

City University of Hong Kong

Course Syllabus

offered by School of Law
with effect from Semester A 2023/24

Part I Course Overview

Course Title: Selected Issues on Chinese IP Law

Course Code: LW6115E

Course Duration: One semester

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)

Part II Course Details

1. Abstract

Intellectual property law in China is a fast-developing area. China is part of the international community, but Intellectual property law in China is unique in a sense that it is destined to solve its own problems. Their uniqueness lies in China's historical legacy and its recent rapid developments. To be able to critically identify, evaluate, and analyze the latest intellectual property issues in China, and eventually apply legal principles in China to solve them, is a crucial skill for a qualified international IP lawyer today.

The aim of this course is to introduce the legal principles and framework of the Chinese intellectual property law, and to develop the capacity of students to understand and apply these legal principles and rules concerning intellectual property law in China to real life cases. Typical Chinese intellectual property issues are selected to provide students a comparative perspective. Successful completion of the course will enhance students' capabilities in critical thinking and analysis in relation to intellectual property law in general, and build up students' practical skills in addressing cross-border intellectual property cases between Hong Kong and mainland.

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 principals in the selected Chinese intellectual property topics		√	√	
2.	Understand thoroughly the structure and theories behind Chinese intellectual property law via the selected topics		√	√	
3.	Develop the capacity to advise on cross-border intellectual property issues in different circumstances.		√	√	√
		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	
Lectures	Students will be introduced to the newest issues of Chinese intellectual property law, the related principals, and the concepts and issues concerned by lectures and guest seminar(s).	√	√	√	
Group presentations	During the lectures, students will be organized as groups to work on specific topics, and to deliver presentations.	√	√	√	
Reading Week (Week 7)	During the Reading Week students will be given a chance to summarize and develop their knowledge in the subject by doing further reading and research on the conceptual and theoretical sides of the subject, and to complete the take home assignment.	√	√	√	

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		
Continuous Assessment:				50%	
Take Home Assignment	√	√	√	40%	
Students are expected to master the basic skills of legal research and apply it in their written works. Their works should demonstrate their analytical abilities and good understanding of the legal theories.					The use of Generative AI tools is not allowed.
Participation	√	√		10%	
Students are expected to engage in discussions. Their designated presentations, high-quality comments, questions and answers, interactions with others, and general attendance will be assessed and valued.					The use of Generative AI tools is not allowed.
Examination: (duration: 2 hours)				50%	
Open Book Exam	√	√	√	50%	
Students will be tested with fact-based/theoretical questions, they should demonstrate good understanding of the general theories and principals, and the ability to apply them to real life cases with sound arguments and justifications.					The use of Generative AI tools is not allowed.
				100%	

Applicable to students admitted in Semester A 2022/23 and thereafter

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.

Applicable to students admitted before Semester A 2022/23

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.

5. Assessment Rubrics

(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)

Applicable to students admitted in Semester A 2022/23 and thereafter

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B)	Marginal (B-, C+, C)	Failure (F)
1. Take Home Assignment	Original thinking Rational analysis Structure and formation Reasonable conclusion	High	Significant	Moderate	Inadequate
2. Participation	Quality of the presentations questions/comments/ General attendance	High	Significant	Moderate	Inadequate
3. Final Exam	Application of Law in factual/theoretical scenarios critical thinking in essay questions	High	Significant	Moderate	Inadequate

Applicable to students admitted before Semester A 2022/23

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
1. Take Home 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.
2. Participation	Quality of the presentations questions/comments/ General attendance					

3. Final Exam	Application of Law in factual/theoretical scenarios critical thinking in essay questions					
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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.)

Historical developments of Chinese IP law;
The overall structure and uniqueness of Chinese IP law;
New amendments and developments of Chinese IP law;
Copyright & state censorship;
Originality in Copyright;
China's model of Copyright exceptions and beyond;
Intermediary Liability;
Trademark infringements and enforcement;
Famous marks protection;
Doctrine of equivalents in patent law;
Games & copyright;
The relationship between competition law and IP law in China;
Recent developments of specialized IP courts in China;
Special issues of collective management societies in China;
Emerging technologies (3D printing, big data, AI etc.) and IP protection in China.

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.	Hong, Xue. <u>Intellectual Property Law in China 2nd Edition</u> . Wolters Kluwer, 2015.
2.	Peter, Feng. <u>Intellectual Property Law in China 2nd Edition</u> . Sweet & Maxwell, 2003.
3.	Peter Ganea, Danny Friedmann, Jyh-An Lee & Douglas Clark. <u>Intellectual Property Law in China 2nd Edition</u> . Kluwer Law International, 2021.
4.	William P. Alford. <u>To Steal a Book in an Elegant Offence: Intellectual Property Law in Chinese Civilization</u> . Stanford: Stanford University Press, 1995.

2.2 Additional Readings

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

1.	Ge, Chen. <u>Copyright and International Negotiations: An Engine of Free Expression in China?</u> . Cambridge University Press, 2017.
2.	Andrew, Mertha, <u>The Politics of Piracy: Intellectual Property in Contemporary China</u> . Cornell University Press, 2007.
3.	Martin Dimitrov, <u>Piracy and the State: The Politics of Intellectual Property Rights in China</u> . Cambridge University Press, 2009.
4.	Ken Shao. <u>The Global Debates on Intellectual Property: What if China is not a Born Pirate?</u> . Intellectual Property Quarterly, Issue 4, 2010, pp. 341-355