

立法會
Legislative Council

LC Paper No. CB(1)1721/02-03

(These minutes have been seen
by the Administration)

Ref: CB1/SS/3/02/1

**Subcommittee on
Trade Marks Rules and
Trade Marks Ordinance (Cap. 559) (Commencement) Notice 2003**

**Minutes of Meeting
held on Friday, 14 March 2003 at 10:45 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Margaret NG (Chairman)
Hon Kenneth TING Woo-shou, JP
Hon HUI Cheung-ching, JP
Hon SIN Chung-kai
Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP
Hon CHAN Kam-lam, JP
- Public officers attending** : Commerce, Industry and Technology Bureau
Mr Donald CHEN
Principal Assistant Secretary for Commerce, Industry
and Technology (Commerce and Industry)

Miss Linda TSUI
Assistant Secretary for Commerce, Industry and
Technology (Commerce and Industry)

Intellectual Property Department

Mr Stephen SELBY
Director of Intellectual Property

Mrs Teresa GRANT
Assistant Director of Intellectual Property

Miss Finnie QUEK
Senior Solicitor (Registration), Intellectual Property
Department

Department of Justice

Mr Jeffrey E GUNTER
Senior Assistant Law Draftsman, Department of Justice

Miss Rayne CHAI Chih-hui
Government Counsel, Department of Justice

**Attendance by
invitation**

- : Mrs Peggy CHEUNG
President, The Hong Kong Institute of Trade Mark
Practitioners
- Ms Sandra GIBBONS
Vice-President, The Hong Kong Institute of Trade Mark
Practitioners
- Mrs Jeannie SMITH
Asia-Pacific Subcommittee Chair, Legislation Analysis
Committee, International Trademark Association
- Mr Henry WHEARE
Member of the Intellectual Property Committee, The
Law Society of Hong Kong

Clerk in attendance : Ms Connie SZETO
Chief Assistant Secretary (1)4

Staff in attendance : Mr KAU Kin-wah
Assistant Legal Adviser 6

Mr S C TSANG
Senior Assistant Secretary (1)7

I Meeting with deputations and the Administration

(LC Paper No. CB(1) 1119/02-03(01) -- Joint submission from The Hong Kong Institute of Trade Mark Practitioners, The Law Society of Hong Kong, the International Trademark Association and the Asian Patent Attorneys Association, Hong Kong Group

LC Paper No. CB(1) 1119/02-03(02) -- Information paper provided by the Administration on the draft amended resolution)

The Subcommittee deliberated (Index of proceedings attached at the **Annex**)

Admin 2. The Administration undertook to provide a marked-up version of the draft resolution incorporating the agreed amendments at the meeting for circulation to members of the Subcommittee.

3. The Subcommittee had completed its deliberation and would report to the House Committee at the meeting scheduled for 21 March 2003.

II Any other business

4. There being no other business, the meeting ended at 11:30 am.

**Proceedings of the meeting of the
Subcommittee on Trade Marks Rules and
Trade Marks Ordinance (Cap. 559) (Commencement) Notice 2003
on Friday, 14 March 2003 at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000323	Chairman	Opening remarks	
000323 - 000426	Administration ALA6	Briefing by the Administration on the draft amended resolution (LC Paper No. CB(1) 1119/02-03(02)) The draft amended resolution had already incorporated the changes agreed by the practitioners and some technical amendments proposed by the Assistant Legal Adviser of the Legislative Council (LegCo).	
000426 - 001010	Chairman Mr SIN Chung-kai Ms Audrey EU Administration	Suggestion for a break to allow members and deputations to study the marked-up version of the draft amended resolution tabled by the Administration before deliberation by the Subcommittee	
001010 - 002353	Break		
002353 - 002456	Chairman	Invitation for views from deputations on the marked-up version of the draft amended resolution	
002456 - 002820	The Hong Kong Institute of Trade Mark Practitioners (HKITMP); International Trademark Association (ITA); and The Law Society of Hong Kong (LSHK)	Presentation of views The deputations supported the proposed amendments which had taken on board their views.	
002820 - 003631	Administration Chairman LSHK	Administration's responses on the following drafting issues raised by the Assistant Legal Adviser of the LegCo : (a) the expression of "within (or of) the	

Time marker	Speaker	Subject(s)	Action required
		<p>period as so extended" under Rules 13(4)(a), 13(6), 14(2) and 14(3);</p> <p>(b) the propriety of adding the words "subject to subrule (6)" at the beginning of Rule 13(5);</p> <p>(c) the definition of "opponents" under Rule 2;</p> <p>(d) the propriety of adding the words "subject to subrule (3)" at the beginning of Rule 17; and</p> <p>(e) the expression of "save as provided for" under Rule 95.</p>	
003631 - 004059	LSHK Administration Chairman ALA6	Concern on the need to make reference to the primary legislation under Rule 37(4) on proceedings relating to counter-statements	
004059 - 004102	Ms Audrey EU ALA6	Confirmation that the Chinese version of the draft amended resolution was in order	
004102 - 004433	Chairman Administration	<p>Emphasis on the need for the Administration to continue discussion with the practitioners to identify areas for improvement in the light of implementation of the Rules</p> <p>The Administration undertook to provide a marked-up version of the draft resolution incorporating the agreed amendments at the meeting for circulation to members.</p> <p>Legislative timetable</p>	Admin

Note: The audio records of the above proceedings are kept at the Legislative Council Library.