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Letterhead of Lloyd Wise & Co

Clerk to the Bills Committee
on Trade Marks Bill
Legislative Council
3rd Floor, Citibank Tower
Garden Road
Hong Kong

CONFIRMATION

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Our Ref **GH-HJ105/107**

5th September 1999

Your Ref **CB1/BC/17/98**

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Your Fax No: 2877 8024

Our Fax No: 2868 5438/1

Dear Sirs,

**Re: Bills Committee on Trade Marks Bill
Invitation to provide written submission**

Thank you for your letter of 9th August 1999 inviting submissions on the Trade Marks Bill.

We have had the advantage of seeing the submissions that have been made by the Hong Kong Institute of Trade Mark Practitioners to the Intellectual Property Department on the Trade Marks Bill in its various forms over the last two years. We strongly support the submissions of the Institute which we believe to be very important.

In addition to supporting of the submissions of the Institute, however, there are two areas that we would like to emphasise.

One of the most contentious areas between trade mark practitioners and the Intellectual Property Department in recent months has been the IPD's policy on the granting of extensions of time during the prosecution of trade mark applications. We believe it is fair to say that almost the entire profession believes that the IPD's policy is both unreasonable and arguably contrary to law. We therefore recommend that the Bills Committee ensures that the Bill and, perhaps more importantly the accompanying Rules, provide for a fair and equitable arrangement for the extension of time during prosecution of trade mark applications.

We also believe that the Bills Committee should encourage the Intellectual Property Department to move towards the establishment of an official register of recognised trade mark agents. Conditions may not be suitable at the present for the establishment of such a Register, notably because of the lack of any formal education or qualification system for trade mark agents, but it is possible that this will change in the next couple of years and we believe that the new Trade Mark Ordinance and Rules should have provisions that give the IPD the power to establish such a Register when the time is right.

We hope that these comments are useful and we are grateful for being given this opportunity to express our views to the Bills Committee.

Yours sincerely,

Graeme Hall
LLOYD WISE & CO