

City University of Hong Kong
Course Syllabus

offered by School of Law
with effect from Semester A 2024/25

Part I Course Overview

Course Title:	<u>Intellectual Property Law: Theory, Patents and Trademarks</u>
Course Code:	<u>LW5642</u>
Course Duration:	<u>One Semester</u>
Credit Units:	<u>3 hours</u>
Level:	<u>P5</u>
Medium of Instruction:	<u>English</u>
Medium of Assessment:	<u>English</u>
Prerequisites: <i>(Course Code and Title)</i>	<u>Nil</u>
Precursors: <i>(Course Code and Title)</i>	<u>Nil</u>
Equivalent Courses: <i>(Course Code and Title)</i>	<u>LW4642 Intellectual Property Law: Theory, Patents and Trademarks</u>
Exclusive Courses: <i>(Course Code and Title)</i>	<u>LW6196E International and Comparative Law of Trade Marks and Patents</u>

Part II Course Details

1. Abstract

To enable students to acquire a knowledge and understanding of the rules and principles of intellectual property law in HKSAR as it relates to patents and trademarks.

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	Alignment with PILOs	DEC related learning outcomes		
				A1	A2	A3
1.	Explain IP in economic, cultural, scientific and political contexts		4, 5	✓		
2.	Discuss IP legal principles in HK		1, 2, 3		✓	
3.	Apply the knowledge to advise on IP and related registrations		1, 2		✓	✓
4.	Apply the knowledge to advise on patent and trademark protection, infringement and defences		1, 2		✓	✓
5.	Apply the knowledge to advise on assignment and licensing of patents and trademarks		1, 2		✓	✓
6.	Research for and analyse cases and legislation about patents and trademarks		1, 2	✓	✓	✓
		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 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.

3. Learning and Teaching Activities (LTAs)

(LTAs designed to facilitate students' achievement of the CILOs.)

LTA	Brief Description	CILO No.						Hours/week (if applicable)
		1	2	3	4	5	6	
Interactive Seminars	Discussion, analysis and application of concepts, principles, legal sources and other course materials.	✓	✓	✓	✓	✓	✓	3 hrs/wk
Class Reading	Analysis and critical evaluation of selected cases or other materials	✓	✓	✓	✓	✓	✓	As required.
Class Discussion and / or Presentation	Exploration, analysis and application of key themes, selected issues	✓	✓	✓	✓	✓	✓	As required.

LTA	Brief Description	CILO No.						Hours/week (if applicable)
		1	2	3	4	5	6	
	and / or hypothetical fact questions.							
Guest Seminars (subject to availability and relevance of subject matter)	Provide additional insight on selected topics from an industry or practical perspective (may not be used every semester)	✓	✓	✓	✓	✓	✓	

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	4	5	6		
Continuous Assessment: 30%								
Group presentation research report	✓	✓	✓	✓	✓	✓	10%	
Class Participation and Performance	✓	✓	✓	✓	✓	✓	20%	
Examination: 70% (duration: 2 or 3 hours)								
Open Book Exam	✓	✓	✓	✓	✓	✓	70%	
							100%	

The use of Generative AI tools is not allowed.

Grading of Student Achievement: Refer to Grading of Courses in the Academic Regulations

Applicable to students admitted in Semester A 2022/23 and 2023/24

To pass this course, student must obtain an aggregate mark of 50% and a minimum of 50% in each of the continuous assessment and the examination elements of the assessment. Coursework for this purpose means those ways in which students are assessed otherwise than by the end of session examination.

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

To pass this course, students must obtain an aggregate mark of 40% and a minimum of 40% in each of the continuous assessment and the examination elements of the assessment. Coursework for this purpose means those ways in which students are assessed otherwise than by the end of session examination.

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 2023/24

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B)	Marginal (B-, C+, C)	Failure (F)
Group presentation research report	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.	High	Significant	Moderate	Inadequate
Class Participation and Performance	Demonstration of oral presentation skills and willingness / ability to answer questions in class.	High	Significant	Moderate	Inadequate
Open Book Exam	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.	High	Significant	Moderate	Inadequate

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

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
1. Group presentation on research report	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.	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. Class Participation and Performance	Demonstration of oral presentation skills and willingness / ability to answer questions in class.	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.
3. Open Book Exam	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.	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.

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.)

General characteristics of intellectual property, general characteristics of creations protected by patents, trade mark, patent law, definition of patentable subject matter, registration of patents, invalidity, patent infringement and defences, assignment and licensing of patents, passing off, definition of trade marks, assignment and licensing of patents, passing off, definition of trade marks, registration of trade marks, trade mark infringement and defences, assignment and licensing of trade marks, Trade Descriptions Ordinance, civil remedy, criminal remedy, collection of evidence.

2. Suggested Course Text(s) and / or Reference Text(s)*

David Llewelyn & Tanya Aplin Cornish, Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights, 10th Edition. London: Sweet & Maxwell, 2023.

Douglas Clark, Intellectual Property in Hong Kong, LexisNexis (2022).

Kenny WONG & Alice LEE, Intellectual Property Law and Practice in Hong Kong, Second Edition, Sweet & Maxwell, 2017.

*Subject to change. Details of course text(s) and / or reference text(s) to be adopted for a given semester will be announced by the course leader in class.

Online Resources

- WIPO Lex: <https://wipolex.wipo.int/en/main/legislation>
- Department of Justice Bilingual Laws Information System: <http://www.legislation.gov.hk/eng/home.htm>
- Hong Kong Customs and Excise Department: <http://www.customs.gov.hk/>
- Hong Kong Judiciary: <http://www.judiciary.gov.hk/tc/index/index.htm>
- Intellectual Property Department: <http://www.ipd.gov.hk/>
- World Trade Organization: <http://www.wto.org/>
- World Intellectual Property Organization: <http://www.wipo.int/portal/index.html.en>