

24 August 1999

Mr Andy Lau
Clerk to Bills Committee
Legislative Council
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Mr Lau

Bills Committee on Trade Marks Bill

Thank you very much for your letter dated 9 August inviting our written submission on the draft Trade Marks Bill. Whilst we are content with the overall thrust of the proposals contained in Trade Marks Bill, we remain concerned about the enforcement provisions of both previous and proposed legislation.

The reality of Hong Kong is that there are many breaches of both copy rights, trade marks, intellectual property rights therefore seem to be undervalued in the SAR. This is a paradox, for Hong Kong is a territory that seeks to encourage both "Hi Tech" and Information Technology Companies to make Hong Kong their base for development. The rather loose provisions in the Bill leave remedies to be pursued by the IPR owner through the courts.. We, therefore, are concerned at the very general provisions, which the proposed legislation seems to provide in terms of protection for the owners of the full range of intellectual property rights which the legislation seeks to protect.

Therefore, we would like to see a much sharper definition of the protection measures in the bill We feel that unless such protection is more clearly defined then Hong Kong will always be subjected to criticism from the United States and Europe that it does not protect the owners of copy right and trademarks. Other than that, we support the general thrust of the legislation.

Yours sincerely

Brigadier Christopher Hammerbeck CB
Executive Director