

LW6115E: SELECTED ISSUES ON CHINESE IP LAW

Effective Term

Semester B 2024/25

Part I Course Overview

Course Title

Selected Issues on Chinese IP Law

Subject Code

LW - Law

Course Number

6115E

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

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.

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Identify and explain key legal principles in selected Chinese IP topics.		x	x	
2	Analyze the structure and theories behind Chinese IP law.		x	x	
3	Apply knowledge of Chinese IP law to advise on cross-border issues.		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	Engage students with structured discussions on the newest issues of Chinese intellectual property law, the related principles, and the concepts and issues concerned by lectures and guest seminar(s).	1, 2, 3	

2	Group presentations	Organize students as groups to work on case studies that require the application of learned principles to solve complex IP issues, fostering teamwork and practical application skills.	1, 2, 3	
3	Reading Week (Week 7)	During Reading Week, provide structured guidance on key readings that reinforce and expand on lecture topics, culminating in a reflective writing assignment that encourages critical analysis.	1, 2, 3	

Assessment Tasks / Activities (ATs)

ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1 Take Home Assignment Students will complete a take-home assignment that requires them to conduct independent research on a selected topic, analyze legal texts, and formulate arguments based on their findings.	1, 2, 3	40	The use of Generative AI tools is not allowed.
2 Participation Active participation in discussions and presentations, assessed on the relevance and depth of contributions to class understanding.	1, 2	10	The use of Generative AI tools is not allowed.

Continuous Assessment (%)

50

Examination (%)

50

Examination Duration (Hours)

2.5

Additional Information for ATs

Open Book Exam. An open book exam that tests students on their ability to apply theoretical knowledge to practical scenarios, assessing both factual understanding and critical thinking. 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.

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.

Assessment Rubrics (AR)

Assessment Task

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

Criterion

Original thinking
Rational analysis
Structure and formation
Reasonable conclusion

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

Criterion

Quality of the presentations questions/comments/ General attendance

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

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

Criterion

Application of Law in factual/theoretical scenarios critical thinking in essay questions

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-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

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

Take Home Assignment (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

Original thinking
Rational analysis
Structure and formation
Reasonable conclusion

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Assessment Task

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

Criterion

Quality of the presentations questions/comments/ General attendance

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Assessment Task

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

Criterion

Application of Law in factual/theoretical scenarios critical thinking in essay questions

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Part III Other Information

Keyword Syllabus

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.

Reading List

Compulsory Readings

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

Additional Readings

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