



香港中文大學
The Chinese University of Hong Kong

Centre for Financial Regulation and Economic Development

金融規管與經濟發展研究中心



FACULTY OF LAW

CO-REACH 
Intellectual Property Rights in the New Media

INTELLECTUAL PROPERTY RIGHTS IN THE NEW MEDIA

20 October 2011

*The Chinese University of Hong Kong Graduate Law Centre,
2/F Bank of America Tower, 12 Harcourt Road, Central, Hong Kong*

This event will bring together leading experts in IP law, data protection and copyright law from both Europe and Asia to discuss current challenges in the area of New Media. In hosting this event the Centre for Financial Regulation and Economic Development (CFRED) of the Chinese University of Hong Kong will provide a forum for scholars and practitioners to discuss these key challenges. The event further formally introduces to Hong Kong the ongoing research work of a number of 'Co-Reach' scholars. Since 2009, leading Chinese and European scholars have been engaged in a collaborative research project exploring 'Intellectual Property Rights in the New Media' (further details on this ongoing research project and past events are accessible [here](#).)

Date: Thursday, 20 October 2011 **Time:** 9:00a.m. - 4:00p.m.

Venue: The Chinese University of Hong Kong Graduate Law Centre, 2/F Bank of America Tower, 12 Harcourt Road, Central, Hong Kong

*Admission is free of charge. Light refreshment will be provided at coffee break.
HK Law Society CPD is under application. Limited seats reserved for HKICPA members.*

Registration

Please register your interest here, http://nems.law.cuhk.edu.hk/online-registration/?event_id=204, providing us your details.



Conference Programme

9:00-9:30a.m. **Registration**

9:35-9:45a.m. *Faculty Welcome*

Prof. David Donald, Director of CFRED, The Chinese University of Hong Kong

9:45-10:15a.m. *Keynote Address: Copyright - A Jurisprudential Analysis*

Mr. Peter Cheung, Director of the Intellectual Property Department, HKSAR

10:15-10:45a.m. *Monopolistic Gatekeepers' Vicarious Liability for Copyright Infringement*

Dr. Steven Wan, School of Law, City University of Hong Kong

10:45-11:15a.m. *IPR Problems of EU Companies in China and How to Deal with Them*

Mr. Reinout van Malenstein, Utrecht University (CIER)

11:15-11:45a.m. **Coffee Break**

11:45-12:15p.m. *Data Breach Notification and the Intercontinental Agreement on Terrorism*

Prof. Sylvia Kierkegaard, University of Southampton

12:15-12:45p.m. *Social Media Platforms – A Test Case for Finding Adequate Legal Frameworks for New Intermediaries*

Dr. Wolfgang Schulz and **Mr. Stefan Heilmann**, Hans Bredow Institute

12:45-1:15p.m. *The Digital Economy Act 2010*

Dr. Angela Adrian, Southern Cross University

1:15-2:30p.m. **Lunch**

2:30-3:00p.m. *ICT Standardisation, IP and Market Power*

Dr. Clemens Appl, Vienna University of Economics and Business

3:00-3:30p.m. *The Threshold of Originality under EU Copyright Law*

Dr. Roman Heidinger, University of Göttingen

Closing Remarks

Prof. Martin Doris, Faculty of Law, The Chinese University of Hong Kong

About the Panel

Dr. Angela Adrian, Southern Cross University



Dr. Adrian is a Senior Lecturer of Southern Cross University, School of Law & Justice – Lismore. She started her career in business after acquiring a Masters degree in business from Schiller International University in London. After working for a number of years, she decided to focus on law. She received her Juris Doctorate from Loyola University, New Orleans; subsequently, she qualified as an attorney in Louisiana. After practising for a few years, she specialised in Commercial Law and gained an LLM with distinction from the University of Aberdeen. Concurrently, she became a solicitor in England and Wales.

Dr. Adrian wrote her PhD thesis entitled “Personality and Property Rights in Virtual Worlds” which has been published as a monograph entitled “Law and Order In Virtual Worlds: Exploring Avatars, their Ownership and Rights”. She will be publishing her first textbook on Intellectual Property next year.

Dr. Adrian is the Editor of the International Journal of Intellectual Property Management.

Currently, Dr. Adrian is a Senior Lecturer in Law at Southern Cross University where she teaches Intellectual Property Law, Commercial Law, Property Law and Stock Market and Finance Law. Her research interests are intellectual property, virtual reality, entertainment law, commercial law, energy law, international trade and contract law.

Dr. Clemens Appl, Vienna University of Economics and Business



Clemens Appl is an Assistant Professor at the IT|IP-Law Group at Vienna University of Economics and Business (WU Vienna). He graduated at the Higher Department of Industrial Engineering at the TGM Vienna – Institute of Technology, one of Austria’s outstanding Federal Secondary College of Engineering with distinction in 2001. Thereafter Clemens Appl studied Law at the University of Vienna (Faculty of Law) and worked as a postgraduate judicial service trainee.

In 2006 Clemens Appl joined the IT|IP-Law Group at Vienna University of Economics and Business (WU Vienna) initially as a teaching and research associate. He completed the Doctoral Studies of Law with distinction at the University of Vienna (Faculty of Law) and received a doctor’s degree in 2010. He wrote his doctoral thesis entitled “Technical Standards and Intellectual Property” which will be published as a monograph in November 2011.

In addition to his teaching and research activities at the Vienna University of Economics and Business, he is working as a professional speaker and teaches "Business Law" and "Intellectual Property Law for Engineers" at the TGM Vienna.

Mr. Peter Cheung, Director of the Intellectual Property Department of the HKSAR



Peter Cheung is Director of the Intellectual Property Department of the Hong Kong Special Administrative Region Government. Mr. Cheung is Hong Kong’s leading intellectual property negotiator in free-trade agreements and has represented Hong Kong in WIPO law-making conferences. Between 2004 and 2005, he served as a WTO Dispute Settlement Panelist, settling two intellectual property disputes (US v EU and Australia v EU). Mr. Cheung was twice invited to speak at Harvard’s Asia Business Conferences in 2005, has provided intellectual property trade insights to the US Secretary of Commerce’s 2010 Clean Energy Trade Mission to China, and gave opening remarks at the 2011 Asia Intellectual Property Exchange Conference.

Prior to joining IPD Mr. Cheung was Senior Crown Counsel of the Attorney General’s Chambers. He holds a BA in Philosophy (Lond), an LLB (HK), a PCLL (HK), an LLM (Lond) and an LLM in Public International Law (Lond). He is a Barrister of the High Court of Hong Kong and a graduate of the Senior Executive Fellows Program of Harvard Kennedy School.

Dr. Roman Heidinger, University of Göttingen

[To be added when available]

Mr. Stefan Heilmann, Hans Bredow Institute



Stefan Heilmann, LL.B., studied Law at Bucerius Law School in Hamburg and at Victoria University of Wellington/New Zealand, with emphases on information and communication law. He was a student assistant at the Hans Bredow Institute for two years and has been a research assistant in the Institute's department of “Media and Telecommunications Law” since June 2006.

Until July 2011, he has been a legal trainee (Referendar) at the Hanseatic Higher Regional Court of Hamburg with placements at different institutions dealing with communications law and regulation such as the Independent Centre for Data Protection in Schleswig-Holstein, the Australian Communications and Media Authority in Sydney and a mobile communication service provider in Kuala Lumpur.

His research interests lie in the area of the regulation of communications, particularly as regards developments in convergence and data protection as well as in legal and policy issues concerning user-generated content and online games/virtual worlds.

Prof. Sylvia Kierkegaard, University of Southampton



Prof. Sylvia Kierkegaard (MSc. Intl. Business, LLB, M. Eco., LLM, PHD, MA Asian Studies; BA Mass Comm) is the European Principal Investigator for the co-Reach Project. She is a Professor and PhD Supervisor at the Communication University of China (Beijing) and University of Southampton. She is a Visiting Professor and Professor Extraordinaire in several universities including Xían Jiatong University. She is the President of the International Association of IT Lawyers, Chairman of the LSPI-ILTC-IBLT Conference, Editor-in-Chief of the International Journal of Private Law (Inderscience), editor in chief of the Journal of International Commercial Law and Technology and the International Journal of Public Law and Policy.

She is a member of the editorial board of over 25 A- ranking international journals and Managing editor of 3 international journals. She is a regulatory expert for the Council of Europe and legal expert for various initiatives in the European Union. She is also a member of the Scientific - Advisory Board of various organisations, including the European Privacy Association, EICAR (etc). She is an advisor to several associations and governments. In addition, she has published over 2000 articles and is a recipient of the National Journalism Award.

Mr. Reinout van Malenstein, Utrecht University

[To be added when available]

Dr. Wolfgang Schulz, Hans Bredow Institute



Dr. Wolfgang Schulz studied Law and Journalism in Hamburg. Since 1997 he has taught the optional special subject on information and communication in the Department of Law at the University of Hamburg; he has been also a member of the state office for legal examinations since January 2000. In July 2009 habilitation through the Faculty of Law at the University of Hamburg, granted Venia Legendi in public law, media law and legal philosophy.

From 1999 onwards, he functioned as deputy business director as well as head of the Hans Bredow Institute's area of media and telecommunications, he has been a member of the board of directors since 2001.

His work emphasises problems of legal regulation with regard to media contents – particularly depictions of violence -, questions of law in new media, above all in digital television, and the legal bases of journalism, but also the jurisprudential bases of freedom of communication and of the description of the systems of journalism and communications in systems theory. In addition, he works on the forms taken by the State's functions, for instance, in the framework of concepts of “regulated self-regulation”.

Dr. Steven Wan, Assistant Professor, School of Law, City University of Hong Kong



Dr. Steven Wan is an assistant professor with the City University of Hong Kong School of Law. He received his LL.M. and S.J.D. from the University of Pennsylvania Law School in the U.S. He was a faculty member with the Duke-Hong Kong University Asia-America Institute in Transnational Law in 2011.

His scholarship focuses on intellectual property law and cyberlaw. His articles have been published in the Southwestern Law Review, the Regent University Law Review, the Ohio Northern University Law Review, the University of Illinois Journal of Law, Technology & Policy, etc. He is a frequent speaker in the U.S., France, Italy, Japan and China.

