

**REGULATIONS FOR THE DEGREE OF MASTER OF LAWS IN
INFORMATION TECHNOLOGY AND INTELLECTUAL PROPERTY LAW
(LLM[IT&IPL])**

(These regulations apply to candidates admitted to the LLM(IT&IPL) curriculum in the academic year 2016-17 and thereafter.)

(See also General Regulations and Regulations for Taught Postgraduate Curricula)

LLMITIPL1. Admission requirements

To be eligible for admission to the courses leading to the degree of Master of Laws in Information Technology and Intellectual Property Law, a candidate:

- (a) shall comply with the General Regulations and the Regulations for Taught Postgraduate Curricula;
- (b)
 - (i) shall hold the degree of Bachelor of Laws with at least second class honours of this University, or a qualification of equivalent standard from this University or another comparable institution accepted for this purpose; or
 - (ii) shall hold the degree in a discipline other than law with at least second class honours of this University, or a qualification of equivalent standard from this University or another comparable institution accepted for this purpose; and have at least two years of relevant experience and professional qualifications; or
 - (iii) shall have obtained either the Common Professional Examination of England and Wales or the Common Professional Examination Certificate of this University provided that in either case the candidate has also obtained a degree with at least second class honours of this University, or a qualification of equivalent standard from this University, or another comparable institution accepted for this purpose; and
- (c) for a candidate who is seeking admission on the basis of a qualification from a university or comparable institution outside Hong Kong of which the language of teaching and/or examination is not English, shall satisfy the University English language requirement applicable to higher degrees as prescribed under General Regulation G2(b).

LLMITIPL2. Advanced Standing

Advanced Standing may be granted to candidates in recognition of studies completed successfully before admission to the curriculum. Candidates who are awarded

Advanced Standing will not be granted any further credit transfer for those studies for which Advanced Standing has been granted. The amount of credits to be granted for Advanced Standing shall be determined by the Board of the Faculty of Law, in accordance with the following principles:

- (a) a candidate may be granted a total of not more than 9 credits (one course) for Advanced Standing unless otherwise approved by the Senate; and
 - (b) credits granted for Advanced Standing shall not normally be included in the calculation of the GPA unless permitted by the Board of the Faculty of Law but will be recorded on the transcript of the candidate.
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LLMITIPL3. Period of study

- (a) The curriculum for the degree of Master of Laws in Information Technology and Intellectual Property Law shall normally require one academic year of full-time study or two academic years of part-time study, and shall include any assessment to be held during and/or at the end of each semester including summer semester.
 - (b) Candidates shall not in any case be permitted to extend their studies beyond the maximum period of registration of two academic years in the case of full-time candidates and three academic years in the case of part-time candidates, unless otherwise permitted or required by the Board of the Faculty of Law.
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LLMITIPL4. Completion of curriculum

To complete the curriculum for the degree of Master of Laws in Information Technology and Intellectual Property Law, a candidate shall

- (a) satisfy the requirements prescribed under TPG 6 of the Regulations for Taught Postgraduate Curricula; and
 - (b) satisfactorily complete not fewer than 72 credits in the case of a full-time study in one academic year, including a capstone experience, or not fewer than 361 credits in the case of a part-time study in each of the two academic years of study, including a capstone experience.
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LLMITIPL5. Selection of courses

- (a) Candidates shall select their courses in accordance with these regulations and the guidelines specified in the syllabus before the beginning of each semester. Changes to the selection of courses may be made only during the add/drop period of the semester in which the course begins, and such changes shall not be reflected in the transcript of the candidate. Requests for changes after the designated add/drop period of the semester shall not normally be considered.

- (b) Withdrawal from courses beyond the designated add/drop period will not be permitted, except for medical reasons or with the approval of the Board of the Faculty of Law. Withdrawal without permission will result in a fail grade in the relevant course(s)
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LLMITIPL6. Dissertation

- (a) Candidates, whether full-time or part-time, who elect to submit a dissertation shall submit the title not later than six months before presenting the dissertation for examination. The dissertation must be presented not later than August 31 of the year in which the candidate would like to graduate.
 - (b) In exceptional circumstances a candidate may apply to the Board of the Faculty of Law for an extension of the period within which the dissertation must be presented at least three months before the prescribed date of submission. Late applications for extension will not be considered, except for medical reasons or with the approval of the Board of the Faculty of Law.
 - (c) The candidate shall submit a statement that the dissertation represents his or her own work undertaken after registration as a candidate for the degree. The examiners may require an oral examination on the subject of the dissertation.
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LLMITIPL7. Progression in curriculum

- (a) Candidates shall normally be required to undertake a combination of courses and study requirement as prescribed in these regulations and the syllabus, and in the manner as specified below, unless otherwise permitted or required by the Board of the Faculty of Law.
 - (i) Candidates who are on a one-year full-time mode of study shall normally be required to take not fewer than 27 credits nor more than 36 credits in any one semester (except the summer semester).
 - (ii) Candidates who are on a two-year part-time mode of study shall normally be required to take not fewer than 9 credits nor more than 18 credits in any one semester (except the summer semester).
 - (iii) Where candidates are required to make up for failed credits, the Board of the Faculty of Law may give permission for candidates to exceed the required curriculum study load as specified in LLMITIPL4(b).
 - (iv) In each case under (i) or (ii) above, the total number of credits taken for the required curriculum study load shall not be fewer than 72 credits nor more than 78 credits for the normative period of study specified in LLMITIPL3(a).

- (b) Candidates may, with the approval of the Board of the Faculty of Law, transfer credits for courses completed at other institutions during their candidature. The number of transferred credits may be recorded in the transcript of the candidate, but the results of courses completed at other institutions shall not be included in the calculation of the GPA. The combined total number of credits to be granted for Advanced Standing and credit transfer shall not exceed half of the total credits normally required under the curriculum of the candidates during their candidature at the University.
 - (c) Unless otherwise permitted by the Board of the Faculty, candidates shall be recommended for discontinuation of their studies if they have:
 - (i) failed to complete successfully 45 or more credits (under one-year full-time study) or 18 or more credits (under two-year part-time study) in two consecutive semesters (not including the summer semester), except where they are not required to take such a number of credits in the two given semesters, or
 - (ii) failed to achieve an average semester GPA of 1.5 or higher for two consecutive semesters (not including the summer semester); or
 - (iii) exceeded the maximum period of registration specified in LLMITIPL3(b).
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LLMITIPL8. Exemption

Candidates may be exempted, with or without special conditions attached, from the requirement prescribed in the regulations and the syllabus governing the curriculum with the approval of the Board of the Faculty of Law, except in the case of a capstone experience. Approval for exemption of a capstone experience may be granted only by the Senate with good reasons. Candidates who are so exempted must replace the number of exempted credits with courses of the same credit value.

LLMITIPL9. Assessment

- (a) Candidates shall be assessed for each of the courses for which they have registered, and assessment may be conducted in any combination of continuous assessment of coursework, written examinations and/or any other assessable activities. Only passed courses will earn credits.
- (b) Candidates suspended under Statute XXXI shall not be allowed to take, present themselves for, and participate in any assessments during the period of suspension, unless otherwise permitted by the Senate.

- (c) Candidates shall not be permitted to repeat a course for which they have received a passing grade for the purpose of upgrading.
 - (d) Candidates are required to make up for failed courses in the following manner:
 - (i) undergoing re-assessment/re-examination in the failed course to be held no later than the end of the following semester (not including the summer semester); or
 - (ii) re-submitting failed coursework, without having to repeat the same course of instruction; or
 - (iii) repeating the failed course by undergoing instruction and satisfying the assessments; or
 - (iv) for elective courses, taking another course in lieu and satisfying the assessment requirements.
 - (e) Where candidates are permitted or required to present themselves for re-assessment/ re-examination/ assessment in an alternative course under (d) above, the new grade obtained together with the previous F grade shall be recorded on the transcript and be included in the calculation of the semester GPA, year GPA and the cumulative GPA. Such candidates shall not be eligible for any mark of distinction.
 - (f) There shall be no appeal against the results of examinations and all other forms of assessment.
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LLMITIPL10. Absence from an examination

Candidates who are unable through illness to be present at the written examination of any course may apply for permission to present themselves at a supplementary examination of the same course to be held before the beginning of the First Semester of the following academic year. Any such application shall be made on the form prescribed within two weeks of the first day of the candidate's absence from any examination. Any supplementary examination shall be part of that academic year's examinations, and the provisions made in the regulations for failure at the first attempt shall apply accordingly.

LLMITIPL11. Requirements for graduation

To be eligible for the award of the degree of Master of Laws Information Technology and Intellectual Property Law, candidates shall comply with the General Regulations and the Regulations for Taught Postgraduate Curricula, and complete the curriculum and satisfy the examiners in not fewer than 72 credits in accordance with these regulations within the maximum period of registration, which shall include the

successful completion of a capstone experience as specified in the syllabuses of the curriculum.

LLMITIPL12. Grading system

Individual courses shall be graded in accordance with TPG9 (a) of the Regulations for Taught Postgraduate Curricula as determined by the Board of Examiners.

LLMITIPL13. Classification of awards

Upon successful completion of the curriculum, candidates who have shown exceptional merit may be awarded the degree with distinction as determined by the Board of Examiners, and this mark shall be recorded in the candidates' degree diploma.

SYLLABUS FOR THE DEGREE OF MASTER OF LAWS MASTER OF LAWS IN INFORMATION TECHNOLOGY AND INTELLECTUAL PROPERTY LAW (LLM [IT&IPL])

COURSEWORK

The Board of Examiners shall decide what proportion of the final assessment for each course shall be determined by written work carried out during the course of study. Candidates will be informed at the beginning of the course of the relative proportions of the final assessment to be derived from coursework and from written examinations which will be held at the end of the teaching programme.

OBJECTIVES

The principal objective of the degree of Master of Laws in Information Technology and Intellectual Property Law is to offer a range of courses that provide a sound legal understanding of various aspects of the rapidly developing field of information technology which involve components of intellectual property whether they be the patentability of computer software, internet business methods and other technologies, hyperlink, deep link, cache and framing as copyright infringement; technology licensing; copyright in computer programs; circumvention of technological protection measures; criminality of pirating copyright works online; semi-conductor chip; and decompilation of computer code. Subject areas will be regularly expanded and updated to ensure that students are able to understand and analyze contemporary legal issues in this area.

DISSERTATION

An 18-credit dissertation shall comprise a paper with required length ranging from 16,000 to 20,000 words on a legal topic approved by the Faculty Higher Degrees Committee. A 9-credit dissertation shall comprise a paper on a legal topic likewise approved with required range from 8,000 to 10,000 words. In both cases the dissertation must provide evidence of original research work and a capacity for critical legal analysis and argument.

STRUCTURE*

Candidates are required to complete not fewer than 72 credits nor more than 78 credits, including at least two 9-credit courses from each sub-stream and a capstone course in accordance with the regulations for this degree and the syllabus as set out below. Subject to LLMITIPL2, LLMITIPL4, LLMITIPL7(b) and LLMITIPL8, a candidate is required to take not less than two or up to four 9-credit additional courses from the courses offered within these two sub-streams or the additional electives listed under this programme, which may or may not include the completion of either a 9-credit or 18-credit dissertation.

Candidates who do not hold an undergraduate degree in law shall be required by the Faculty Higher Degrees Committee to complete, amongst the eight 9-credit courses of this programme, up to two 9-credit courses of foundational law courses to be defined by the Committee at the time of admission.

Intellectual property law sub-stream

(Candidates must choose at least two courses from this sub-stream)

- . LLAW6243 Advanced intellectual property law (9 credits)
- . LLAW6223 Copyright and creativity (9 credits)
- . LLAW6005 Hong Kong intellectual property law (9 credits)
- . LLAW6132 International and comparative intellectual property law (9 credits)
- . LLAW6140 Intellectual property, innovation and development (9 credits)
- . LLAW6212 Intellectual property protection in China: law, politics and culture (9 credits)
- . LLAW6181 Management and commercialization of intellectual property
- . LLAW6219 Patent law (9 credits)
- . LLAW6200 Topics in trademark law (9 credits)

Information technology law sub-stream

(Candidates must choose at least two courses from this sub-stream)

- . LLAW6124 Communications law (9 credits)
- . LLAW6117 Cybercrime (9 credits)
- . LLAW6111 E-business law (9 credits)
- . LLAW6170 Introduction to information technology law (9 credits)
- . LLAW6176 Online Dispute Resolution (9 credits)
- . LLAW6139 PRC information technology law (9 credits)
- . LLAW6046 Privacy and data protection (9 credits)
- . LLAW6141 Regulation of cyberspace: theories of internet and normativity (9 credits)

Capstone course

- . LLAW6120 Intellectual property and information technology (Capstone) (9 credits)

Electives (Department of Law)

- . LLAW6106 Advanced issues in information technology law (9 credits)
- . LLAW6187 Advanced topics in competition law (9 credits)
- . LLAW6267 Courts
- . LLAW6249 Entertainment law: Popular iconography and the celebrity (9 credits)
- . LLAW6119 Human rights and cyberspace (9 credits)
- . LLAW6188 Intellectual property policy and practice (9 credits)
- . LLAW6054 9-credit Dissertation (9 credits)
- . LLAW6014 18-credit Dissertation (18 credits)

Electives* (Department of Computer Science)

- . ECOM6032 e-Discovery and digital forensics (6 credits)
- . ICOM6027 e-Crimes: digital crime scene and legal sanctions (6 credits)

* Candidates who choose ECOM6032/ ICOM6027 or both of the courses offered by the Department of Computer Science are required to complete 78 credits or 75 credits respectively for satisfying the curriculum requirement.

NOTE: Not all courses will be offered in any given year. For actual courses available, please refer to annual course offerings.

**COURSE DESCRIPTIONS FOR THE DEGREE OF MASTER OF LAWS IN
INFORMATION TECHNOLOGY AND INTELLECTUAL PROPERTY LAW
(LLM[IT&IPL])**

Intellectual property law sub-stream

LLAW6005 Hong Kong intellectual property law

A comparative study of the Hong Kong law relating to patents, copyright, registered designs, trade marks, trade secrets, trade descriptions, common law remedies including and akin to passing off and injurious falsehood, and associated rights in information. Previous study or practice in the area of intellectual property would be an advantage but is not essential provided some preliminary private study is undertaken.

Assessment: 0% or 30% optional assignment; 100% or 70% take home examination

LLAW6132 International and comparative intellectual property law

This course introduces the international framework within which intellectual property law operates, including copyright, patents, trademarks, industrial designs, unfair competition, trade secrets, geographic indications, and other forms of intellectual property (IP). The course examines how multilateral conventions and agreements such as Berne Convention, Paris Convention and TRIPS Agreement shape national IP laws, the role of international bodies such as WIPO and WTO, the effect of bilateral agreements, and other international influences on the development of IP law. The course also introduces the enforcement provisions and WTO dispute settlement mechanism concerning international IP disputes. While devoting special attention to IPRs protection for cutting edge technologies such as biotechnology and information technology, the course also discusses the protection for traditional knowledge and folklore, and the overall implications of international IP protection for global competition between developed and developing countries in an integrated world market.

Prerequisites: Have taken (or concurrently taking) other IP laws.

Assessment: 80% take-home examination; 20% class participation

LLAW6140 Intellectual property, innovation and development

This course examines the interplay between intellectual property law, innovation social and economic development. While it covers copyright and trademark laws and examines how these two areas are affected by digital and Internet innovations, the focus of this course will be on patent law. Particularly this course will explore how cutting-edge technologies such as information technology, biotechnology and green technology have changed the landscape of patent law on the one hand, and how patent law has

affected the development of these technologies on the other hand. It uses judicial cases and empirical examples to illustrate how patents for biotech and pharmaceutical inventions have affected the access to technology and essential medicines, and how patent regime has been employed to protect genetic resources/traditional knowledge and green technologies, and whether such protection promotes or impedes innovation and technology transfer in these industries, and how IP protection has affected social and economic development of developing countries and least-developed countries. Last but not least, the course investigates IP-related antitrust issues, and discusses how to strike a balance between IP and competition for the benefit of technology innovation and economic development.

Assessment: 80% take home examination; 20% class participation

LLAW6181 Management and commercialization of intellectual property

Topics include:

- Technology transfer and licensing
- Commercialization of innovations
- IP portfolio management
- IP issues in merger and acquisition
- IP issues in franchising and outsourcing
- IP and standard setting
- IP and competition
- IP litigation strategies
- IP issues in innovation industries such as ISP's liability and safe harbor, keyword advertising and digital music licensing.

Assessment: 100% in-hall examination

LLAW6200 Topics in trademark law

Trademark law and the law of unfair competition play a crucial role in the commercialization of all varieties of goods, ranging from high-end fashion products to daily routine products. The course aims to explore the cutting-edge issues and fundamental theories and policies in the rapidly developing trademark law and the law of unfair competition. With a focus on the law in Hong Kong and Mainland China, the course also broadly examines the relevant doctrinal developments in the United States and European Union, and discusses the impacts of digital technology on international and domestic trademark protection. The course will cover the following topics:

- Subject matter of trademark protection
- Distinctiveness
- Registration
- Genericity

- Exclusive rights
- Limitations on exclusive rights/Trademark fair use
- Infringement
- Trademark dilution

Assessment: 100% continuous assessment

LLAW6212 Intellectual property protection in China: law, politics and culture

This course will examine all major areas of Chinese intellectual property, including trademarks, patents, copyright, competition and related trade and technology transfer issues, with a brief introduction to background, policies and administrative procedures. Reading knowledge of Chinese helpful but not required. No prerequisite.

Topics to be covered: the IP challenge and common ground; overview of IP administration and ARR/ALL procedures; trade and service marks; patents and technology transfer; copyright and software protection; and competition (trade secrets, advertising etc).

Assessment: 10% class participation; 90% four short essays

LLAW6219 Patent law

Intellectual Property Rights (IPRs) are among the most important catalysts for growth and innovation in the modern economy. IPRs – in particular patents - are worth billions if not trillions of dollars. What are patents and why are they so valuable? This course will look at patents, first in the context of all IPRs, then will examine rights under a patent, criteria for patentability, and the process of getting and challenging a patent. The class will also cover issues related to patent claims and will look at some current patent issues including:

- Commercial dealings: ownership, licensing, assignments, employees' inventions
 - Protection of discoveries
 - The process of getting a patent
- Patent infringement: Literal infringement and a comparison of UK and US treatment of non-literal patent infringement
- Protection of information technology products and the controversy surrounding software patents
- Design patents
- The value of patents

No prior technical knowledge is required for this class.

Assessment: 50% research essay; 50% take home examination

LLAW6223 Copyright and creativity

The course investigates the relationship between copyright protection and creativity by targeting creative sectors such as film, music, publishing, and software. Through in-depth analysis of the cases and empirical data involving copyright protection or infringement in these industries, the course aims to assess to what extent these sectors have benefited from or are impeded by copyright protection, how “fair use” systems can be employed to achieve a better balance between copyright industries and users/consumers of copyrighted works, whether alternative regimes such as public or free licenses including creative commons and open source initiatives are helpful in promoting creativity, and finally, how to capitalise on or commercialise the copyrights so that the works can generate financial gain for start-up creative companies or individuals. These issues will be discussed in the context of both traditional and internet-related creative sectors and activities such as parody, file-sharing, snippets and thumbnails, streaming, and copying for non-transformative personal use on internet, iPad or iPhone, and online games. The countries or regions of which the copyright laws and creative sectors are examined include but are not limited to Hong Kong, the mainland China, the United States and the European Union.

Assessment: 80% final take home examination; 20% class participation

LLAW6243 Advanced intellectual property law

This course is intended for students who are already familiar with the main contours of intellectual property law and would like to explore the subject further. The course teacher will examine in depth a series of topics that, in recent years, have proven especially controversial or troublesome in many countries:

1. the fair use/fair dealing defense in copyright law;
2. possible solutions to the crisis in the entertainment industry;
3. intellectual property protection for fashion;
4. the treatment of standard-essential patents;
5. reverse-payment settlement agreements in the pharmaceutical industry;
6. extralegal intellectual property norms;
7. traditional knowledge;
8. how legal reform might help address the health crisis in the developing world;
9. the relationship between intellectual property and business strategy.

Assessment: 25% class participation; 75% take home examination

Information technology law sub-stream

LLAW6046 Privacy and data protection

This course will explore privacy and data protection in an increasingly interconnected data economy. Reference will be made to the balance between privacy on the one hand and other rights as well as public and social interests on the other. The challenges posed by technological innovations and applications such as the internet, social media, mobile applications, cloud computing and Big Data will be highlighted. Specific topics to be addressed will include: (a) the concept of ‘privacy’ and the genesis and development of its political, philosophical and economic underpinnings; (b) existing common law and statutory protection: the equitable remedy for breach of confidence, defamation, copyright, the intentional infliction of emotional distress, the public interest, remedies; (c) the protection of ‘personal information’: Personal Data (Privacy) Ordinance, data protection principles, data access and correction rights, regulation of direct marketing, transborder data flow, Interception of Communications and Surveillance Ordinance, Electronic Health Record Sharing System Ordinance; (d) Privacy Commissioner for Personal Data: powers, functions, enforcement, exemptions from data protection principles. The course will focus on the Hong Kong situation but reference will be made to relevant international human rights instruments and the global and regional trends and developments.

Assessment: 40% research assignment; 60% take home examination

LLAW6111 E-business law

More and more companies and organisations are embracing information technology to add value to their business and to remain competitive. In the e-business environment, on one hand, existing law is being applied in a new setting. On the other hand, development of law is needed in order to address specific issues that online business creates.

The course looks at the main legal issues generated by the developments in e-business, their possible solutions and how to strategize and create value in the e-business context accordingly.

Topics to be covered include the international and national framework for e-business, branding and trade marks, contractual issues of online trading, online security issues, privacy and data protection, liabilities of online service providers, online tort issues and jurisdictional issues.

Prior knowledge of the subject matter is not required.

Assessment: 40% written assignment(s) and/or case preparation note(s); 60% research paper

LLAW6117 Cybercrime

‘Cybercrime’ refers to computer-mediated activities which are either criminal or regarded as illicit and which can be conducted through global electronic networks. It encompasses cybercrimes against the person (e.g. cyber-stalking, cyber-pornography), cybercrimes against property (e.g. hacking, viruses, causing damage to data, cyber-fraud), and cyber-terrorism. The computer-age has also provided organised crime with more sophisticated and potentially secure techniques for supporting and developing networks for a range of criminal activities, including drugs trafficking, money laundering, illegal arms trafficking, and smuggling.

Cybercrime poses new challenges for criminal justice, criminal law, and law enforcement. This course will examine the nature of and problems created by cybercrime, along with some of the legal and policy challenges arising in relation to the development of national and international law enforcement and regulatory responses to cybercrime.

Assessment: 60% research paper; 40% assigned research, review and presentation

LLAW6124 Communications law

This course examines how the telecommunication and broadcasting industries are regulated in Hong Kong, and introduces the main features and problems of the relating legislation and regulation.

Topics may include:

- TV and radio licensing
- Foreign ownership control
- Cross media ownership control
- Content regulation
- Competition regulation in broadcasting sector
- Telecommunications licensing
- Interconnection
- Competition regulation and consumer protection in telecommunications sector
- Convergence
- Interception and surveillance

Assessment: 20% group project; 70% research paper; 10% class participation

LLAW6139 PRC Information technology law

This course examines the key law and regulations concerning the Internet, information technology and related business in Mainland China. It intends to provide a wide-angle view of the regulatory regime for the Internet and IT industry in Mainland China, in particular as to how such regulatory regime may be helping or damaging the development of the IT industry in Mainland China. The course also intends to compare the regulatory regime in Mainland China with that of other jurisdictions, and examine the impact of the Chinese Internet and IT Regulations on cross-border transactions of IT products and services.

Topics may include:

- Principles of IT and Internet Regulatory System
- Administration and Licensing of Websites
- Electronic Signature
- Online Advertising, Publishing and Media
- Online Intellectual Property Issues
- Big Data and Cloud Computing Issues
- Online Finance, Virtual Monies and Credit Profiling Regulatory Issues
- Domain Name System and Cybersquatting in Mainland China
- Privacy Protection, Real-Name Registration, Encryption and Internet Censorship
- National Security and Anti-Terrorism Measures relating to Online Businesses
- Anti-Monopoly and Anti-Unfair Competition Issues relating to Online Businesses
- Liabilities of Network Service Providers
- Cross-Border Transfer of Electronic Data and Use of Electronic Evidence
- Jurisdiction and Conflict of Law in the Cyberspace
- Online Dispute Resolution

Assessment: 30% presentation and class participation; 70% research paper

LLAW6141 Regulation of cyberspace: theories of internet and normativity

The course takes a closer look at the legal and political challenges brought about by the internet and related technologies. The goal is to provide participants with an in-depth understanding of the conflicts involved in the governance of the information environment and equip them with the tools to analyze and assess these conflicts from a normative perspective. This involves two analytical steps: (a) understanding the challenges and limitations of conventional legal institutions on the Internet, especially those administered by the State, and (b) reinterpreting and reinventing these institutions in the context of the Internet.

In order to achieve this goal, the course combines foundational readings with contextual analyses of legal institutions on the Internet. This approach enables participants to make connections between some timeless questions of law and politics implicated in

regulation and revisit them in the broader context of networked information technologies. To complement this framework, class discussions will pick up contemporary cases and events to which the concepts and theories will be applied.

The course is not necessarily targeted at students with prior knowledge of the interplay between law and technology, in general, and law and the Internet, in particular. While not focused on any particular jurisdiction, it takes major common law systems as its starting point.

Assessment: 80% final research paper; 20% four notes and queries

LLAW6170 Introduction to information technology law

Information and communication technologies are part of the very fabric of contemporary societies. Their understanding and mastery are a required form of literacy in the 21st century. Social dynamics everywhere have changed because of ICTs and in the image of these a new social paradigm has been formed. Sociologist Manuel Castells has termed this new social paradigm “informationalism”, in contrast with the idea of “industrialism” that characterized 20th century societies. As a social science, law is not immune to these transformations but is rather profoundly influenced by them, to the point that we can speak of a new stage in legal scholarship and practice – of the Law of the Information Society.

In our course, we keep the name “Information Technology Law” for historical reasons, but our objective is precisely that of empirically assessing some of these transformations which, in its different areas, the law of contemporary societies has been undergoing. While other courses in our programme (for instance, “Regulation of Cyberspace”) question at a higher level of abstraction the normative foundations of such transformations, in “Introduction to IT Law” our aim is to give you an introductory overview of the concrete, practical shifts that the institutions of law have been experiencing in a number of different areas – from Identity and Privacy to Intellectual Property, and from Defamation and Liability in Virtual Worlds to Cybercrime and Jurisdiction.

The focus of our course is on major common law jurisdictions, taking the law in the United Kingdom and in Hong Kong as a starting point. Nonetheless, occasional – and in some areas extensive – references to the law in the European Union will be made.

Assessment: 35% mid-term essay; 65% take home examination

LLAW6176 Online dispute resolution

This course will introduce students to the use of information technology as a means of facilitating the resolution of disputes between parties. Despite the prevalent impression that online dispute resolution (ODR) is simply the online equivalent of alternative dispute resolution (ADR), the course will demonstrate to the students that ODR can

augment the traditional means of resolving disputes by applying innovative techniques and online technologies to the process. Although the course will focus on the technological application in out-of-court alternative dispute resolutions, it by no means ignores the potential that these technologies have for direct application in the litigation system. The course will examine online negotiation, mediation, arbitration, their combinations or other alternatives. The course has both theoretical and practical value to practitioners and academics.

Assessment: 60% research paper; 40% in-class Moot Court practice

Capstone course

LLAW6120 Intellectual property and information technology

Given the ubiquity of information technology (IT) today, intellectual property (IP) issues related to IT have never been more challenging. With the predominance of frequent headlines about IT-related IP matters, IP and IT is, indisputably, one of the topics that has aroused great interest and attention today.

The course looks at the main IP issues related to IT, how IP can be used to protect, manage and create value from IT innovations, products and creations, and how the dynamic nature of IT would never leave IP law remain static.

Prior IP or IT knowledge is not required.

Assessment: 10% presentation and class participation; 10% quiz; 30% examination; 50% research paper

Elective courses (offered by Department of Law)

LLAW6014 18-credit Dissertation

An individual research project on an approved topic carried out under the supervision of an assigned teacher, resulting in the submission of a research paper not exceeding 20000 words (excluding tables of cases and statues, notes, appendices and bibliographies). The dissertation must provide evidence of original research work and a capacity for critical legal analysis and argument.

Assessment: 100% research paper

LLAW6054 9-credit Dissertation

An individual research project on an approved topic carried out under the supervision of an assigned teacher, resulting in the submission of a research paper not exceeding 10,000 words (excluding tables of cases and statues, notes, appendices and bibliographies). The dissertation must provide evidence of original research work and a capacity for critical legal analysis and argument.

Assessment: 100% research paper

LLAW6106 Advanced issues in information technology law

This course examines the legal and policy issues relating to information technology (IT) from a comparative, global perspective. It covers wide range of issues involving how national governments regulate the technology of internet and how private citizens' rights relating to internet are protected. Issues to be canvassed include privacy and personal data, internet jurisdiction, regulation of internet marketing, issues in electronic transactions, internet governance, domain name business models and disputes intellectual property challenges for new business models, legal issues raised by cloud computing, as well as net neutrality and telecom regulation.

Assessment: 25% class presentation; 75% final paper

LLAW6119 Human rights and cyberspace

The exponential growth of the internet and world-wide web provides great opportunities for and poses significant challenges to enjoyment of human rights in many areas. This course will examine a number of areas in which the Internet revolution has provided

new tools and opportunities for promoting the enjoyment of human rights, as well as for enabling violations of human rights:

- The use of the Internet for building human rights networks for the dissemination of information and the co-ordination of action at national and international levels.
- Issues of access to technology, in particular the opportunities for persons with certain disabilities provided by IT developments, the problems of accessibility and the legal obligations of e-service providers to ensure that their services are accessible to persons with disabilities.
- The use of the Internet for the dissemination of racist material and other forms of offensive material.
- Cyberstalking and harassment through the Internet.
- The global dimensions of the Internet: the difference between rich and poor, the issue of language.
- Gender and the Internet.
- Freedom of expression and the Internet.
- Jurisdictional and substantive law problems in relation to human rights and the Internet.
- Use of the Internet by non-governmental organisations for building international networks and co-ordinating activism on human rights issues.

Assessment: 20% participation; 80% research paper

LLAW6187 Advanced topics in competition law

This course focuses on the interface between intellectual property laws and competition law in the two leading competition law jurisdictions in the world: the US and the European Union (“EU”). The interface between these two bodies of law is one of the most complex and controversial, and yet theoretically interesting, areas of competition law. This interface juxtaposes the public policy rationale behind intellectual property laws and competition policy, and requires the enforcement agencies and the courts to strike delicate balances between these two policies. With respect to patent law, for example, the treatment of patent rights under competition law requires the courts to calibrate the provision of innovation incentives without incurring an excessive loss in consumer welfare. Similar tradeoffs are also found in the interface between copyright law and competition law, and to a lesser extent, between trademark law and competition law.

Most of the thorniest issues in the interface between intellectual property laws and competition law arise under patent law. As such, this course will largely focus on the patent competition interface. The first half of the course will focus on the treatment of the exercise of intellectual property rights under US antitrust law, with topics including intellectual property enforcement, tying, unilateral refusal to deal, deceptive conduct in standard-setting organizations, predatory product design, and various kinds of collusive conduct. The second half of the course will cover similar topics under EU law.

Assessment: 100% two take home examinations

LLAW6188 Intellectual property policy and practice

This course aims to add the theoretical aspects to the current IP courses and ask students to re-examine recent major cases in the US and commonwealth countries. The first part of the course would deal with the theories and policy analysis that justify IP protection and the rest deals with legal doctrines and practice with reference to the theories and policy analysis.

Assessment: 20% class participation; 80% weekly response papers or a research paper

LLAW6249 Entertainment law: Popular iconography and the celebrity

This course adopts an interdisciplinary cultural studies approach to understanding popular iconography in contemporary consumer culture and the world of entertainment. It introduces well-known copyrighted works, iconic trademarks and the celebrity personality as “cultural texts” and “semiotic signs” which are encoded with meanings recognised by the public at large, and discusses how the law could develop when taking into account such symbolic significance. It provides a transnational perspective with an emphasis on cases from California (where Hollywood is located), New York (where numerous celebrities are resident and global entertainment conglomerates are headquartered) and the United Kingdom; this is not a course on entertainment law in Hong Kong, but the principles to be examined in this course could be relevant to Hong Kong law. Specifically, the objectives of the course are to –

- analyse key aspects of a modern entertainment industry with a focus on claims brought by celebrities and rights owners of well-known popular iconography in the United States and United Kingdom;
- examine the production, circulation and consumption of the celebrity personality and iconic brands in contemporary society;
- provide an insight into the challenges to intellectual property law that social media present; and
- introduce students to the operation of the six prominent causes of action in the United States and the United Kingdom, with selected references to other jurisdictions, brought by celebrities and rights owners in the entertainment industry: (i) copyright infringement; (ii) trademark infringement/dilution; (iii) right of publicity tort; (iv) passing off; (v) right of privacy torts; (vi) breach of confidence.

From Naomi Campbell to Tiger Woods, Paris Hilton to Rihanna, Lady Gaga to JK Rowling, Barbie to James Bond, Louis Vuitton to Christian Louboutin, this course will

be focusing on the operation of the six prominent causes of action brought by celebrities and rights owners.

Assessment: 80% research paper; 20% class participation

LLAW6267 Courts

This course takes an interdisciplinary, comparative, and empirical perspective on politically relevant questions concerning the design and operation of courts. Potential topics include the manner in which social scientists study courts; the nature and basis of judicial power; the practical effects of judicial review; the different ways in which a system of judicial review can be designed; the role of courts in nondemocratic environments; the challenges of defining and achieving judicial independence; and the dynamics by which courts expand into the domain of politics. Students should be prepared for copious reading assignments commensurate with a graduate-level course in the social sciences and consisting primarily of academic scholarship rather than cases. The readings are intended to introduce participants to the major debates and empirical arguments found in the scholarly literature on courts. The course will be conducted as a true graduate seminar, meaning that class time will consist primarily of collective critical discussion of the readings rather than passive absorption of the instructor's views. Each week, students will be required not only to demonstrate knowledge of what is in the readings, but also to offer their own evaluation and critique of the empirical arguments found in the readings and to articulate arguments of their own. The expectation is that students will engage in critical and original thinking and become active participants in the scholarly debate rather than passive consumers of scholarship produced by others.

Assessment: 30% research paper, 50% reaction papers, 10% oral presentation, 10% participation

Elective courses (offered by Department of Computer Science, 6-credits each)

ECOM6032 e-Discovery and digital forensics

This module will give the students an in-depth understanding of the current IT management and e-business litigation practices involving e-Discovery and Digital Forensics, and will help them to take a leading role in the management team to work with the legal counsel, auditor and department managers to prepare and implement an effective Incident Response Strategy to address various IT-business and legal problems in today's global competition and innovation driven economy.

Assessment: 100% course work, including assignments, case studies and class presentations and projects

ICOM6027 e-Crimes: digital crime scene and legal sanctions

This module helps participants to grapple with crimes in the electronic age from both technical and legal points of view. It addresses three important aspects of the subject, namely, technologies adopted in e-crimes, legal sanctions and management of e-crimes scenes.

Topics covered include: trends in e-crimes; different types of e-crimes, tools and technologies for committing e-crimes; laws relating to e-crimes and criminal sanctions; digital forensics, post-incident crime scene management, and covert operation/live-forensic crime scene management, chain of evidence, collecting and collating digital evidence.

Assessment: 30% two written homework assignments; 70% one open book examination

REGULATIONS GOVERNING THE FORMAT, BINDING, AND PRESENTATION OF DISSERTATIONS FOR HIGHER DEGREES BY COURSEWORK

1. Each copy of a dissertation shall be typewritten or printed on one side only of International size A4 paper¹ (except for drawings, maps, or tables on which no restriction is placed), with a margin of not less than 38mm on the left-hand edge of each page.
2. The appropriate Board of the Faculty shall decide whether any dissertation submitted successfully in part-fulfilment of a higher degree by coursework shall be an accession to the University Library.
3. If it is to be an accession to the Library the top copy of the dissertation shall be used, and bound in one or more volumes as determined by the Librarian and between boards faced with cloth in black for MA, MPA, MMedSc, in dark blue for MSW, MBA, and in green for all others. The title, name of author, degree, and date shall be lettered in gilt on the front cover and spine in accordance with the standard layout approved by the Librarian. The title of a dissertation written in Chinese shall be lettered on the cover in Chinese and English.

¹ 297 mm x 210 mm

N.B. Candidates for higher degrees are reminded that any dissertation not typed or printed on the correct paper will not be accepted. Any candidate who has difficulty in obtaining the paper should consult his Faculty Office.