

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:	<u>International and Comparative Law of Copyright, Designs and Allied Rights</u>
Course Code:	<u>LW6195E</u>
Course Duration:	<u>One semester</u>
Credit Units:	<u>3</u>
Level:	<u>P6</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>Nil</u>
Exclusive Courses: <i>(Course Code and Title)</i>	<u>LW4641, LW5641</u>

Part II Course Details

1. 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

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.	Identify current legal issues in the law of copyright and related rights of Hong Kong.		√	√	
2.	Identify and analyse the sources and key features of the law of copyright and related rights of Hong Kong.		√	√	
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.		√	√	√
4.	Apply the knowledge to hypothetical fact situations and / or in further research.		√	√	√
		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	4	
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.	√	√	√	√	3

	<p>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.</p>					
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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		
Continuous Assessment: 50%						
Participation	√	√	√	√	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.
Coursework	√	√	√	√	40%	
Examination: 50% (duration: 2 hours)						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.

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 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.

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.

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)
Participation and Coursework	70% of class attendance required. Coursework demonstrates good grasp of the issues related with both theoretical and practical touch.	High	Significant	Moderate	Inadequate
Examination	Shows decent grasp of the knowledge covered and able to apply it to both case questions and essay questions critically.	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)
Participation and Coursework	70% of class attendance required. Coursework demonstrates good grasp of the issues related with both theoretical and practical touch.	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.

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

1.1 Keyword Syllabus

(An indication of the key topics of the course.)

- 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.

1.2 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.

2. Reading List

2.1 Recommended Readings

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

Selected Texts

Kenny Wong & Alice Lee, *Intellectual Property Law and Practice in Hong Kong* (2nd ed., Sweet & Maxwell, 2017).

Wenwei Guan, *The Origin of Copyright: Expression as Knowing in Being and Copyright Onto-Epistemology* (London: Routledge, 2021).

2.2 Online Resources

- Government of Hong Kong: Intellectual Property Protection
<http://www.gov.hk/en/residents/communication/infosec/intproperty.htm>

- Intellectual Property Department, Hong Kong
<http://www.ipd.gov.hk/eng/copyright.htm>
- Hong Kong Legal Information Institute
<http://www.hklii.hk/eng/>
- Department of Justice Bilingual Laws Information System
<http://www.legislation.gov.hk/eng/home.htm>