

Bills Committee on Trade Marks (Amendment) Bill 2019

**List of follow-up actions arising from the discussion
at the meeting on 15 March 2019**

The Administration was requested to –

- (a) provide information on the legislative arrangements for implementing the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks ("the Madrid Protocol") in Hong Kong, and the relationship (if any) with the possibility of putting in place separate administrative arrangements to facilitate reciprocal filing of trade mark applications between Hong Kong and the Mainland;
- (b) in respect of the Government's recent proposal to amend the Fugitive Offenders Ordinance (Cap.503) ("FOO"), explain whether a Hong Kong resident or a Hong Kong entity having committed a criminal offence in relation to trade mark infringements in the Mainland would constitute a ground for the surrender of the relevant person(s) by virtue of Item 14 ("offences against the law relating to protection of intellectual property, copyrights, patents or trademarks") of Schedule 1 to FOO if the relevant legislative proposal was passed;
- (c) advise whether and how the judgments of Mainland courts on trade mark infringement cases in the Mainland could be enforced in Hong Kong; and give details on the possible implications of the implementation of the Madrid Protocol in Hong Kong on the arrangement on reciprocal recognition and enforcement of judgments in civil and commercial matters signed between Hong Kong and the Mainland in January 2019;
- (d) set out the maximum penalties of criminal offences in relation to copyright and trade mark infringements under the Trade Descriptions Ordinance (Cap. 362) and Copyright Ordinance (Cap. 528), and criminal offences in relation to trade mark registration under the Trade Marks Ordinance (Cap. 559) respectively; and
- (e) provide relevant information such as documentary proof of the in-principle support by the Central People's Government ("CPG") for and the acceptance of the World Intellectual Property Organization of the possible extension of application of the Madrid Protocol by the CPG to the Hong Kong Special Administrative Region.