



# Let's Protect Intellectual Property - Learning Guidebook

Patents



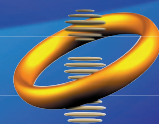
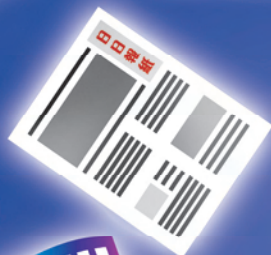
Trademarks



Registered Designs



Copyright



Intellectual Property Department  
The Government of the Hong Kong  
Special Administrative Region



# Let's Protect Intellectual Property - Learning Guidebook

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Intellectual Property Department  
Government of the Hong Kong Special Administrative Region  
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"IP Interactive Zone" Webpage: <http://www.ip-kids.gov.hk>

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## How to Use this Booklet?

### The Objectives of this Booklet

**“Let’s Protect Intellectual Property - Learning Guidebook”** is designed to complement the Intellectual Property Department’s webpage “IP Interactive Zone” (<http://www.ip-kids.gov.hk>). With the objective of providing a teaching material on intellectual property, this booklet helps students understand intellectual property rights through various interactive activities, and stimulates original and creative thinking.

### The Target

This booklet is written for students from primary five to junior high school level. Teachers can select suitable content according to the school’s needs and the levels of the students.

### How to Use this Booklet?

This teaching kit is designed for learning through students’ active participation and their interactions with teachers. Teachers can photocopy and distribute the “True or False” section to test the students’ understanding of the subject. This section enlivened by pictures describing different situations and characters, precedes a brief explanation of the relevant concept of intellectual property.

The teaching material covers four main themes : copyright, trademarks, patents and registered designs. Each theme is introduced by cartoons depicting different situations that require discussion between the teachers and students. What follows the discussion is a workshop, which allows for different learning modes such as role-plays, creation projects, group competition and picture collection; all these serve to enhance the students’ understanding of the topics as well as their creativity, thinking and observation power.

Teachers should consider students’ interest and ability in planning the activity and selecting material from the kit. They can photocopy this booklet for instruction and discussion with students.

During the activities, teachers should be open-minded in guiding the students to consider and analyze questions from different angles, including those of copyright owners and copyright work users, with a view to developing in them a correct understanding and attitude towards intellectual property as well as a love for creative and original thinking.

This booklet is also available on the webpage of “IP Interactive Zone” (<http://www.ip-kids.gov.hk>). Teachers are welcome to copy and distribute pages to their students for educational purposes.

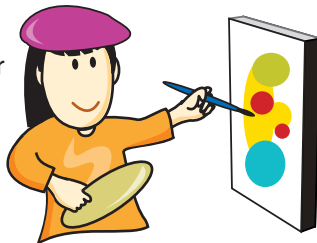


## True or False

This activity aims to test your understanding of intellectual property rights. Study the following scenarios carefully, and consider whether the following statements are right or wrong. If it is true, put a "✓" into the box. If it is false, put a "x".

### Situation 1:

- ☐ An artist is copying an artwork of another artist for the purpose of sale. There is no infringement of copyright.



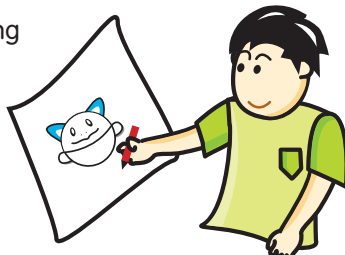
### Situation 5:

- ☐ The songs composed by primary school students are protected by copyright.



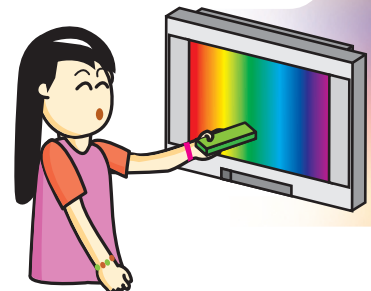
### Situation 2:

- ☐ Siu Keung is creating his own cartoon character. He owns the copyright.



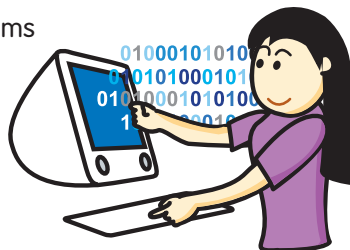
### Situation 6:

- ☐ The sale of recorded TV programmes is an act of copyright infringement.



### Situation 3:

- ☐ Computer programs are not protected by copyright.



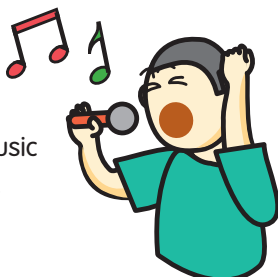
### Situation 7:

- ☐ The whole textbook is photocopied in the photocopying shop. There is no infringement of copyright.



### Situation 4:

- ☐ Karaoke operators must pay the licensing fees or royalties for the playing of the songs/music in running the business.



### Situation 8:

- ☐ Shakespeare died more than 300 years ago. His works are not protected by copyright.



# What is Intellectual Property?

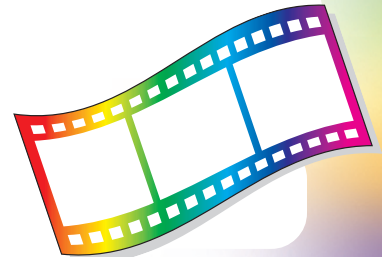
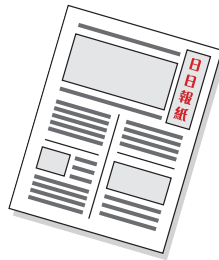
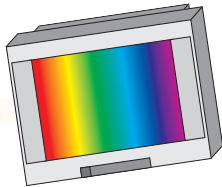
## What is Intellectual Property?



IVY



The term "intellectual property" generally refers to the intangible property rights, which are distinct and separate from the physical property rights of the tangible objects. Intellectual Property includes trademarks, patents, copyright, registered designs, etc. Intellectual property is important to our daily lives: brand names, logos on clothes, articles in the newspaper, TV programmes, pop songs, films and fashion designs have a strong connection with intellectual property rights.



## What is Protected?

The protection of intellectual property means the protection of creativity. But not all ideas are protected. For example, to balance the interests of different sectors of society, a pharmaceutical invention may be protected by patent registration while a special medical treatment of a disease is not protected.



## Why is Intellectual Property Protection Important?



PERRY

Only by protecting the efforts of the writers, artists, designers, programmers, inventors and other talents, we can create an environment where creativity can flourish and hard work can be rewarded.

## "True or False" Answer :

Situation 1 ☐

Situation 2 ☒

Situation 3 ☐

Situation 4 ☒

Situation 5 ☒

Situation 6 ☒

Situation 7 ☐

Situation 8 ☒

### IP Tips

In Hong Kong, the Intellectual Property Department is responsible for assisting the SAR government to formulate policies and legislation on intellectual property and to carry out public education programmes. The Customs and Excise Department is responsible for fighting any criminal acts of infringement of intellectual property rights.





# Copyright Lesson 1 : What is Copyright? Who are the Copyright Owners?

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**Drawing 1**

I have taken some pictures of the scenery. Are they protected by copyright?

**Drawing 2**

I have thought of a story but have not written it down. Is it protected by copyright?



## Discussion Corner

Referring to the two pictures, which work do you think is protected by copyright? Who is the copyright owner?

## What is Copyright? Who are the Copyright Owners?

IVY

Copyright protects the expression of ideas, not the underlying ideas themselves. The expression of ideas recorded in some tangible things or works are protected by copyright. Written records, sound recording, pictures and photographs are some of the examples.



PERRY

Original literary works, drama, music, drawings, sculptures, photographs, software, sound recording, films, broadcasts, cable programmes and layouts of published works are protected by copyright. Normally, the creator of a work is the first copyright owner of the work.

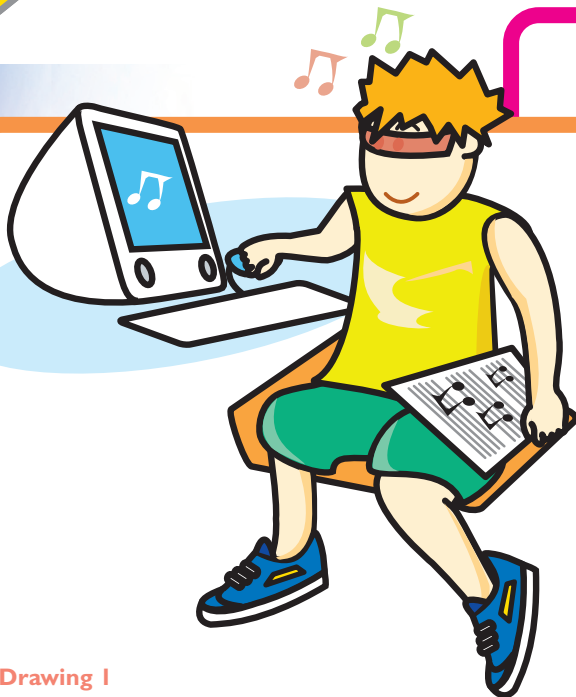


## IP Tips

Copyright need not be registered. It arises when a "work" is created. In Hong Kong, the use of "©" is not a sign of registration. Instead, it only serves to remind people to respect copyright.



## Copyright Lesson 2 : The Exclusive Rights of Copyright Owners



**Drawing 1**

I have uploaded my self-composed songs onto my personal webpage so that they can be downloaded by other people.

**Drawing 2**

I have composed an opera. I plan to have a public performance of my opera in an opera house.



### Discussion Corner

Apart from the two examples, how can copyright owners use their work?

### The Exclusive Rights of Copyright Owners

Copyright owners enjoy some exclusive rights over their works, including the right to copy, issue copies to the public, rent computer programs or sound recording to the public\*, make copies available to the public via the Internet, broadcast the works by wireless means or cable, and adapt the works. For example, they can translate their works in another language or change a 2-dimensional drawing into a 3-dimensional object.

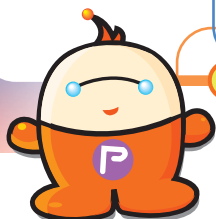
\* The rental right is planned to be extended to comic books and films in early 2008.

IVY



PERRY

Copying, adapting and broadcasting of a copyright work without the licence(s) of the copyright owner(s) are examples of acts of infringement of copyright.



### IP Tips

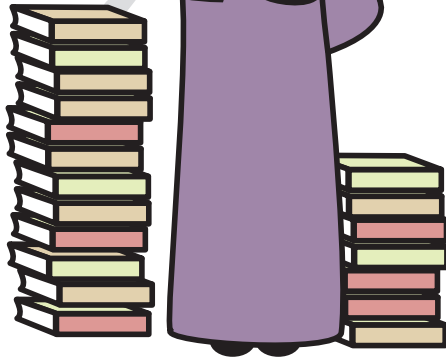
An act of "secondary infringement" may be committed when a person, without the licence of the copyright owner(s), imports, exports or sells pirated copies of a copyright work. Such action may result in criminal prosecution.



## Copyright Lesson 3 : The Protection Period of Copyright

**Drawing 1**

I'm a great poet who has written so many poems. My descendents will possess the copyright of my poems forever.



**Drawing 2**

Beethoven died more than a hundred years ago. If I perform his composition in public, I will not infringe any copyright.

### Discussion Corner

Referring to the two pictures, who do you think is right? Why?

### The Protection Period of Copyright

IVY

The copyright of a work does not last forever, but only for a certain period. The duration of copyright is different for different types of copyright works.



PERRY

The copyright of a literary, dramatic, musical or artistic work, in general, lasts until fifty years after the creator of the work dies.

The copyright of a sound recording expires fifty years from the end of the calendar year in which it is made, or if during that period it is released, fifty years from the end of the calendar year in which it is released.

The copyright in a film expires fifty years from the end of the calendar year in which the last one among the following persons dies: the principal director, the author of the screenplay, the author of the dialogue and the composer of music specifically created for and used in the film.



### IP Tips

Copyright, like other property, is capable of passing upon the death of the copyright owner(s). In other words, the heirs to copyright will become the copyright owners.





## Copyright Lesson 4 : Photocopying in School



**Drawing 1**

This book is too expensive and I cannot afford it. I should seek the help of my teachers because they should have the right to photocopy books.

**Drawing 2**

This book has been out of print for many years. I think it is okay to copy it and distribute the copies to my students.



### Discussion Corner

Referring to the above two pictures, do you think they can do so? Why?

### Photocopying in School

IVY

Many schools have entered into licences with Hong Kong Reprographic Rights Licensing Society which allow their teachers and students (upon instructions of the teachers) to photocopy certain portions from books for teaching and learning purposes. The Hong Kong Copyright Licensing Association has also granted a licence to schools for making photocopies of a number of newspapers and magazines for instruction purposes subject to certain limits.

PERRY

Whether or not schools have entered into the above licences, teachers are allowed to copy literary and artistic works for the purpose of setting examination questions. In addition, teachers and students are allowed to deal with reasonable portions of copyright works (which includes copying the works) in a fair manner for teaching and learning in certain courses provided by their schools. Broadly speaking, for any dealing with a work to be considered as "fair", it should not harm the reasonable interests of the copyright owner.

### IP Tips

In general, copyright law only permits schools to photocopy limited portions of copyright works for teaching purpose. School may consider obtaining appropriate licences to facilitate their teaching activities. Teachers may also consider creating their own teaching material so that they will not need to copy others' copyright works.

## Copyright Lesson 5 : Computers and Software



**Drawing 1**

The school does not have this learning software. I can install such software (which I have used in my computer at home) in the school's computers, so that my classmates can share it.

**Drawing 2**

There are many pictures and texts over the Internet. I can email them to my classmates for their reference.



### Discussion Corner

Referring to the above two pictures, do you think their actions are right? Why?

### Computers and Software

IVY

Schools are not allowed to use any unlicensed software in their computers. Students should not bring their own computer software to school and install it in the school's computers, whether with or without the teachers' knowledge. On the other hand, the schools should not lend their software to their teachers and students for use at home.

PERRY

The works over the Internet may be protected by copyright, so they may not be copied at your will. Moreover, making infringing copies of copyright works available to public via the Internet is illegal. Copying the texts, pictures, photos or sound and uploading them onto a personal webpage without the permission of the copyright owner(s) are also acts of infringement.

### IP Tips

Intellectual property rights are not only protected in Hong Kong. Since Internet may be accessed without geographical boundaries, anyone anywhere can surf the Internet. Copying of any information from the Internet may infringe the copyright laws of foreign countries.

## Copyright Lesson 6 : Copyright in Works Created by Teachers and Students

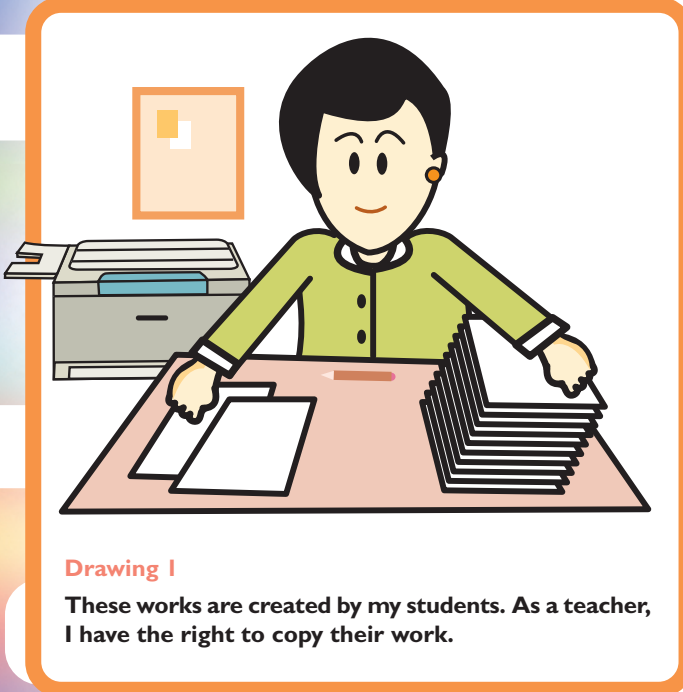
**Drawing 2**

I can photocopy the teaching material given by Miss Chan and distribute the copies to the students of other schools.



**Drawing 1**

These works are created by my students. As a teacher, I have the right to copy their work.



### Discussion Corner

Referring to the above two pictures, do you think they are right? Why?

### Copyright in Works Created by Teachers and Students

**IVY**

The works and teaching material created by teachers are protected by copyright. If the teachers are full-time employees, then the copyright of their works created in the course of employment belongs to the schools, not the teachers themselves.



**PERRY**

Students are not the employees of the schools, so they can own the copyright of their works. The schools cannot make their works available to the public or copy them without the students' permission.



### IP Tips

If the teachers want to own the copyright of the works created by them for the schools, they can negotiate with the school authority and reach a mutual agreement.







### Role-play Game

#### Teaching Objective

This activity allows the students to have a better understanding of copyright by role-playing the situation suggested below.

#### Method

The teacher should instruct the students to role-play and afterwards lead an interactive discussion.

#### Characters

Two hawkers without business licences, a shop owner, two customers and many Customs and Excise officers.

#### Situation

Outside the shopping arcade, there are two hawkers doing business without business licences. They are selling genuine CDs and pirated CDs respectively. Inside the arcade, there is a shop selling pirated copies of computer software. Two customers are inside. One is paying money to the shop owner for buying the pirated copies. The other one just looks around. At that moment, the Customs and Excise officers arrive at the scene to combat the activities relating to the dealings of pirated copies.

#### Brainstorm

1. Who should be arrested by the Customs and Excise officers? Why?
2. Whose interests are protected by the actions of the Customs and Excise officers?

### Webpage Production

#### Teaching Objective

This activity is to encourage the students to create their own personal webpage and to become online publishers. By doing so, they will come to realize that their works are protected by copyright. This will also enhance the creativity of the students.

#### Method

Students can design their personal webpage with photos, texts, graphic or sound created by themselves. If they do not know how to create a webpage, they can use a blank paper to simulate the webpage, and write, draw or paste the content on it. After the production, teachers can ask them some questions to enhance their understanding of copyright.

#### Brainstorm

1. Why are the webpages designed by the students protected by copyright?
2. If you want to put your classmates' works onto your personal webpage, what should you do?

## What is a Trademark?

### Drawing 1

The competitor's brand C. C. Susu is very popular. I plan to produce a series of handbags and use "C. C. Zuzu" as their brand name.



### Drawing 2

I have registered my trademark in Hong Kong and thus need not waste money to register it in other countries.

### Discussion Corner

Referring to the two pictures, do you think their actions are right?

## What is a Trademark?

IVY

A trademark is used to identify the goods or services provided by different traders. Without the consent of trademark owner, a third party cannot use the registered trademark or a similar mark on goods or services covered by the registration.



PERRY

Trademarks registered in Hong Kong are protected in Hong Kong. If the owners want their trademarks to be protected in foreign countries, they should register them in those countries.



### IP Tips

Trademarks are signs which can be made up of text, logos, personal names and letters of the alphabet, or a 3-dimensional object, or the combination of them. Such sign should be capable of being represented graphically in order to be registered. It should however be noted that any words that are direct description or giving praise of the goods and services applied for will not be registered.





## Workshop 2



### Role-play Game

#### Teaching Objective

This activity aims to further the students' understanding of trademark protection by role-playing the situation suggested below.

#### Method

The teacher should instruct the students to role-play and afterwards lead an interactive discussion.

#### Situation

A hawker is selling toys with fake trademark in the street. Ming and Flora walk past. They find the toys are much cheaper than those with genuine trademark. They hesitate whether they should buy some and take them home.

#### Characters

Ming, Flora, a hawker

#### Brainstorm

1. Do you think Ming and Flora should buy the toys with fake trademark? Why?
2. Who will suffer loss from the hawker's sale of toys with fake trademark?

### Trademark Design Group Competition

#### Teaching Objective

The students will gain an understanding of the efforts required in the creation of trademarks and will improve their teamwork by participating in a trademark design competition.

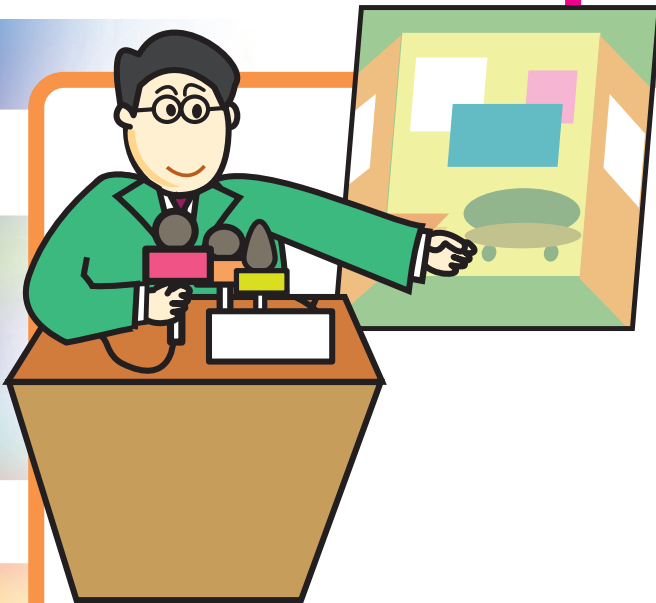
#### Method

Students are divided into six groups to design the trademark of a newly created fashion label "Alice & Tommy". They can apply different elements onto the trademark, such as patterns, colours, alphabets, figures and so on.

Each group should complete the trademark design within a given time. Five students will be appointed as judges to choose the best design.



## What is a Patent?



**Drawing 1**

This “smart home” is my invention. I should disclose it to the public via the media prior to patent registration.

**Drawing 2**

I have copied the idea of a smart vacuum cleaner invented by another inventor. Only the appearance is slightly different. I think I can register a patent for it.



### Discussion Corner

Referring to the two pictures, what is wrong with their views?

### What is a Patent?

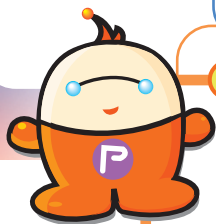
IVY

Patent registration protects inventions. A patent gives some exclusive rights to the inventor(s) of an invention or its subsequent owner(s). A patent holder can make and use the patented invention or place it on the market. Other people are prevented from making, using, selling and importing his patented invention and his investment is protected.



PERRY

Patents are only granted to new, inventive and industrially applicable inventions. Generally speaking, if any invention is disclosed to the public prior to the application of patent registration, the inventor will not be given any exclusive rights.



### IP Tips

To encourage the development of new technology, the patent system grants some exclusive rights to the inventors for a certain period to develop their inventions.





## Workshop 3

### Let's become inventors

#### Teaching Objective

This activity is to encourage the students to express their creative ideas by asking them to come up with their own new inventions. This activity aims at enhancing the students' understanding of the importance of patents.

#### Method

Students can draw their new inventions on a sheet of paper. The new invention should meet three requirements. It must be new, inventive and industrially applicable.

#### My invention is ...

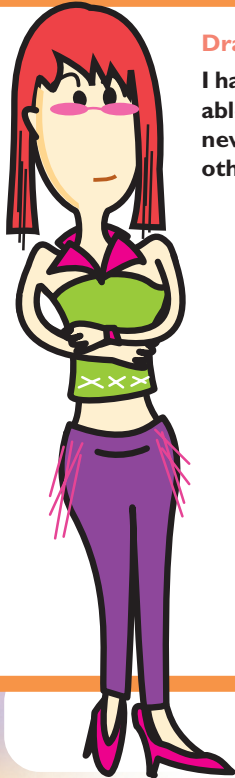
#### Brainstorm

1. What are the functions of your invention?
2. How does your invention meet the three requirements: new, inventive and industrially applicable?
3. Do you think your invention has any commercial value? Why?

#### Remark

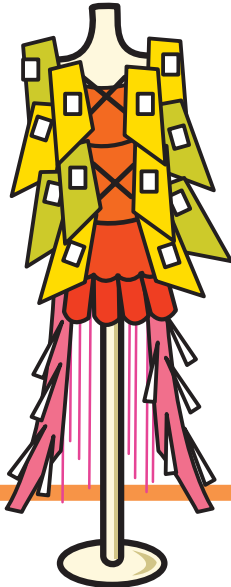
Students can use other tools to show their inventions.

## What are Registered Designs?



### Drawing 1

I have designed some new fashionable clothes which are made with new technique, but I cannot stop others from copying the design.



### Drawing 2

Since creation is protected by intellectual property rights, I can disclose my new design of a diamond necklace to the public before registering the design.

### Discussion Corner

Referring to the two pictures, do you agree on their viewpoints? Why?

## What are Registered Designs?

In general, any new shapes, configuration, patterns or ornaments which are applied to an article by an industrial process and whose features appeal to and are judged by the eyes are called designs. They can be protected as registered designs upon registration.

IVY



PERRY

Only new designs are registrable. If they are disclosed to the public before the application for registration is filed, the registration will become ineffective even if it is granted.



### IP Tips

Fabric patterns, the appearances of watches, jewellery, toys, mobile phones and so on can be registered.







## Workshop 4

### The Collection of Pictures

#### Teaching Objective

This activity is intended to enhance students' understanding of registered designs by collecting pictures.

#### Method

Many goods with registered designs can be found in the market. You can collect some pictures of such goods from magazines and newspapers.

#### Brainstorm

1. Apart from the collection of pictures, can you think of any product designs which can be registered?
2. The designs of many goods are very similar. Is every part of the design of goods protected by the law of registered designs?

### Little Designers

#### Teaching Objective

This activity asks the students to design a watch, jewellery, toy or mobile phone with a view to developing their interest in creative designs.

#### Method

Students can choose to create a design for a watch, jewellery, toy or mobile phone.

#### Brainstorm

1. Do you think your design is novel/new? Why?