



香港專利師協會有限公司

Hon Martin LIAO Cheung-kong  
Chairman of the Bills Committee on patents (Amendment) Bill 2015

HKIPA  
THE HONG KONG INSTITUTE OF  
PATENT ATTORNEYS LIMITED

Dear Mr. LIAO,

Thank you very much for inviting Hong Kong Institute of Patent Attorney Limited (HKIPA) to give our view on the patents (Amendment) Bill 2015. The bill proposes:

- (A) introducing an original grant patent (“OGP”) system for granting standard patents;
- (B) refining the short-term patent system;
- (C) implementing an interim measure for regulating local patent practitioners pending establishment of a full-fledged regulatory regime; and
- (D) other technical amendments.

The following are our views on proposals (A)-(C) above:

I. HKIPA strongly supports the new OGP system and the refinements to the short-term patent system because it will provide many advantages such as those mentioned in paragraph 2 of Annex C of the Legislative Council Brief. Furthermore, we believe the new OGP system will increase patent filings by local individuals and entities and provide job opportunities to Hong Kong graduates with a science or engineering degree.

II. HKIPA also strongly supports regulating local patent practitioners to make sure all future Hong Kong patent practitioners are well qualified to practice Hong Kong patent laws. Currently, there is generally no regulation of local patent practitioners. Any local patent practitioner is generally free to use the title of “patent agent”, “patent attorney” or the like to provide patent services in Hong Kong. Since there is no regulation, some of the local patent practitioners may not meet professional standards that are required in other jurisdictions. Therefore, there is an urgent need for the development of a full-fledged regulatory regime covering aspects such as the establishment of a professional regulatory body, accreditation, use of titles, professional discipline and training.



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III. Clause 129 of the Bill adds a new Section 144A to Cap. 514 for prohibiting any person from using or from permitting the use of certain titles and descriptions that would be likely to give the impression that the person holds a qualification, recognized by law or endorsed by the Government, for providing patent agency services in Hong Kong, with certain exemptions provided. Although Section 144A provides four examples of prohibited titles, it does not provide a clear guideline to determine what other titles are would be likely to give the impression that the person holds a qualification, recognized by law or endorsed by the Government. In our view, new Section 144A lacks clarity.

IV. New Section 144A also provides that contravention of the new section is an offence punishable by a fine of \$500,000 upon conviction. Our view is that the punishment is too severe, especially in view of the lack of clarity issue mentioned above.

HKIPA will send a representative to attend the Bills Committee meeting on 22 December 2015. Our representative will be happy to present our views to the Bills Committee in the meeting.

Regards,

The Hong Kong Institute of  
Patent Attorneys Limited