

**A Comparison Table of the Registrar's Powers  
under the Trade Marks Bill and the existing Trade Marks Ordinance (Cap. 43)**

<b>Registrar's Powers</b>	<b>Trade Marks Bill</b>	<b>Trade Marks Ordinance</b>	<b>Observations</b>
To refuse trade mark application.	<u>Clause 11(8)</u> Notwithstanding that an owner of the earlier trade mark consents to the registration, the Registrar has power to refuse registration if he is satisfied that the mark is likely to cause confusion on the part of the public.	<u>Sections 20 &amp; 21</u> Registrar may refuse to register identical or resembling trade marks until their rights have been determined by the court or have been settled by agreement.	New power. This clause is now under review by the Admin. and will propose a CSA on this Clause.
To impose disclaimers, limitations and conditions.	<u>Clause 14</u> Applicant to offer disclaimers, limitations and conditions.	<u>Sections 13(2), 16 &amp; 22</u> Registrar to impose disclaimers, etc.	Power removed under the Bill.
To require association of marks.	No such provision.	<u>Section 24</u>	Power removed because there is no more association of marks.
To correct register.	<u>Clause 55(6)</u> Registrar may correct an error made by him in the register of his own accord.	<u>Section 50</u> Registrar may on request by the registered owner correct any error in name or address on the register.	Admin. has explained that this is to allow for flexibility (Paper CB(1)676/99-00(05).

Registrar's Powers	Trade Marks Bill	Trade Marks Ordinance	Observations
To allow for alteration of trade mark.	<u>Clause 53(2)</u> Registrar may allow alteration of name and address of registered trade mark at the request of trade mark owner.	<u>Section 51</u> Registrar may grant or refuse leave to add or alter the mark in any manner not substantially affecting the identity thereof.	Power reduced. Admin. has explained that the instances when a mark can be altered will be cut down and can avoid arguments with practitioners.
To give any party to a proceeding before him an opportunity of being heard.	<u>Clause 68</u>	<u>Section 74</u>	New procedure specified in the Rules that Registrar may direct parties to attend a case management conference.
Power in proceedings before Registrar.	<u>Clause 69</u> Registrar may summon witnesses, receive written or oral evidence on oath or affirmation and require production of documents or articles for inspection and make such orders as he thinks fit.	<u>Section 83</u> Evidence shall be given to the Registrar by statutory declaration, but the Registrar may receive evidence viva voce.	More details specified.
To specify a publication to be official journal.	<u>Clause 71</u>	No such provision.	New power.
To allow a person to inspect an applicant's documents.	<u>Clause 73</u>	No such provision.	New power but Admin. intends to move a CSA to amend this Clause.

<b>Registrar's Powers</b>	<b>Trade Marks Bill</b>	<b>Trade Marks Ordinance</b>	<b>Observations</b>
To claim immunity as regards official acts.	<u>Clause 74</u>	No such provision.	Under review.
To provide for language of proceedings.	<u>Clause 75</u>	No such provision.	New power. Admin. has explained that this clause is to accommodate bilingual official languages.
Not to be bound by the rules of evidence.	<u>Clause 77</u>	No such provision.	Policy explained.
Registrar to make rules.	<u>Clause 90</u> But rules prescribing fees shall be made with the consent of the Financial Secretary.	<u>Section 90</u> The Chief Executive in Council to make Rules.	Delegation of power.

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