File Ref. : CITB 80/18/2

LEGISLATIVE COUNCIL BRIEF

Patents Ordinance (Chapter 514) Registered Designs Ordinance (Chapter 522) Trade Marks Ordinance (Chapter 559) Layout-design (Topography) of Integrated Circuits Ordinance (Chapter 445)

PATENTS ORDINANCE (AMENDMENT OF SCHEDULE 1) ORDER 2015

REGISTERED DESIGNS ORDINANCE (AMENDMENT OF SCHEDULE) REGULATION 2015

TRADE MARKS ORDINANCE (AMENDMENT OF SCHEDULE 1) REGULATION 2015

LAYOUT-DESIGN (TOPOGRAPHY) OF INTEGRATED CIRCUITS (DESIGNATION OF QUALIFYING COUNTRIES, TERRITORIES OR AREAS) (AMENDMENT) REGULATION 2015

INTRODUCTION

At the meeting of the Executive Council on 14 April 2015, the Council ADVISED and the Chief Executive ORDERED that, for the purpose of amending the relevant schedules to reflect the updated list of contracting parties to the Paris Convention for the Protection of Industrial Property (Paris Convention) and membership position of the World Trade Organization (WTO) -

- (a) the Patents Ordinance (Amendment of Schedule 1) Order 2015, at Annex A, should be made under section 153 of the Patents Ordinance (Cap. 514) (PO);
- (b) the Registered Designs Ordinance (Amendment of

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- Schedule) Regulation 2015, at Annex B, should be made under section 83 of the Registered Designs Ordinance (Cap. 522) (RDO);
- (c) the Trade Marks Ordinance (Amendment of Schedule 1) Regulation 2015, at Annex C, should be made under section 92 of the Trade Marks Ordinance (Cap. 559) (TMO); and
 - (d) the Layout-design (Topography) of Integrated Circuits (Designation of Qualifying Countries, Territories or Areas) (Amendment) Regulation 2015, at Annex D, should be made under section 24 of the Layout-design (Topography) of Integrated Circuits Ordinance (Cap. 445) (LTICO).

JUSTIFICATIONS

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2. China is a contracting party to the Paris Convention. The Central People's Government (CPG) applied the Paris Convention to the Hong Kong Special Administrative Region (HKSAR) with effect from 1 July 1997. Besides, the HKSAR (in the name of Hong Kong, China) is a member of the WTO in its own right.

3. Under Article 4 of the Paris Convention, the HKSAR is obliged to grant to a person who has filed an application for a patent or for registration of a design or trade mark in a Paris Convention country a right of priority during a prescribed period for the purpose of filing the same application in the HKSAR. Separately, Article 2.1 in Part I of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) under the WTO regime obliges the HKSAR to do the same in respect of an application filed in a WTO member country, territory or area.

4. We have complied with the above international obligations by making specific provisions in the PO, the RDO and the TMO to the effect that a person who has filed an application in a Paris Convention country or WTO member country, territory or area will enjoy a right of priority when filing the same application in the HKSAR within a prescribed period. We have also set out in a schedule to each of the afore-mentioned Ordinances the lists of Paris Convention countries and WTO member countries, territories and areas. In this regard, the Chief Executive in Council is empowered to amend the relevant schedule to the PO by an order published

in the Gazette. In the case of the RDO and the TMO, the Chief Executive in Council may amend the relevant schedules by regulation.

5. Separately, Article 35 in Part II of the TRIPS Agreement requires the HKSAR to grant the same level of intellectual property protection for layout-designs (topographies) of integrated circuits to nationals of other WTO member countries, territories or areas, as to HKSAR residents. To meet this requirement, we have provided in the LTICO that the said protection will be given to nationals of such qualifying countries, territories or areas as are designated by regulation by the Chief Executive. The Layout-design (Topography) of Integrated Circuits (Designation of Qualifying Countries, Territories or Areas) Regulation (Cap 445 sub. leg. B) ("Integrated Circuits Regulation"), with a schedule setting out those countries, territories or areas that have acceded to the WTO, has been made for this purpose.

6. We have been undertaking annual exercises to update the above-mentioned Schedules to reflect the updated list of contracting parties to the Paris Convention and membership position of WTO. The last round of updates was implemented by Order and Regulations tabled at the Legislative Council on 4 June 2014 for negative vetting. Since then, one more country (i.e. the State of Kuwait) has become a contracting party to the Paris Convention and one more country (i.e. the Republic of Yemen) has become a member of the WTO. Moreover, the official English name of a member of the WTO (i.e. the Republic of Cabo Verde) has to be updated with reference to the United Nations Multilingual Terminology Database, with a view to achieving consistency in terminology. In addition, a revision to the Chinese heading of the second part of the Schedule to the RDO is required to achieve textual consistency with its corresponding English heading. A summary of the proposed amendments is set out in Annex E.

7. To reflect the changes as listed in Annex E, we need to amend the respective schedules to the PO, the RDO, the TMO and the Integrated Circuits Regulation.

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8. As the Paris Convention was applied to the HKSAR by the CPG, we have sought the prior approval of the CPG via the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the HKSAR before proposing the amendments relating to the list of Paris Convention countries in the relevant schedules to the PO, the RDO and the TMO.

THE ORDER AND REGULATIONS

9. The Patents Ordinance (Amendment of Schedule 1) Order 2015 at Annex A, the Registered Designs Ordinance (Amendment of Schedule) Regulation 2015 at Annex B, the Trade Marks Ordinance (Amendment of Schedule 1) Regulation 2015 at Annex C and the Layout-design (Topography) of Integrated Circuits (Designation of Qualifying Countries, Territories or Areas) (Amendment) Regulation 2015 at Annex D are proposed to update the various schedules so as to reflect the relevant changes shown in Annex E.

10.Copies of the relevant empowering provisions in the OrdinancesF & Gand the relevant schedules being amended are at Annexes F and G.

LEGISLATIVE TIMETABLE

11.	The legislative timetable is -	
	Publication in the Gazette	12 June 2015
	Tabling at the Legislative Council (for negative vetting)	17 June 2015
	Commencement	27 November 2015

IMPLICATIONS OF THE PROPOSAL

12. The proposed Order and Regulations are in conformity with the Basic Law, including the provisions concerning human rights. They will not affect the current binding effect of the PO, RDO, TMO, LTICO and the Integrated Circuits Regulation. They have no financial, civil service, economic, competition, productivity, environmental, sustainability or family implications.

PUBLIC CONSULTATION

13. The proposed amendments are technical in nature. No consultation is considered necessary. We informed the Legislative Council Panel on Commerce and Industry of the proposed amendments through an information paper in February 2015.

PUBLICITY

14. A spokesperson will be available to answer media enquiries.

ENQUIRIES

15. Enquiries on this brief should be referred to Miss Fabia TAM, Principal Assistant Secretary for Commerce and Economic Development (Commerce and Industry) at telephone number 2810 2862.

Commerce, Industry and Tourism Branch Commerce and Economic Development Bureau 9 June 2015

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Patents Ordinance (Amendment of Schedule 1) Order 2015

Section 1

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Patents Ordinance (Amendment of Schedule 1) Order 2015

(Made by the Chief Executive in Council under section 153 of the Patents Ordinance (Cap. 514))

1. Commencement

This Order comes into operation on 27 November 2015.

2. Patents Ordinance amended

The Patents Ordinance (Cap. 514) is amended as set out in section 3.

- 3. Schedule 1 amended (Paris Convention countries and WTO member countries, territories and areas)
 - (1) Schedule 1, list under heading "Paris Convention countries", after item "Republic of Korea"—

Add

"The State of Kuwait".

(2) Schedule 1, English text, list under heading "WTO member countries, territories and areas (not including Paris Convention countries)"—

Repeal

"The Republic of Cape Verde"

Substitute

"The Republic of Cabo Verde".

(3) Schedule 1, list under heading "WTO member countries, territories and areas (not including Paris Convention countries)"— Section 3

Patents Ordinance (Amendment of Schedule 1) Order 2015

Repeal "The State of Kuwait".

Clerk to the Executive Council

COUNCIL CHAMBER

2015

Patents Ordinance (Amendment of Schedule 1) Order 2015 Explanatory Note Paragraph 1

Explanatory Note

This Order updates the lists of Paris Convention countries and WTO member countries, territories and areas contained in the Patents Ordinance (Cap. 514).

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Registered Designs Ordinance (Amendment of Schedule) Regulation 2015

Section 1

Registered Designs Ordinance (Amendment of Schedule) Regulation 2015

Section 3

Trade Organization Agreement (not including countries which have acceded to the Paris Convention)"---

Repeal

"The Republic of Cape Verde"

Substitute

"The Republic of Cabo Verde".

(4) The Schedule, list under heading "Countries, territories and areas which have acceded to the World Trade Organization Agreement (not including countries which have acceded to the Paris Convention)"-

Repeal

"The State of Kuwait".

Clerk to the Executive Council

COUNCIL CHAMBER

2015

Registered Designs Ordinance (Amendment of Schedule) Regulation 2015

(Made by the Chief Executive in Council under section 83 of the Registered Designs Ordinance (Cap. 522))

1. Commencement

This Regulation comes into operation on 27 November 2015.

2. **Registered Designs Ordinance amended**

The Registered Designs Ordinance (Cap. 522) is amended as set out in section 3.

- Schedule amended (Paris Convention countries and WTO 3. members)
 - (1) The Schedule, list under heading "Countries which have acceded to the Paris Convention", after item "Republic of Korea"---

Add

"The State of Kuwait".

(2) The Schedule, Chinese text, heading "已加入《世界貿易組 織協議》的國家、地區或地方(但並不包括已加入《巴黎 公約) 的國家)"—

Repeal

"或"

Substitute

"及".

(3) The Schedule, English text, list under heading "Countries, territories and areas which have acceded to the World

Registered Designs Ordinance (Amendment of Schedule) Regulation 2015 Explanatory Note Paragraph 1

Explanatory Note

This Regulation updates the lists of Paris Convention countries and WTO members contained in the Registered Designs Ordinance (Cap. 522).

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Trade Marks Ordinance (Amendment of Schedule 1) Regulation 2015

Section 1

Trade Marks Ordinance (Amendment of Schedule 1) Regulation 2015

(Made by the Chief Executive in Council under section 92 of the Trade Marks Ordinance (Cap. 559))

1. Commencement

This Regulation comes into operation on 27 November 2015.

2. Trade Marks Ordinance amended

The Trade Marks Ordinance (Cap. 559) is amended as set out in section 3.

- 3. Schedule 1 amended (Paris Convention countries and WTO members)
 - (1) Schedule 1, list under heading "Countries which have acceded to the Paris Convention", after item "Republic of Korea"—

Add

"The State of Kuwait".

- (2) Schedule 1, English text, list under heading "Countries, territories and areas which have acceded to the World Trade Organization Agreement"—
 - (a) Repeal

"The Republic of Cape Verde";

- (b) After item "The Republic of Burundi"---
 - Add

"The Republic of Cabo Verde".

Section 3

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(3) Schedule 1, list under heading "Countries, territories and areas which have acceded to the World Trade Organization Agreement", after item "The Socialist Republic of Viet Nam"—

Trade Marks Ordinance (Amendment of Schedule 1) Regulation 2015

Add

"The Republic of Yemen".

Clerk to the Executive Council

COUNCIL CHAMBER

2015

Trade Marks Ordinance (Amendment of Schedule 1) Regulation 2015 Explanatory Note Paragraph 1

Explanatory Note

This Regulation updates the lists of Paris Convention countries and WTO members contained in the Trade Marks Ordinance (Cap. 559).

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Annex D

2

Layout-design (Topography) of Integrated Circuits (Designation of Qualifying Countries, Territories or Areas) (Amendment) Regulation 2015

Section 1

Layout-design (Topography) of Integrated Circuits (Designation of Qualifying Countries, Territories or Areas) (Amendment) Regulation 2015

(Made by the Chief Executive under section 24 of the Layout-design (Topography) of Integrated Circuits Ordinance (Cap. 445) after consultation with the Executive Council)

1. Commencement

This Regulation comes into operation on 27 November 2015.

2. Layout-design (Topography) of Integrated Circuits (Designation of Qualifying Countries, Territories or Areas) Regulation amended

The Layout-design (Topography) of Integrated Circuits (Designation of Qualifying Countries, Territories or Areas) Regulation (Cap. 445 sub. leg. B) is amended as set out in section 3.

- 3. Schedule amended (qualifying countries, territories or areas)
 - (1) The Schedule, English text—
 - (a) Repeal

"The Republic of Cape Verde";

(b) After item "The Republic of Burundi"— Add

"The Republic of Cabo Verde".

(2) The Schedule, after item "The Socialist Republic of Viet Nam"-

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Add

Layout-design (Topography) of Integrated Circuits (Designation of Qualifying Countries, Territories or Areas) (Amendment) Regulation 2015

Section 3

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"The Republic of Yemen".

Chief Executive

2015

Layout-design (Topography) of Integrated Circuits (Designation of Qualifying Countries, Territories or Areas) (Amendment) Regulation 2015 Explanatory Note Paragraph 1

Explanatory Note

This Regulation updates the list of qualifying countries, territories or areas contained in the Layout-design (Topography) of Integrated Circuits (Designation of Qualifying Countries, Territories or Areas) Regulation (Cap. 445 sub. leg. B).

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Summary of Proposed Amendments

I. Update of contracting parties to the Paris Convention

Patents Ordinance (Cap.514)

To add "The State of Kuwait" (科威特國) to the list of "Paris Convention countries" in Schedule 1.

To delete "The State of Kuwait" (科威特國) from the list of "WTO member countries, territories and areas (not including Paris Convention countries)" in Schedule 1.

Registered Designs Ordinance (Cap. 522)

To add "The State of Kuwait" (科威特國) to the list of "Countries which have acceded to the Paris Convention" in the Schedule.

To delete "The State of Kuwait" (科威特國) from the list of "Countries, territories and areas which have acceded to the World Trade Organization Agreement (not including countries which have acceded to the Paris Convention)" in the Schedule.

Trade Marks Ordinance (Cap.559)

To add "The State of Kuwait" (科威特國) to the list of "Countries which have acceded to the Paris Convention" in Schedule 1.

II. Update of the membership position of the WTO

Trade Marks Ordinance (Cap.559)

To add "The Republic of Yemen" (也門共和國) to the list of "Countries, territories and areas which have acceded to the World Trade Organization Agreement" in Schedule 1.

<u>Layout-design (Topography) of Integrated Circuits -</u> (Designation of Qualifying Countries, Territories or Areas) Regulation (Cap.445B)

To add "The Republic of Yemen" (也門共和國) to the list of "Qualifying countries, territories or areas" in the Schedule.

III. Update of official country name

Patents Ordinance (Cap.514), Registered Designs Ordinance (Cap.522), Trade Marks Ordinance (Cap.559), Layout-design (Topography) of Integrated Circuits -(Designation of Qualifying Countries, Territories or Areas) Regulation (Cap.445B)

To replace the official English name of "the Republic of Cape Verde" by "The Republic of Cabo Verde".

IV. Amendment of the Chinese version of the heading of the second part of the Schedule to the Registered Designs Ordinance (Cap.522)

To replace "已加入《世界貿易組織協議》的國家、地區或地方(但並不包括已加入《巴黎公約》的國家)" by "已加入《世界貿易組織協議》的國家、地區及地方(但並不包括已加入《巴黎公約》的國家)".

Annex F

Chapter:	514	Title:	PATENTS	Gazette	L.N. 47 of
			ORDINANCE	Number:	2002
Section:	153	Heading:	Amendment of	Version	01/06/2002
			Schedule 1	Date:	

The Chief Executive in Council may by order published in the Gazette- (Amended 22 of 1999 s. 3)

(a) add to Schedule 1 the name of-

(i) any country which has acceded to the Paris Convention;(ii) any country, territory or area which has acceded to the

World Trade Organisation Agreement;

(b) delete from the Schedule 1 the name of-

(i) any country which has denounced the Paris Convention;

(ii) any country, territory or area which has denounced the World Trade Organisation Agreement; and (Amended 2 of 2001 s. 13)

(c) otherwise amend Schedule 1. (Added 2 of 2001 s. 13)

Chapter:	522	Title:	REGISTERED DESIGNS	Gazette	22 of 1999
			ORDINANCE	Number:	
Section:	83	Heading:	Regulations	Version	01/07/1997
				Date:	

Remarks:

Amendments retroactively made - see 22 of 1999 s. 3

The Chief Executive in Council may make regulations- (Amended 22 of 1999 s. 3)

(a) providing that no appeal lies under section 58 from a decision or order of the Registrar that is of a class of decisions or orders specified in the regulations;

(b) adding to the Schedule the name of-

(i) any country which has acceded to the Paris Convention;

(ii) any territory or area subject to the authority or under the suzerainty of any country, or administered by any country, on behalf of which such country has acceded to the Paris Convention; or

(iii) any country, territory or area which has acceded to

the World Trade Organization Agreement;

(c) deleting from the Schedule the name of-

(i) any country which has denounced the Paris Convention;

(ii) any territory or area on behalf of which the Paris

Convention has been denounced; or

(iii) any country, territory or area which has denounced

the World Trade Organization Agreement; and

(d) otherwise amending the Schedule.

Chapter:	559	Title:	TRADE MARKS	Gazette	L.N. 31 of
			ORDINANCE	Number:	2003
Section:	92	Heading:	Regulations	Version Date:	04/04/2003

The Chief Executive in Council may by regulation-

(a) add to Schedule 1 (Paris Convention countries and WTO members) the name of-

(i) any country which has acceded to the Paris Convention;

(ii) any country, territory or area which has acceded to the

World Trade Organization Agreement;

(b) delete from Schedule 1 the name of-

(i) any country which has denounced the Paris Convention;

(ii) any country, territory or area which has denounced the

World Trade Organization Agreement;

(c) otherwise amend Schedule 1;

(d) amend Schedule 2 (determination of well-known trade marks);

(e) amend Schedule 3 (collective marks); and

(f) amend Schedule 4 (certification marks).

Chapter:	445	Title:	LAYOUT-DESIGN	Gazette	22 of 1999
			(TOPOGRAPHY) OF	Number:	
			INTEGRATED		
			CIRCUITS ORDINANCE		
Section:	24	Heading:	Designation of qualifying	Version	01/07/1997
			countries	Date:	

Remarks:

Amendments retroactively made - see 22 of 1999 s. 3

In this section "qualified owner" (合資格擁有人) means a person who is a qualified owner by virtue of relationship to Hong Kong under the definition of qualified person.
 The Chief Executive may, by regulation, designate a country, territory or area as a qualifying country, territory or area if he considers that provisions have been or will be made under the laws of that country, territory or area that will give to a qualified owner under this Ordinance adequate protection in that country, territory or area. (Amended 22 of 1999 s. 3)

(Enacted 1994)

Annex G

Schedule:	1	Paris Convention Countries and WTO Member Countries,	L.N. 68 of 2014	21/11/2014
		Territories and Areas		

[sections 2 & 153]

Paris Convention countries

The following are specified for the purposes of the definition of *Paris Convention country* in section 2(1) as countries which have acceded to the Paris Convention-

The Republic of Albania The People's Democratic Republic of Algeria The Principality of Andorra The Republic of Angola Antigua and Barbuda Republic of Argentina The Republic of Armenia The Commonwealth of Australia The Republic of Austria The Republic of Azerbaijan The Commonwealth of The Bahamas The Kingdom of Bahrain The People's Republic of Bangladesh Barbados The Republic of Belarus The Kingdom of Belgium Belize The Republic of Benin The Kingdom of Bhutan The Plurinational State of Bolivia Bosnia and Herzegovina The Republic of Botswana The Federative Republic of Brazil Brunei Darussalam The Republic of Bulgaria The Burkina Faso The Republic of Burundi Kingdom of Cambodia The Republic of Cameroon Canada The Central African Republic The Republic of Chad Republic of Chile The People's Republic of China The Republic of Colombia Union of the Comoros The Democratic Republic of Congo The Republic of Congo The Republic of Costa Rica The Republic of Cote d'Ivoire The Republic of Croatia The Republic of Cuba The Republic of Cyprus The Czech Republic The Kingdom of Denmark

The Republic of Djibouti The Commonwealth of Dominica The Dominican Republic The Republic of Ecuador The Arab Republic of Egypt The Republic of El Salvador The Republic of Equatorial Guinea Republic of Estonia The Republic of Finland The French Republic The Gabonese Republic The Republic of the Gambia Georgia The Federal Republic of Germany The Republic of Ghana Grenada The Republic of Guatemala The Republic of Guinea The Republic of Guinea-Bissau The Republic of Guyana The Republic of Haiti The Hellenic Republic (Greece) Holy See The Republic of Honduras Hungary The Republic of Iceland The Republic of India The Republic of Indonesia The Islamic Republic of Iran The Republic of Irac Ireland The State of Israel The Republic of Italy Jamaica Japan The Hashemite Kingdom of Jordan The Republic of Kazakhstan The Republic of Kenya The Democratic People's Republic of Korea Republic of Korea The Kyrgyz Republic The Lao People's Democratic Republic Republic of Latvia The Republic of Lebanon The Kingdom of Lesotho The Republic of Liberia Libya The Principality of Liechtenstein The Republic of Lithuania The Grand Duchy of Luxembourg The Republic of Macedonia The Republic of Madagascar The Republic of Malawi Malavsia The Republic of Mali

The Republic of Malta The Islamic Republic of Mauritania The Republic of Mauritius The Republic of Moldova The Principality of Monaco Mongolia Montenegro The Kingdom of Morocco The Republic of Mozambique The Republic of Namibia The Federal Democratic Republic of Nepal The Kingdom of the Netherlands New Zealand The Republic of Nicaragua The Republic of Niger The Federal Republic of Nigeria The Kingdom of Norway The Sultanate of Oman The Islamic Republic of Pakistan The Republic of Panama The Independent State of Papua New Guinea Republic of Paraguay The Republic of Peru Republic of the Philippines The Republic of Poland The Portuguese Republic The State of Oatar Romania The Russian Federation The Republic of Rwanda The Federation of Saint Kitts and Nevis Saint Lucia Saint Vincent and the Grenadines The Independent State of Samoa The Republic of San Marino The Democratic Republic of Sao Tome and Principe The Kingdom of Saudi Arabia The Republic of Senegal The Republic of Serbia The Republic of Seychelles The Republic of Sierra Leone The Republic of Singapore The Slovak Republic The Republic of Slovenia The Republic of South Africa The Kingdom of Spain The Democratic Socialist Republic of Sri Lanka The Republic of the Sudan The Republic of Suriname The Kingdom of Swaziland The Kingdom of Sweden Swiss Confederation The Syrian Arab Republic The Republic of Tajikistan The Kingdom of Thailand

The Republic of Togo The Kingdom of Tonga The Republic of Trinidad and Tobago The Republic of Tunisia The Republic of Turkey Turkmenistan The Republic of Uganda Ukraine The United Arab Emirates The United Kingdom of Great Britain and Northern Ireland The United Mexican States The United Republic of Tanzania The United States of America Oriental Republic of Uruguay The Republic of Uzbekistan The Bolivarian Republic of Venezuela The Socialist Republic of Viet Nam The Republic of Yemen The Republic of Zambia The Republic of Zimbabwe

WTO member countries, territories and areas (not including Paris Convention countries)

The following are specified as being countries, territories or areas which have acceded to the World Trade Organisation Agreement-

The Republic of Cape Verde European Union The Republic of Fiji The State of Kuwait The Macao Special Administrative Region The Republic of Maldives The Republic of the Union of Myanmar Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu The Solomon Islands The Republic of Vanuatu (Amended L.N. 341 of 1998; L.N. 66 of 2002; L.N. 217 of 2005; L.N. 252 of 2009; L.N. 62 of 2013; L.N. 68 of 2014) (Format changes—E.R. 2 of 2014)

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Schedule:	2	Registration of Patents Ordinance	E.R. 2 of 2014	10/04/2014	

[section 156(2)]

Section 7G of the Registration of Patents Ordinance (Cap 42) as applying for the purposes of section 156(1) of this Ordinance reads-

"7G. Transitional

- (1) Any question whether-
 - (a) an act done before the commencement date by the Government or a person authorized by the Governor under section 7B, as it read immediately before the commencement date, constitutes the use of a patented invention for the services of the Crown, or
 - (b) any payment falls to be made in respect of any such use (whether to a person entitled to register a patent for the invention, to the patentee or to an exclusive licensee),

shall be determined in accordance with sections 7B to 7D as they read immediately before the commencement date.

continue in force and have effect as if done under the corresponding provisions of this Ordinance.

(3) A reference in any document to the United Kingdom Designs (Protection) Ordinance (Cap 44) shall, unless the context otherwise requires, be construed as a reference to this Ordinance.

Schedule:	Schedule	L.N.	. 69	of 2014	21/11/2014
Contraction of the second s					

[sections 2 & 83]

Paris Convention Countries and WTO Members

Countries which have acceded to the Paris Convention

The Republic of Albania The People's Democratic Republic of Algeria The Principality of Andorra The Republic of Angola Antigua and Barbuda Republic of Argentina The Republic of Armenia The Commonwealth of Australia The Republic of Austria The Republic of Azerbaijan The Commonwealth of The Bahamas The Kingdom of Bahrain The People's Republic of Bangladesh Barbados The Republic of Belarus The Kingdom of Belgium Belize The Republic of Benin The Kingdom of Bhutan The Plurinational State of Bolivia Bosnia and Herzegovina The Republic of Botswana The Federative Republic of Brazil Brunei Darussalam The Republic of Bulgaria The Burkina Faso The Republic of Burundi Kingdom of Cambodia The Republic of Cameroon Canada The Central African Republic The Republic of Chad Republic of Chile The People's Republic of China The Republic of Colombia Union of the Comoros The Democratic Republic of Congo The Republic of Congo The Republic of Costa Rica The Republic of Cote d'Ivoire The Republic of Croatia The Republic of Cuba The Republic of Cyprus

The Czech Republic The Kingdom of Denmark The Republic of Djibouti The Commonwealth of Dominica The Dominican Republic The Republic of Ecuador The Arab Republic of Egypt The Republic of El Salvador The Republic of Equatorial Guinea Republic of Estonia The Republic of Finland The French Republic The Gabonese Republic The Republic of the Gambia Georgia The Federal Republic of Germany The Republic of Ghana Grenada The Republic of Guatemala The Republic of Guinea The Republic of Guinea-Bissau The Republic of Guyana The Republic of Haiti The Hellenic Republic (Greece) Holy See The Republic of Honduras Hungary The Republic of Iceland The Republic of India The Republic of Indonesia The Islamic Republic of Iran The Republic of Iraq Ireland The State of Israel The Republic of Italy Jamaica Japan The Hashemite Kingdom of Jordan The Republic of Kazakhstan The Republic of Kenya The Democratic People's Republic of Korea Republic of Korea The Kyrgyz Republic The Lao People's Democratic Republic Republic of Latvia The Republic of Lebanon The Kingdom of Lesotho The Republic of Liberia Libya The Principality of Liechtenstein The Republic of Lithuania The Grand Duchy of Luxembourg The Republic of Macedonia The Republic of Madagascar The Republic of Malawi

Malaysia The Republic of Mali The Republic of Malta The Islamic Republic of Mauritania The Republic of Mauritius The Republic of Moldova The Principality of Monaco Mongolia Montenegro The Kingdom of Morocco The Republic of Mozambique The Republic of Namibia The Federal Democratic Republic of Nepal The Kingdom of the Netherlands New Zealand The Republic of Nicaragua The Republic of Niger The Federal Republic of Nigeria The Kingdom of Norway The Sultanate of Oman The Islamic Republic of Pakistan The Republic of Panama The Independent State of Papua New Guinea Republic of Paraguay The Republic of Peru Republic of the Philippines The Republic of Poland The Portuguese Republic The State of Oatar Romania The Russian Federation The Republic of Rwanda The Federation of Saint Kitts and Nevis Saint Lucia Saint Vincent and the Grenadines The Independent State of Samoa The Republic of San Marino The Democratic Republic of Sao Tome and Principe The Kingdom of Saudi Arabia The Republic of Senegal The Republic of Serbia The Republic of Seychelles The Republic of Sierra Leone The Republic of Singapore The Slovak Republic The Republic of Slovenia The Republic of South Africa The Kingdom of Spain The Democratic Socialist Republic of Sri Lanka The Republic of the Sudan The Republic of Suriname The Kingdom of Swaziland The Kingdom of Sweden Swiss Confederation The Syrian Arab Republic

The Republic of Tajikistan The Kingdom of Thailand The Republic of Togo The Kingdom of Tonga The Republic of Trinidad and Tobago The Republic of Tunisia The Republic of Turkey Turkmenistan The Republic of Uganda Ukraine The United Arab Emirates The United Kingdom of Great Britain and Northern Ireland The United Mexican States The United Republic of Tanzania The United States of America Oriental Republic of Uruguay The Republic of Uzbekistan The Bolivarian Republic of Venezuela The Socialist Republic of Viet Nam The Republic of Yemen The Republic of Zambia The Republic of Zimbabwe

Countries, territories and areas which have acceded to the World Trade Organization Agreement (not including countries which have acceded to the Paris Convention)

The Republic of Cape Verde European Union The Republic of Fiji The State of Kuwait The Macao Special Administrative Region The Republic of Maldives The Republic of the Union of Myanmar Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu The Solomon Islands The Republic of Vanuatu (Amended L.N. 340 of 1998; L.N. 65 of 2002; L.N. 215 of 2005; L.N. 253 of 2009; L.N. 63 of 2013; L.N. 69 of 2014)

(Format changes-E.R. 2 of 2014)

(b) any person in accordance with whose directions or instructions the directors of a corporation are accustomed to act.

(4) A person shall not be treated as a director of a corporation by reason only that the directors of the corporation act on advice given by him in a professional capacity.

Part:	XIII	TRANSITIONAL PROVISIONS, CONSEQUENTIAL	L.N. 31 of 2003	04/04/2003
		AND RELATED AMENDMENTS AND REPEALS		

	07				
Section:		Transitional matters, etc.		of 2003	04/04/2003

(1) Schedule 5 (transitional matters) has effect as respects transitional matters.

(2) The Chief Executive in Council may make regulations containing provisions of a savings or transitional nature consequent on the enactment of this Ordinance.

- (3) Without prejudice to the generality of subsection (2), the regulations may in particular provide for-
 - (a) the application of provisions of this Ordinance or the rules made under this Ordinance; or
 - (b) the continued application of provisions of the repealed Trade Marks Ordinance (Cap 43) or the repealed Trade Marks Rules (Cap 43 sub. leg. A),

in connection with any matter specified in the regulations.

(4) Regulations made under this section may, if they so provide, be deemed to have come into operation on a date earlier than the date on which they are published in the Gazette but not earlier than the date on which Schedule 5 (transitional matters) comes into operation.

(5) To the extent that any regulations come into operation on a date earlier than the date on which they are published in the Gazette, those regulations shall be construed so as not to-

- (a) affect, in a manner prejudicial to any person, the rights of that person existing before the date on which the regulations are published in the Gazette; or
- (b) impose liabilities on any person in respect of anything done, or omitted to be done, before that date.

(6) In the event of an inconsistency between any regulations made under this section and the provisions of Schedule 5, the latter shall prevail to the extent of the inconsistency.

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Section:	98	(Omitted as spent)	IL.N. 31 of 2003	04/04/2003
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(1) The Trade Marks Ordinance (Cap 43) is repealed.

(2) The Trade Marks Rules (Cap 43 sub. leg. A) are repealed.

(3) The Trade Marks (Emergency) Ordinance (Cap 263) is repealed.

(4) The Trade Marks (Emergency) Rules (Cap 263 sub. leg. A) are repealed.

Schedule:	1	Paris Convention Countries and WTO Members	L.N. 70 of 2014	21/11/2014
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[sections 2 & 92]

Countries which have acceded to the Paris Convention

The Republic of Albania The People's Democratic Republic of Algeria The Principality of Andorra The Republic of Angola Antigua and Barbuda Republic of Argentina The Republic of Armenia

The Commonwealth of Australia The Republic of Austria The Republic of Azerbaijan The Commonwealth of The Bahamas The Kingdom of Bahrain The People's Republic of Bangladesh Barbados The Republic of Belarus The Kingdom of Belgium Belize The Republic of Benin The Kingdom of Bhutan The Plurinational State of Bolivia Bosnia and Herzegovina The Republic of Botswana The Federative Republic of Brazil Brunei Darussalam The Republic of Bulgaria The Burkina Faso The Republic of Burundi Kingdom of Cambodia The Republic of Cameroon Canada The Central African Republic The Republic of Chad Republic of Chile The People's Republic of China The Republic of Colombia Union of the Comoros The Democratic Republic of Congo The Republic of Congo The Republic of Costa Rica The Republic of Cote d'Ivoire The Republic of Croatia The Republic of Cuba The Republic of Cyprus The Czech Republic The Kingdom of Denmark The Republic of Djibouti The Commonwealth of Dominica The Dominican Republic The Republic of Ecuador The Arab Republic of Egypt The Republic of El Salvador The Republic of Equatorial Guinea Republic of Estonia The Republic of Finland The French Republic The Gabonese Republic The Republic of the Gambia Georgia The Federal Republic of Germany The Republic of Ghana Grenada The Republic of Guatemala

The Republic of Guinea The Republic of Guinea-Bissau The Republic of Guyana The Republic of Haiti The Hellenic Republic (Greece) Holy See The Republic of Honduras Hungary The Republic of Iceland The Republic of India The Republic of Indonesia The Islamic Republic of Iran The Republic of Iraq Ireland The State of Israel The Republic of Italy Jamaica Japan The Hashemite Kingdom of Jordan The Republic of Kazakhstan The Republic of Kenya The Democratic People's Republic of Korea Republic of Korea The Kyrgyz Republic The Lao People's Democratic Republic Republic of Latvia The Republic of Lebanon The Kingdom of Lesotho The Republic of Liberia Libya The Principality of Liechtenstein The Republic of Lithuania The Grand Duchy of Luxembourg The Republic of Macedonia The Republic of Madagascar The Republic of Malawi Malaysia The Republic of Mali The Republic of Malta The Islamic Republic of Mauritania The Republic of Mauritius The Republic of Moldova The Principality of Monaco Mongolia Montenegro The Kingdom of Morocco The Republic of Mozambique The Republic of Namibia The Federal Democratic Republic of Nepal The Kingdom of the Netherlands New Zealand The Republic of Nicaragua The Republic of Niger The Federal Republic of Nigeria The Kingdom of Norway

The Sultanate of Oman The Islamic Republic of Pakistan The Republic of Panama The Independent State of Papua New Guinea Republic of Paraguay The Republic of Peru Republic of the Philippines The Republic of Poland The Portuguese Republic The State of Oatar Romania The Russian Federation The Republic of Rwanda The Federation of Saint Kitts and Nevis Saint Lucia Saint Vincent and the Grenadines The Independent State of Samoa The Republic of San Marino The Democratic Republic of Sao Tome and Principe The Kingdom of Saudi Arabia The Republic of Senegal The Republic of Serbia The Republic of Seychelles The Republic of Sierra Leone The Republic of Singapore The Slovak Republic The Republic of Slovenia The Republic of South Africa The Kingdom of Spain The Democratic Socialist Republic of Sri Lanka The Republic of the Sudan The Republic of Suriname The Kingdom of Swaziland The Kingdom of Sweden Swiss Confederation The Syrian Arab Republic The Republic of Tajikistan The Kingdom of Thailand The Republic of Togo The Kingdom of Tonga The Republic of Trinidad and Tobago The Republic of Tunisia The Republic of Turkey Turkmenistan The Republic of Uganda Ukraine The United Arab Emirates The United Kingdom of Great Britain and Northern Ireland The United Mexican States The United Republic of Tanzania The United States of America Oriental Republic of Uruguay The Republic of Uzbekistan The Bolivarian Republic of Venezuela The Socialist Republic of Viet Nam

The Republic of Yemen The Republic of Zambia The Republic of Zimbabwe

Countries, territories and areas which have acceded to the World Trade Organization Agreement

The Republic of Albania The Republic of Angola Antigua and Barbuda Republic of Argentina The Republic of Armenia The Commonwealth of Australia The Republic of Austria The Kingdom of Bahrain The People's Republic of Bangladesh Barbados The Kingdom of Belgium Belize The Republic of Benin The Plurinational State of Bolivia The Republic of Botswana The Federative Republic of Brazil Brunei Darussalam The Republic of Bulgaria The Burkina Faso The Republic of Burundi Kingdom of Cambodia The Republic of Cameroon Canada The Republic of Cape Verde The Central African Republic The Republic of Chad Republic of Chile The People's Republic of China The Republic of Colombia The Democratic Republic of Congo The Republic of Congo The Republic of Costa Rica The Republic of Cote d'Ivoire The Republic of Croatia The Republic of Cuba The Republic of Cyprus The Czech Republic The Kingdom of Denmark The Republic of Djibouti The Commonwealth of Dominica The Dominican Republic The Republic of Ecuador The Arab Republic of Egypt The Republic of El Salvador Republic of Estonia European Union The Republic of Fiji The Republic of Finland The French Republic

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The Federal Republic of Nigeria The Kingdom of Norway The Sultanate of Oman The Islamic Republic of Pakistan The Republic of Panama The Independent State of Papua New Guinea Republic of Paraguav The Republic of Peru Republic of the Philippines The Republic of Poland The Portuguese Republic The State of Oatar Romania The Russian Federation The Republic of Rwanda The Federation of Saint Kitts and Nevis Saint Lucia Saint Vincent and the Grenadines The Independent State of Samoa The Kingdom of Saudi Arabia The Republic of Senegal Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu The Republic of Sierra Leone The Republic of Singapore The Slovak Republic The Republic of Slovenia The Solomon Islands The Republic of South Africa The Kingdom of Spain The Democratic Socialist Republic of Sri Lanka The Republic of Suriname The Kingdom of Swaziland The Kingdom of Sweden Swiss Confederation The Republic of Tajikistan The Kingdom of Thailand The Republic of Togo The Kingdom of Tonga The Republic of Trinidad and Tobago The Republic of Tunisia The Republic of Turkey The Republic of Uganda Ukraine The United Arab Emirates The United Kingdom of Great Britain and Northern Ireland The United Mexican States The United Republic of Tanzania The United States of America Oriental Republic of Uruguay The Republic of Vanuatu The Bolivarian Republic of Venezuela The Socialist Republic of Viet Nam The Republic of Zambia The Republic of Zimbabwe (Schedule 1 amended L.N. 181 of 2002; L.N. 216 of 2005; L.N. 254 of 2009; L.N. 64 of 2013; L.N. 70 of 2014)

Chapter:	445B	Layout-design (Topography) of Integrated Circuits	Gazette Number	Version Date			
		(Designation of Qualifying Countries, Territories or Areas)				
		Regulation					
Section:		Empowering section	E.R. 2 of 2014	10/04/2014			
		(Cap 445, section 24)					
	(Enacting provision omitted—E.R. 2 of 2014)						
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(Originally	L.N. 67 o	f 2002)					
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	nat of the	Regulation has been updated to the current legislative style	38.				
Section:	1	(Omitted as spent—E.R. 2 of 2014)	E.R. 2 of 2014	10/04/2014			
			2.2009/07/02/02/02/02/02/02/02/02/02/02/02/02/02/				
Section:	2	Designation of qualifying countries, territories or areas	E.R. 2 of 2014	10/04/2014			
The countries, territories or areas specified in the Schedule are designated as qualifying countries, territories or areas.							
Section:	3	(Omitted as spent—E.R. 2 of 2014)	E.R. 2 of 2014	10/04/2014			
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Schedule:		Schedule	L.N. 71 of 2014	21/11/2014			
				[section 2]			
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Qualifying Countries, Territories or Areas							
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Antigua and Barbuda Republic of Argentina The Republic of Armenia The Commonwealth of Australia The Republic of Austria The Kingdom of Bahrain The People's Republic of Bangladesh Barbados The Kingdom of Belgium Belize The Republic of Benin The Plurinational State of Bolivia The Republic of Botswana The Federative Republic of Brazil Brunei Darussalam The Republic of Bulgaria The Burkina Faso The Republic of Burundi Kingdom of Cambodia

The Republic of Cameroon Canada The Republic of Cape Verde The Central African Republic The Republic of Chad **Republic** of Chile The People's Republic of China The Republic of Colombia The Democratic Republic of Congo The Republic of Congo The Republic of Costa Rica The Republic of Cote d' Ivoire The Republic of Croatia The Republic of Cuba The Republic of Cyprus The Czech Republic The Kingdom of Denmark The Republic of Djibouti The Commonwealth of Dominica The Dominican Republic The Republic of Ecuador The Arab Republic of Egypt The Republic of El Salvador Republic of Estonia European Union The Republic of Fiji The Republic of Finland The French Republic The Gabonese Republic The Republic of the Gambia Georgia The Federal Republic of Germany The Republic of Ghana Grenada The Republic of Guatemala The Republic of Guinea The Republic of Guinea-Bissau The Republic of Guyana The Republic of Haiti The Hellenic Republic (Greece) The Republic of Honduras Hungary The Republic of Iceland The Republic of India The Republic of Indonesia Ireland The State of Israel The Republic of Italy Jamaica Japan The Hashemite Kingdom of Jordan The Republic of Kenva Republic of Korea The State of Kuwait The Kyrgyz Republic

The Lao People's Democratic Republic Republic of Latvia The Kingdom of Lesotho The Principality of Liechtenstein The Republic of Lithuania The Grand Duchy of Luxembourg The Macao Special Administrative Region The Republic of Macedonia The Republic of Madagascar The Republic of Malawi Malaysia The Republic of Maldives The Republic of Mali The Republic of Malta The Islamic Republic of Mauritania The Republic of Mauritius The Republic of Moldova Mongolia Montenegro The Kingdom of Morocco The Republic of Mozambique The Republic of the Union of Myanmar The Republic of Namibia The Federal Democratic Republic of Nepal The Kingdom of the Netherlands New Zealand The Republic of Nicaragua The Republic of Niger The Federal Republic of Nigeria The Kingdom of Norway The Sultanate of Oman The Islamic Republic of Pakistan The Republic of Panama The Independent State of Papua New Guinea Republic of Paraguay The Republic of Peru Republic of the Philippines The Republic of Poland The Portuguese Republic The State of Oatar Romania The Russian Federation The Republic of Rwanda The Federation of Saint Kitts and Nevis Saint Lucia Saint Vincent and the Grenadines The Independent State of Samoa The Kingdom of Saudi Arabia The Republic of Senegal Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu The Republic of Sierra Leone The Republic of Singapore The Slovak Republic The Republic of Slovenia The Solomon Islands

The Republic of South Africa The Kingdom of Spain The Democratic Socialist Republic of Sri Lanka The Republic of Suriname The Kingdom of Swaziland The Kingdom of Sweden Swiss Confederation The Republic of Tajikistan The Kingdom of Thailand The Republic of Togo The Kingdom of Tonga The Republic of Trinidad and Tobago The Republic of Tunisia The Republic of Turkey The Republic of Uganda Ukraine The United Arab Emirates The United Kingdom of Great Britain and Northern Ireland The United Mexican States The United Republic of Tanzania The United States of America Oriental Republic of Uruguay The Republic of Vanuatu The Bolivarian Republic of Venezuela The Socialist Republic of Viet Nam The Republic of Zambia The Republic of Zimbabwe

(L.N. 218 of 2005; L.N. 255 of 2009; L.N. 65 of 2013; L.N. 71 of 2014)

<u>Annex H</u>

LIST OF ABBREVIATIONS

CPG	- Central People's Government	
HKSAR	- Hong Kong Special Administrative Region	
Integrated Circuits Regulation	 Layout-design (Topography) of Integrated Circuits (Designation of Qualifying Countries, Territories or Areas) Regulation 	
LTICO	- Layout-design (Topography) of Integrated Circuits Ordinance	
OCMFA	 Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China 	
Paris Convention	- Paris Convention for the Protection of Industrial Property	
РО	- Patents Ordinance	
RDO	- Registered Designs Ordinance	
ТМО	- Trade Marks Ordinance	
TRIPS Agreement	- Agreement on Trade-Related Aspects of Intellectual Property Rights	of
WTO	- World Trade Organization	