

Intellectual Property Protection



The Government of the Hong Kong Special Administrative Region (SAR) attaches great weight to the contribution that the creation of intellectual property makes to the economy and has been involved in an on-going effort to ensure that Hong Kong people and overseas investors in Hong Kong can be assured of intellectual property protection as good as and even better than in any other economy in the world.

Basic Law and Intellectual Property Rights: Recognizing the importance of intellectual property protection in the Hong Kong SAR, Hong Kong's mini-constitution, the Basic Law, specifically provides in Articles 139 and 140 that the Hong Kong SAR should on its own develop appropriate policies and afford legal protection for intellectual property rights.

Against this background, the SAR has developed a new body of intellectual property law which aims to reach the highest international standards, and put Hong Kong at the leading edge of intellectual property development and protection.

Intellectual Property Department: To underline the commitment of intellectual property protection, the government established the Intellectual Property Department in 1990. It is responsible for advising the Secretary for Trade and Industry on policies and legislation to protect intellectual property in the Hong Kong SAR, for operating the Hong Kong SAR's Trade Marks, Patents and Registered Designs and Copyright Licensing Bodies Registries, and for promoting intellectual property protection through public education.

Customs & Excise Department: The Customs and Excise Department is responsible for enforcing the criminal aspects of infringement of intellectual property rights. It investigates complaints alleging infringement of trademarks and copyright and complaints alleging false trade descriptions. The department has extensive powers of search and seizure, and cooperates with overseas enforcement authorities and owners of trademarks and copyright in a concerted effort to combat infringement of intellectual property rights.

In accordance with Hong Kong's obligations under the World Trade Organization - Agreement on Trade Related Aspects of Intellectual Property Rights (WTO-TRIPS Agreement), the Customs and Excise Department will help rights-owners to enforce their rights, in relation to copyright and trademark goods through border enforcement measures.

ENQUIRIES AND INFORMATION SERVICE

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| Fees and opening hours | 2961 6901 |
| Trade mark application | 2961 6901 |
| Opposition to trade mark applications | 2961 6873 |
| Issue of certificate of registration of accepted and unopposed marks | 2961 6847 |
| Assignment, change of name, change of address or address for service of trade marks application/registration | 2961 6879 |
| Patent registration and assignment | 2961 6833 |
| General inquiries | 2961 6901 |

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INTERACTIVE ELECTRONIC SERVICES (24-HOUR SERVICE)

On November 28, 2005, IPD launched interactive electronic services for renewal of registered trademarks and patents, as well as for keeping application up-to-date. The services enable users to complete transactions securely in real time and are available 24 hours, seven days a week. The interactive services allow customers to make alterations to the patent or trademark databases rather than waiting for IPD staff to process the applications after they have filed the applications on the Internet, thereby cutting down double handling of data, and reducing the chance of errors. The services also include being able to make changes of name, address, agent's address and address for service.

BUSINESS SOFTWARE CERTIFICATION PROGRAM

A program where the IPD joined with the Business Software Alliance to help both business and non-business organizations gain a good knowledge about software asset management (SAM), and promote proper licensing of business software.

The program was one under the second phase of the Genuine Business Software Campaign (GBSC), which was launched in September 2006. The Business Software Certification Program lasted from October 2006 to March 2007. Under the program, the IPD commissioned an independent software asset management contractor to provide a free on-site software audit service and free SAM consultancy services.

PUBLICATIONS

- △ *Comics on Intellectual Property*
- △ *Comics on Intellectual Property II*
- △ *Protection of Intellectual Property Rights in the Hong Kong Special Administrative Region - Interactive Digital Entertainment Products*
- △ *Let's Protect Intellectual Property - Learning Guidebook*
- △ *Frequently Asked Questions - Protection of Intellectual Property Rights for Interactive Digital Entertainment*
- △ *Trademarks Protection in Hong Kong*
- △ *Patent Protection in Hong Kong*
- △ *Design Protection in Hong Kong*
- △ *Differences among Business Registration, Company Registration and trade Mark Registration*
- △ *Support Fair Play in Commerce, Protect the Intellectual Property of the Olympic Movement*
- △ *Support Fair Play, Protect the Intellectual Property of the Olympic Movement*
- △ *Copyright in Hong Kong*
- △ *Hong Kong's Amended Copyright Law: A Guide for Teachers and Students*
- △ *Hong Kong's Amended Copyright Law: A Guide to Parallel Imports*
- △ *"Young People, Music & the Internet" – A Guide for Parents about P2P, File-sharing and Downloading*
- △ *Copyright for Journalists in Hong Kong*
- △ *Copyright in Education in Hong Kong*
- △ *Survey on Intellectual Property Professional Support Services in Guangdong and Hong Kong*

Internet Web Page: www.ipd.gov.hk/eng/home.htm

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