

GCIN 2026 Applied law to creative industries and laws: An introduction

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Lecture Outline

Introduction

The development of creative industries requires a business-friendly environment plus a legal environment which respect the rule of law. This course explores the changing interface between the creative industries and law. By studying the fundamental legal principles behind the economic development of the creative industries such as contracts, the company, competition and intellectual property, students will be able to learn about how the changes in laws may facilitate or hamper the business environment for creative industries, or whether these laws may stimulate more creativity in the work place or hinder the creativity by putting more legal restrictions. Apart from Hong Kong materials, discussion may also be extended to some jurisdictions such as Greater China region and Asia Pacific countries.

Objectives

After the studying of this course, the students are expected to:

1. Have the basic understandings of the changing interface between the creative industries and laws.
2. Have the basic knowledge of the business laws and the impact of which to the creative industries in Hong Kong.
3. Acquire the basic knowledge of the operation of the creative business in Hong Kong and the Greater China Region.
4. Prepare the advanced course on the impact of the intellectual property law to the creative industries.

Assessment

1. Class Discussion (10%)
2. Short Assignment 1 (20%) (1000 words) (week 5)
3. Short Assignment 2 (20%) (1000 words) (week 10)
4. Long Assignment (50%) (2000 words) (T.B.C.)

Essential Reading

Vanessa Stott (2014), *An Introduction to Hong Kong Business Law*, 4th Edition, Singapore: Pearson.

Judith Sihombing (2014), *Commercial Law in Hong Kong*, HKU Press.

D. K. Srivastava (2014), *Business Law in Hong Kong*, Hong Kong: Sweet & Maxwell.

Further Reading:

Stephen Hall (2015), *Law of Contract in Hong Kong: Cases and Commentary*.

Neil Andrews (2014), *Contract Law in Hong Kong: A Comparative Analysis*.

Glofcheski, Rick (2012), *Tort Law in Hong Kong*.

Kenny Wong (2012), *Intellectual Property Law and Practice in Hong Kong*.

Xue Hong (2010), *Intellectual Property Law in China*.

Catherine Sun (2014), *Chinese Intellectual Property and Case Commentaries*.

Yu, Ronald (2013), *Intellectual Property for Business*.

Teaching

Meeting One: Introduction: Interface Between Law and Creative Industries

Keywords: #Definition of creative industries #Boundary of the law relating to creative industries #Entrepreneurship in creative industries and law

Vanessa Stott, Chapter 1.

Srivastava, Chapter 2.

Meeting Two: Contract: Formation

Keywords: #Offer #Invitation to treat #acceptance #consideration #Illegality

Vanessa Stott, Chapters 1 and 2.

Srivastava, Chapter 4.

Meeting Three: Contract: Illegality and Damages

Keywords: #Duress #Misrepresentation #Mistake #Damages

Vanessa Stott, Chapter 2 and 3

Srivastava, Chapter 4

Meeting Four: Sale of Goods and Unfair Trade Practices

Keywords: #SOG Ordinance #Sale by sample #Sale by goods #Duties of Seller and Buyer
#Trade Description Ordinance #Unfair Trade Practices

Srivastava, Chapter 5

Trade Description Ordinance (Cap. 362):

http://www.customs.gov.hk/en/consumer_protection/trade_desc/

https://www.consumer.org.hk/ws_chi/unfair_trade_practices/index

Meeting Five: SME

Keywords: #Small business #Company vs limited company

Vanessa Stott, Part 4, Forms of Business Organisations

Meeting Six: Tort (I)

Keywords: #Nature of Tort #Causation #Negligence #Trespassing #Professional liability
#Defamation

Vanessa Stott: Part 6

Srivastava: Chapter 11

Meeting Seven: Tort (II)

Keywords: #Damages #Nuisance #Product Liability

Vanessa Stott: Part 6

Srivastava: Chapter 11

Meeting Eight: Competition

Keywords: # First Conduct Rule #Second Conduct Rule #Merger Rule #Complaint Procedure

Legislation:

https://www.compcomm.hk/en/legislation_guidance/legislation/legislation/comp_ordinance_cap619.html

Tribunal:

https://www.compcomm.hk/en/enforcement/enforcement/competition_tribunal.html

Meeting Nine: E-Commerce – the future of e-transaction

Keywords: #Digital Economy #E-commerce and law #E-signature and a valid contract

Srivastava, Chapter 7.

Meeting Nine: The Basic Understanding of Intellectual Property (I): Copyrights

Keywords: #Nature of Intellectual Property #Copyrights protection #freedom of expression
#Music industry

Ronald Yu, Chapter 8.

Kenny Wong, Chapter 3.

Meeting Ten: Intellectual Property (II): Re-creation

Keywords: #parody, satire, caricature, pastiche #fair use #Internet user #customary practices and the use of copyright protected materials

Kenny Wong, Chapters 7 and 8.

Meeting 11: Conclusion

This meeting shall conclude the course by providing the general understandings of the law in the creative industries. This meeting would help the students to know some legal issues who will be working on a start-up business after graduation.

Some useful web sites for further consultation

HKSAR Government:

<https://www.compcomm.hk/>

<https://www.consumer.org.hk/>

<http://www.cr.gov.hk/en/home/index.htm>

http://www.customs.gov.hk/en/consumer_protection/trade_desc/unfair/index.html

<http://www.ipd.gov.hk/eng/home.htm>

UK Government:

<https://www.gov.uk/government/organisations/competition-and-markets-authority>

<https://www.gov.uk/government/organisations/intellectual-property-office>

CN Government:

<http://www.sipo.gov.cn/>

<http://www.cca.org.cn/>

<http://fldj.mofcom.gov.cn/>

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