunities.	1, 2, 3	40	As the instructor is familiar with AI technology and believes that students will be using AI extensively in the future, the instructor will allow, and even encourages students to use GenAI to help with research for their presentations or for their research papers. The only stipulation is that if students use GenAI to assist in writing their research papers they state that they used GenAI and the system they used (e.g. ChatGPT, ERNIE, etc.).
2	Class participation with in-class exercises designed to reinforce learning, stimulate discussion, critical thinking and improve communications skills.	1, 2, 3	35	As the instructor is familiar with AI technology and believes that students will be using AI extensively in the future, the instructor will allow, and even encourages students to use GenAI to help with research for their presentations or for their research papers. The only stipulation is that if students use GenAI to assist in writing their research papers they state that they used GenAI and the system they used (e.g. ChatGPT, ERNIE, etc.).

3	Individual research paper on one of the selected issues of the course to assess students' abilities for analytical thinking and critical examination on relevant business IP issue from both theoretical and practical perspectives.	1, 2, 3	25	As the instructor is familiar with AI technology and believes that students will be using AI extensively in the future, the instructor will allow, and even encourages students to use GenAI to help with research for their presentations or for their research papers. The only stipulation is that if students use GenAI to assist in writing their research papers they state that they used GenAI and the system they used (e.g. ChatGPT, ERNIE, etc.).
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Continuous Assessment (%)

100

Additional Information for ATs

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

Students must obtain 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 an overall mark of 50% in order to pass the course

Assessment Rubrics (AR)**Assessment Task**

A discovery-enriched group project presentation and report on a current business IP issue to assess students' originality, problem-solving ability, and sensitivity to current IP-related business opportunities. (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

An original group project shows evidence of problem-solving ability and sensitivity to IP business opportunities.

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

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

Criterion

Good participation and contribution for individual and group presentation assignments.

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

Individual research paper on one of the selected issues of the course to assess students' abilities for analytical thinking and critical examination on relevant business IP issue from both theoretical and practical perspectives. (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

Good selection of topic and smooth formulation of the argumentation that shows good grasp of the subject matter with decent coverage and depth, and indicates evidence of the abilities for critical thinking and analytical analysis.

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

A discovery-enriched group project presentation and report on a current business IP issue to assess students' originality, problem-solving ability, and sensitivity to current IP-related business opportunities. (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

An original group project shows evidence of problem-solving ability and sensitivity to IP business opportunities.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Assessment Task

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

Criterion

Good presentation of topic considering both content and communications aspects.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Assessment Task

Individual research paper on one of the selected issues of the course to assess students' abilities for analytical thinking and critical examination on relevant business IP issue from both theoretical and practical perspectives. (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

Good selection of topic and smooth formulation of the argumentation that shows good grasp of the subject matter with decent coverage and depth, and indicates evidence of the abilities for critical thinking and analytical analysis.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Part III Other Information

Keyword Syllabus

IP rights; IP strategies; trade secrets and IP in a company; IP commercialization of IP and financial innovation; internet and cultural economy; important contemporary IP issues: tokenization, valuation, AI, cross border data flows

Detailed Syllabus

1. IP Rights and associated business strategies for:
 - a) Trademarks
 - b) Copyright
 - c) Patents
 - d) Other IP rights and Trade Secrets
2. Important contemporary IP and related business issues:
 - a) IP valuation Artificial Intelligence
 - b) Cross Border Data flows
 - c) Commercialization of IP
 - d) IP Trading and exchanges
 - e) IP Tokenization and the intersection of IP and Fintech
 - d) IP opportunities in the internet and cultural economy

Reading List**Compulsory Readings**

Title	
1	Nil

Additional Readings

Title	
1	Douglas CLARK, Intellectual Property in Hong Kong, LexisNexis, 2022.
2	Bryan MERCURIO and Ronald YU, Regulating Cross-Border Data Flows: Issues, Challenges and Impact, Anthem Press 2022.
3	Ronald YU, Intellectual Property and Contemporary Business, LexisNexis 2022.
4	Ronald YU, Intellectual property for business, LexisNexis, 2013.
5	Kenny WONG & Alice LEE, Intellectual Property Law and Practice in Hong Kong, Sweet & Maxwell, 2012.
6	WIPO, Why Intellectual Property is Essential for Business, available at: Why Intellectual Property is Essential for your Business (wipo.int), https://www.wipo.int/sme/en/
7	Weekly Readings:
8	To be specified and circulated by relevant weekly speakers ahead of time.

9	Online Resources:
10	Government of Hong Kong: Intellectual Property Protection, http://www.gov.hk/en/residents/communication/infosec/intproperty.htm
11	Intellectual Property Department, Hong Kong: http://www.ipd.gov.hk/eng/home.htm
12	Asia IP Exchange: http://www.asiaipex.com/Home/Index_EN .