



## **MASTER OF LAWS**

### **CROSS-BORDER BUSINESS AND FINANCE LAW IN ASIA**

**Course Code:** LAW 627

**Course Title:** Intellectual Property Law And Policy: International And Asian Perspectives

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#### **PRE-REQUISITE/CO-REQUISITE/MUTUALLY EXCLUSIVE COURSE(S)**

NIL. However, students who have studied the law of IP in the past are advised not to take this course.

#### **GRADING BASIS**

Graded

#### **COURSE UNIT**

1 CU

#### **FIRST OFFERING TERM**

Academic Year: AY2015/2016

Academic Term: Term 3

## COURSE DESCRIPTION

It is fair to say that few branches of the law have, in recent times, developed as swiftly and explosively across jurisdictions as the law of intellectual property (IP). In Singapore, this is evidenced by the Government's push for a sound and comprehensive legal framework for the promotion and protection of IP, and by the setting up of the Intellectual Property Office of Singapore (IPOS) and the IP Academy. More recently, several amendments were made to Singapore's IP legislation in order to implement the country's obligations under the United States – Singapore Free Trade Agreement.

You will, in this course, be introduced to the different types of IP rights and the various branches of IP law, in particular the law of copyright, patents and trademarks. Apart from learning the fundamental principles of IP law and the impact of international IP conventions and treaties, we will have the opportunity to explore, from a comparative perspective, the various policy issues which underpin much of the IP debate – in particular, controversies surrounding the protection, exploitation and enforcement of IP rights. Through group project work and presentations, we shall also examine how the IP regime operates in appropriate Asian jurisdictions and assess whether the protection and enforcement mechanisms in these jurisdictions measure up to international norms and standards.

The study of IP was, until quite recently, a somewhat esoteric specialisation. Today, IP occupies a central position in the global, knowledge-based economy and this course should therefore appeal to those who wish to equip themselves with knowledge of a burgeoning and highly relevant area of the law.

## RECOMMENDED TEXT AND READINGS

There is no prescribed text for this course. Students are however encouraged (and will be required from time to time) to read beyond the materials that will be made available to them in class. The following textbooks and casebooks are therefore recommended:

- Susanna HS Leong, *Intellectual Property Law of Singapore* (Academy Publishing, 2013)
- Ng-Loy Wee Loon, *Law of Intellectual Property of Singapore* (Thomson Sweet & Maxwell Asia, 2<sup>nd</sup> edition, 2014)
- Tina Hart, Linda Fazzani and Simon Clark, *Intellectual Property Law* (Palgrave Macmillan, 6<sup>th</sup> edition, 2013)
- Jennifer Davis, *Intellectual Property Law* (Oxford University Press, 4<sup>th</sup> edition, 2012)
- David Bainbridge, *Intellectual Property* (Pearson, 9<sup>th</sup> edition, 2012)
- WR Cornish, D Llewelyn & T Aplin, *Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights* (Sweet & Maxwell, 8<sup>th</sup> edition, 2013)
- Lionel Bently & Brad Sherman, *Intellectual Property Law* (Oxford University Press, 4<sup>th</sup>

edition, 2014)

- G Wei, *The Law of Copyright in Singapore* (SNP Editions Pte Ltd, 2<sup>nd</sup> edition, 2000)
- David Bainbridge, *Cases & Materials in Intellectual Property Law* (FT Pitman Publishing, 2<sup>nd</sup> edition, 1999)
- WR Cornish, *Cases and Materials on Intellectual Property* (Sweet & Maxwell, 5<sup>th</sup> edition, 2006)

### **Legal Resources available on the Internet**

Free access to **local Statutes** may be found at <http://statutes.agc.gov.sg/aol/home.w3p>

Reports of **local cases** are accessible through *LawNet* (visit SMU Library's website: <http://catalogue.library.smu.edu.sg/search/y?!> and click on "LawNet").

For access to reports of **English and many other Commonwealth cases**, visit *Lexis* at SMU Library's website (see above) and click on "Lexis".

See also the British and Irish Legal Information Institute website at [http://www.bailii.org/form/search\\_cases.html](http://www.bailii.org/form/search_cases.html).

For Australian and New Zealand material, see the Australasian Legal Information Institute website available at <http://www.austlii.edu.au/>.

You may also wish to visit the very informative website maintained by the Intellectual Property Office of Singapore (IPOS) at <http://www.ipos.gov.sg>, as well as by the World Intellectual Property Organisation (WIPO – a specialised agency of the United Nations that administers several international IP treaties) at <http://www.wipo.int/portal/index.html.en>

**Note:** The specific outline for each seminar will be made available online at least one week before each scheduled seminar. Owing to time constraints, it may not be practicable to discuss all topics set out in the seminar outline in class.

### **COURSE METHODS**

Each session of this course will be conducted as a seminar with 3 hours of instruction time and an additional 15-minute break.

### **ASSESSMENT METHOD**

Class Participation	-	20%
Group Presentation	-	30% (see below for breakdown)
Final Examination	-	50%

**TOTAL** - **100%**

## **INSTRUCTIONAL METHODS AND EXPECTATIONS**

### **Class Participation**

Each student will be assessed on his or her participation in class. All students should therefore complete the assigned reading prior to attending the seminar. Active participation by students will create a vibrant and interactive environment that is conducive for learning.

### **Group Presentations**

Students will form their own teams of 2 to 3 persons (depending on class size) for group presentations.

A typical project will take the form of a *research (essay-type) question*, usually involving one or two topics/issues in IP law which have not been covered in any detail in class. The purpose of the group project is to expose students to legal research and writing. In this regard, **independent research is mandated** and students are reminded *not* to enlist research assistance from any other third party (SMU-affiliated or otherwise).

Presentations of the group project are required to be made orally and in writing and both forms of presentation will be graded in the following proportion: **20% for the written component (combined grade) and 10% for the individual oral component.**

There is no word limit for the written answer but this must be submitted to the instructor *prior to* the start of the oral presentation in class.

[**N.B.:** Please be reminded that **plagiarism is strictly forbidden** and may result in a “fail” grade for the entire group. All materials and ideas gleaned from other sources must therefore be attributed accordingly.]

### **Final Examination**

The final examination is typically a **3-hour open book** paper comprising hypothetical and/or essay questions. Although the examination is open-book, extensive reference to materials may prove detrimental to your final grade.

### **Important: Academic Integrity**

All acts of academic dishonesty (including, but not limited to, plagiarism, cheating, fabrication, facilitation of acts of academic dishonesty by others, unauthorised possession of exam questions, or tampering with the academic work of other students) are serious offences. All work – whether

oral or written – presented in class and/or submitted for purposes of assessment must be the student’s own work. Penalties for violation of this policy range from zero marks for the component assessment to expulsion, depending on the nature of the offence.

When in doubt, students should consult the instructor(s) of the course. Details on the SMU Code of Academic Integrity may be accessed at:

<http://www.smuscd.org/resources.html>.

## COURSE SCHEDULE

Session	Topic	Readings (tba)
1	Introduction to the Law of Intellectual Property	
2	Law of Patents (1)	
3	Law of Patents (2)	
4	Trade Secrets and the Law of Confidence	
5	– <b>Two Group Presentations</b> –	
6	Law of Trade Marks (1)	
7	Law of Trade Marks (2) and Law of Passing Off	
8	Law of Copyright (1)	
9	Law of Copyright (2)	
10	– <b>Two Group Presentations</b> –	

**Note:** The above schedule is meant only as a guide and may be subject to alteration from time to time.

## ACCESSIBILITY

SMU strives to make learning experiences accessible for all. If you anticipate or experience physical or academic barriers due to disability, please let the course instructor know immediately. You are also welcome to contact the university’s disability services team if you have questions or concerns about academic provisions: [included@smu.edu.sg](mailto:included@smu.edu.sg).

Please be aware that the accessible tables in our seminar rooms should remain available for students who require them.