



Applied Research Centre for  
Intellectual Assets  
and the Law in Asia



Hong Kong Commercial  
and Maritime Law Centre

香港城市大學  
City University of Hong Kong

## 5<sup>TH</sup> ASIAN IP WORKS-IN-PROGRESS CONFERENCE 2020

**Organizers:** ARCIALA, School of Law, Singapore Management University  
Hong Kong Commercial and Maritime Law Centre, City  
University of Hong Kong

**Sponsors:** Sunshine Legal Foundation (China, Beijing)  
Chen & Lin (Taiwan, Taipei)

### PROGRAM

DAY 1 – 9 January 2020, Thursday	
Time	Session
8:30 am – 9:00 am	<b>Venue: Senate Room, 19/F, Lau Ming Wai Academic Building, City University of Hong Kong</b>  <b>Registration</b>
9:00 am - 9:10 am	<b>Welcome Address</b> Prof. Cheng-Han TAN, Dean, School of Law, City University of Hong Kong, HKSAR, China  <b>Opening Remarks</b> Prof. Kung-Chung LIU, Director, Applied Research Centre for Intellectual Assets and the Law in Asia, School of Law, Singapore Management University, Singapore
9:10 am- 9:15 am	<b>Group photo session</b>
9:15 am - 9:45 am	<b>Keynote Lecture</b> Prof. Jyh-An LEE, Faculty of Law, The Chinese University of Hong Kong, HKSAR, China <i>Trade War of IP</i>
9:45 am- 10:45 am	<b>Venue: Senate Room, 19/F, Lau Ming Wai Academic Building, City University of Hong Kong</b>  <b>Panel – IP Licensing</b>  <b>Chair</b> Prof. Kung-Chung LIU, School of Law, Singapore Management University, Singapore  <b>Presenters</b> Jingze LI, School of Law, Tilburg University/SMU, China

	<p><i>Legal Constraints on Standardization Activities in The EU and The US: A Study on IPRs Licensing Rules in Utilizing Open Source by ETSI, OASIS and IETF</i></p> <p>Jesse Chien-Chih LU, College of Communication, National Chengchi University, Taiwan <i>Licensing Infrastructure of Subscription Video-On-Demand (SVOD) in the Streaming Market</i></p> <p>Jianchen LIU, ARCIALA, School of Law, Singapore Management University, Singapore <i>Compulsory License as an Instrument to Guarantee Access to Big Data: Problems and Possible Solutions</i></p>
10:45 am-11:00 am	<b>Q&amp;A</b>
11:00 am-11:15 am	<b>Tea Break</b>
	<b>Parallel Sessions</b>
11:15 am - 12:35 pm	<p><b>Venue: Senate Room, 19/F, Lau Ming Wai Academic Building, City University of Hong Kong</b></p> <p><b>Panel A – Trade and TRIPS</b></p> <p><b>Chair</b> <b>Prof. David MUSKER, Queen Mary University of London, UK</b></p> <p><b>Presenters</b> Adeet DOBHAL, Centre for WTO Studies, India <i>Transferring the Tech: Analysing the Technology Transfer regime under the WTO and the curious case of China</i></p> <p>Alice Yuen-Ting WONG, Faculty of Law, The Chinese University of Hong Kong, HKSAR, China <i>Should Patent Practitioners be Allowed to Claim Inventorship When Acting for Clients?</i></p>
12:35 pm-12:50 pm	<b>Q&amp;A</b>
11:15 am - 12:35 pm	<p><b>Venue: Room 214, 6/F, Lau Ming Wai Academic Building, City University of Hong Kong</b></p> <p><b>Panel B – Asian Aspects of IP</b></p> <p><b>Chair</b> <b>Prof. Wenwei GUAN, Faculty of Law, City University of Hong Kong, HKSAR, China</b></p> <p><b>Presenters</b> Kung-Chung LIU, ARCIALA, School of Law, Singapore Management University, Singapore <i>Asian IP Laws--A Brave New Frontier</i></p> <p>Zhyldyz TEGIZBEKOVA, Law Department, AlaToo International University, Kyrgyzstan <i>Challenges of Traditional Knowledge Preservation and Protection in Central Asia: Comparative Study of Kyrgyzstan, Kazakhstan, Tajikistan, Turkmenistan and Uzbekistan</i></p> <p>Nazma Swastika ARIES, Law Faculty, Universitas Gadjah Mada, Indonesia <i>The Liability of Artificial Intelligence in The Intellectual Property Crime: The Legal Conceptual and Comparative Study in Asia</i></p>

12:35 pm- 12:50 pm	<b>Q&amp;A</b>
12:50 pm- 14:30 pm	<b>Lunch Break</b>
	<b>Parallel Sessions</b>
14:30 pm - 15:50 pm	<p><b>Venue: Senate Room, 19/F, Lau Ming Wai Academic Building, City University of Hong Kong</b></p> <p><b>Panel A – Artificial Intelligence and IP</b></p> <p><b>Chair</b> Prof. Haochen Sun, School of Law, Hong Kong University, HKSAR, China</p> <p><b>Presenters</b> Dilip SHARMA, ICFAI Law School/Nalsar University of Law, India <i>Artificial Intelligence and Intellectual Property Rights: Issues and Road Ahead</i></p> <p>Mohammad Ataul KARIM, East West University, Bangladesh <b>(video presentation)</b> <i>A Comparative Analysis on the Legal Status of ‘Text Data Mining’ under Copyright Laws of Bangladesh and India</i></p> <p>Yangzi LI, Faculty of Law, The Chinese University of Hong Kong, HKSAR, China <i>Copyright Limitations and Exceptions Policy towards Text and Data Mining</i></p> <p>Stefan PAPASTEFANOU, Bucerius Law School/SMU, Singapore <i>“Machine Learning” in Patent Law – Legal Challenges regarding The Term “Invention” and “Inventor” in The Context Of Genetic Breeding Algorithms</i></p>
15:50 pm - 16:05 pm	<b>Q&amp;A</b>
14:30 pm - 15:50 pm	<p><b>Venue: Room 214, 6/F, Lau Ming Wai Academic Building, City University of Hong Kong</b></p> <p><b>Panel B – Commercialization of IP</b></p> <p><b>Chair</b> Dr. Haifeng HUANG, Partner, Jones Day Hong Kong/Beijing</p> <p><b>Presenters</b> Brinda PAULRAJ, The Tamil Nadu Dr. Ambedkar Law University, India <b>(video presentation)</b> <i>Traditional Knowledge As Commercial Asset of the State: Issues relating to Trans-border Exploitation</i></p> <p>Tran Van NAM, Faculty of Law, National Economics University, Vietnam <i>Situation and Challenges on Valuation of Intellectual Property Assets for Start-Up: A Comparative Study from Vietnam and India</i></p> <p>Yayuan PENG, Fudan University Law School, China <i>Fill the regulatory gap: Rethinking the March-in Right in Chinese government funded projects</i></p>

	Chanmi OH, School of Law, Seoul National University, South Korea <i>Compensation &amp; Remuneration system in Copyright for AI</i>
15:50 pm - 16:05 pm	<b>Q&amp;A</b>
16:05 pm- 16:20 pm	<b>Tea Break</b>
	<b>Parallel Sessions</b>
16:20 pm - 17:40 pm	<p><b>Venue: Senate Room, 19/F, Lau Ming Wai Academic Building, City University of Hong Kong</b></p> <p><b>Panel A – Personal Data</b></p> <p><b>Chair</b> <b>Prof. Guobin CUI, Tsinghua University, China</b></p> <p><b>Presenters</b> Chenguo ZHANG, KoGuan School of Law, Shanghai Jiaotong University, China <i>Collective Protection of the Personal Information Rights China and EU, Comparative Perspective</i></p> <p>Rahadian Girindrawardhana Budi SANTOSO/Mardiansyah, Faculty of Law, Universitas Gadjah Mada, Indonesia <i>The Electronic Personal Data Protection in The Intellectual Property (IP) Perspective: A Comparative Study on Asian Legal Policy</i></p> <p>Sujin LEE, School of Law, Seoul National University, South Korea <i>Data Capitalism and 4th industry revolution: Focusing on the Studies of GDPR and Its Effect on Asian Countries</i></p> <p>Aafreen COLLACO, O.P. Jindal Global University, India <b>(video presentation)</b> <i>The Threshold of Data Protection Law in India: The South-Asian Perspective</i></p>
17:40 pm - 17:55 pm	<b>Q&amp;A</b>
16:20 pm - 17:20 pm	<p><b>Venue: Room 214, 6/F, Lau Ming Wai Academic Building, City University of Hong Kong</b></p> <p><b>Panel B - General IP Issues</b></p> <p><b>Chair</b> <b>Prof. Masabumi SUZUKI, Graduate School of Law, Nagoya University, Japan</b></p> <p><b>Presenters</b> Ramesh Kumar R, The Tamilnadu Dr. Ambedkar Law University, India <i>Study on Intellectual Property Rights in the Current Geopolitical Scenario</i></p> <p>Wei WANG, Faculty of Law, The University of Hong Kong, HKSAR, China <i>The Neuroscience of Innovation: A Socio-Legal Analysis of Generating University Patents in Asia</i></p> <p>Weijie HUANG, Law School, Shenzhen University, China <i>Platform-Created IP Laws in China</i></p>

17:20 pm - 17:35 pm	<b>Q&amp;A</b>
18:00 pm- 19:30 pm	<b>Venue: City Top [9/F, Bank of China (Hong Kong) Complex]</b>  <b>Dinner</b>

***End of Day 1 (See next page for Day 2 conference program)***

<b>DAY 2 – 10 January 2020, Friday</b>	
<b>Time</b>	<b>Session</b>
9:00 am – 9:15 am	<p><b>Venue: Senate Room, 19/F, Lau Ming Wai Academic Building, City University of Hong Kong</b></p> <p><b>Registration</b></p>
	<b>Parallel Sessions</b>
9:15 am – 10:35 am	<p><b>Venue: Senate Room, 19/F, Lau Ming Wai Academic Building, City University of Hong Kong</b></p> <p><b>Panel A – Copyright: General Issues</b></p> <p><b>Chair</b> Prof. Yahong LI, Faculty of Law, The University of Hong Kong, HKSAR, China</p> <p><b>Presenters</b> Tianxiang HE, School of Law, City University of Hong Kong, HKSAR, China <i>Transplanting Fair Use in China?</i></p> <p>Jingjing HU, Southwest University of Political Science and Law, China <i>Signals or Pictures: A Doctrinal Analysis of the Sports Broadcasting Rights in China</i></p> <p>M. SAKTHIVEL, School of Law &amp; Legal Studies, Guru Gobind Singh Indraprastha University, India <i>Withering away Broadcaster from Copyright Regime: Emerging technological paradigm strengthens Authors' Right</i></p> <p>Nishara PATTERSON, Open University of Sri Lanka, Sri Lanka <b>(video presentation)</b> <i>Perceptions of and Attitudes towards Plagiarism among University Students in Asia-A Review of Literature</i></p>
10:35 am – 10:50 am	<b>Q&amp;A</b>
9:15 am – 10:35 am	<p><b>Venue: Room 214, 6/F, Lau Ming Wai Academic Building, City University of Hong Kong</b></p> <p><b>Panel B – Patent: General Issues</b></p> <p><b>Chair</b> Prof. Su-Hua LEE, National Taiwan University, Taiwan</p> <p><b>Presenters</b> Songyin BO, The Chinese University of Hong Kong, HKSAR, China <i>The Convergence of Patent Infringement Dispute Resolution of E-Commerce Platforms in China and US</i></p> <p>Weiyu ZHANG, Graduate school of Law, Hokkaido University/SMU, Japan <i>Surviving in the New Market Competition: Challenges and Choices of Patent Exhaustion Doctrine</i></p>

	<p>Chih-Chieh YANG, Institute of Technology Law, National Yunlin University of Science &amp; Technology, Taiwan <i>Does Taiwan need Design “Repair Clause” in Patent Law? Review of DEPO front light design patent infringement case (2019) in Taiwan</i></p> <p>Adekola Tolulope ANTHONY, School of Law, City University of Hong Kong, HKSAR, China <i>Special Regional Treatment Under Trips Reforms: A Regional Model For Pooled Access to Generic Medicines in Southeast Asia</i></p>
10:35 am - 10:50 am	<b>Q&amp;A</b>
10:50 am- 11:05 am	<b>Tea Break</b>
	<b>Parallel Sessions</b>
11:05 am - 12:25 pm	<p><b>Venue: Senate Room, 19/F, Lau Ming Wai Academic Building, City University of Hong Kong</b></p> <p><b>Panel A – Internet Intermediaries Liabilities</b></p> <p><b>Chair</b> Prof. Jyh-An Lee, Faculty of Law, The Chinese University of Hong Kong, HKSAR, China</p> <p><b>Presenters</b> Jie WANG, KoGuan Law School, Shanghai Jiaotong University, China <i>A Normalized Notice-and-takedown Procedure at the Legislative Level: Necessary But not Sufficient</i></p> <p>Lingling WEI, Bournemouth University, UK <i>Examining The New Legislation of Internet Intermediaries Liability in India, EU And China: Re-Engaging with Traditional Jurisprudential Models</i></p> <p>Xiaorui ZHU, Law School, Tsinghua University, China <i>Strengthened Liability of Internet Service Provider: Is Filtering Obligation Reasonable?</i></p> <p>Shufeng ZHENG, ARCIALA, School of Law, Singapore Management University, Singapore <i>Secondary Liability for Cloud Service Providers: Balancing Copyright Protection and Data Security Maintenance</i></p>
12:25 pm- 12:40 pm	<b>Q&amp;A</b>
11:05am - 12:45 pm	<p><b>Venue: Room 214, 6/F, Lau Ming Wai Academic Building, City University of Hong Kong</b></p> <p><b>Panel B – Patent, Pharmaceuticals and Public Health</b></p> <p><b>Chair</b> Prof. Feroz ALI, Ministry of Health, Saudi Arabia</p> <p><b>Presenters</b> Meghana Tushar PARIKH, M/s Nanavati Associates, India <i>Bioprinting: Evaluating disruptive technology using open source patent database and decoding it into patent insight</i></p>

	<p>Farizah Mohamed ISA, Faculty of Law, University Teknologi Mara, Malaysia <i>Gene Patents – Is Change the only Constant? A comparative analysis on the patentability of human DNA in China and Malaysia after Myriad</i></p> <p>Mayuree SENGUPTA, IIM Kashipur, India <b>(video presentation)</b> <i>Impact of Discontinued Patents on Pharmaceutical Firms in India Post-TRIPS</i></p> <p>Owais Hassan SHAIKH, Shaheed Zulfiqar Ali Bhutto University of Law, Pakistan <b>(video presentation)</b> <i>Protecting Pharmaceutical Patent in Pakistan</i></p> <p>M Towhidul ISLAM, Department of Law, University of Dhaka, Bangladesh <i>Pharmaceutical Patenting in the [Bangladesh] Patents and Designs Act, 1911 and the WTO TRIPS Agreement, 1994: Options and Challenges for Public Health</i></p>
12:45 pm- 13:00 pm	<b>Q&amp;A</b>
13:00 pm- 14:30 pm	<b>Lunch Break</b>
	<b>Parallel Sessions</b>
14:30 pm – 15:50 pm	<p><b>Venue: Senate Room, 19/F, Lau Ming Wai Academic Building, City University of Hong Kong</b></p> <p><b>Panel A– Trademark Issues</b></p> <p><b>Chair</b> <b>Judge Sutatip YUTHAYOTIN, Office of the President of the Supreme Court of Thailand, Thailand</b></p> <p><b>Presenters</b> Xiaoren WANG, Max Weber (postdoc) Fellow, European University Institute, China <i>What Can We Learn from Psychology? The Psychological Mechanism Underpinning The Anti-Competitive Effects of Color Trademarks</i></p> <p>Niharika SALAR, School of Law, National University of Singapore, Singapore <i>Does Celebrity Likeness Really Matter on The Internet? An Attempt to Decode Publicity Rights In The Context of Social Media In India &amp; Singapore</i></p> <p>Kuhu TIWARI, Rajiv Gandhi School of IP Law, IIT Kharagpur, India <i>Protection of Non-Conventional Pharmaceutical Trademarks: A Generic Hub’s Perspective Through The Lens of Indian And Chinese Laws</i></p> <p>Dashpuntsag ERDENECHIMEG, Law School, Olgontenger University, Mongolia <i>The Conflict between Trademark and Copyright and Its Resolutions</i></p>
15:50 pm- 16:05 pm	<b>Q&amp;A</b>
14:30 pm – 15:50 pm	<p><b>Venue: Room 214, 6/F, Lau Ming Wai Academic Building, City University of Hong Kong</b></p> <p><b>Panel B – Enforcement of IP</b></p>



	<p><b>Chair</b>  <b>Prof. Heng Gee LIM, Universiti Teknologi Mara, Malaysia</b></p> <p><b>Presenters</b>  Shalini JHUNJHUNWALA, Legalite, Nepal <i>(video presentation)</i>  <i>Cross-border Measures For Trademark Infringement In Nepal And India : Measuring Its Effectiveness Through Case Studies</i></p> <p>Qi Jun KWONG, Graduate School of Law, Nagoya University, Japan  <i>Territoriality and Comity in WesternGeco: Should Extraterritorial Damages be Granted?</i></p> <p>Priyal JAIN, ICFAI Law School, India <i>(video presentation)</i>  <i>John Doe: Knowing the Unknown</i></p> <p>Rujitha Shenoy T.R, National Law University, India  <i>Anti-competitive Practices in Pharma Industry: Lessons to be Learned</i></p>
15:50 pm- 16:05 pm	<b>Q&amp;A</b>
16:05 pm 16:20pm	<b>Tea Break</b>
16:20 pm- 16:35 pm	<b>Ceremony for handing out Award Certificates</b>
16:35 pm - 17:05 pm	<p><b>Venue: Senate Room, 19/F, Lau Ming Wai Academic Building, City University of Hong Kong</b></p> <p><b>Keynote Lecture</b>  Prof. Yahong LI, Faculty of Law, The University of Hong Kong, HKSAR, China  <i>A Forward-looking and Cross-disciplinary Approach Towards IP Research in the Internet Era</i></p>
17:05 pm- 17:20 pm	<p><b>Venue: Senate Room, 19/F, Lau Ming Wai Academic Building, City University of Hong Kong</b></p> <p><b>General discussion and closing remarks</b>  Prof. Kung-Chung LIU, Director, ARCIALA, School of Law, Singapore Management University, Singapore</p> <p>Prof Tianxiang HE, Fellow, Hong Kong Commercial and Maritime Law Centre, City University of Hong Kong, HKSAR, China</p>
17:30 pm – 19:30 pm	<p><b>Venue: City Top [9/F, Bank of China (Hong Kong) Complex]</b></p> <p><b>Dinner</b></p>

### **Conclusion of the Conference**