



Asian Licensing Association  
亞洲授權業協會

April 3, 2019

To: The Legislative Council

Attention: Hon WONG Ting-kwong, GBS, JP (Chairman)

Dear Mr. Wong,

**Supporting The Trade Marks (Amendment) Bill 2019**

On behalf of Asian Licensing Association, I would like to express our full support for the Trade Marks (Amendment) Bill 2019.

The Amendment Bill basically includes two parts of proposal:

1. Implementing the Madrid protocol in Hong Kong, allowing HK businesses to file for international trademark application (1 set of fees for multiple countries); and
2. Bestowing the Customs & Excise Department the power to investigate and take action in regards of false trademark claims (claiming registered status when in fact not registered)

**Part (1) - Implementation of the Madrid System**

Allowing easier trademark management for HK companies with an international business portfolio, such implementation is likely to be welcomed by most stakeholders.

You may be aware that under the Madrid System, an owner may apply for registration in one or more countries or territories by filing a single application and paying one set of fees. They may also manage their trademark portfolios through a single procedural step with the International Bureau of the World Intellectual Property Organization.

We believe that the Madrid System can offer an efficient and cost-effective one-stop service for trademark owners. Local businesses will become better positioned to explore business opportunities overseas and overseas companies will be better incentivized to do business in Hong Kong. Joining the system will also enhance the credibility of our trademark regime and help us establish Hong Kong as an international IP trading hub!



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Part (2) - Enforcement powers for the Customs & Excise Department

At present, the Customs & Excise (C&E) Department is in charge of cases involving counterfeit goods and trademarks, but for cases where the owners of the goods make false claims of their trademark registration, it is the Police who are responsible. Nonetheless, the Police are very reluctant in taking on such cases; it is therefore proposed that C&E should be in charge instead. This change could definitely help IP holders to better protect their rights and is welcomed by most stakeholders.

Last but not the least, while Asian Licensing Association fully supports the Amendment Bill 2019, we would request the government to increase the IP education budget for promoting both IP protection and the appreciation of genuine creation in Hong Kong, which in turn will help enhance the image of Hong Kong as an international IP hub.

Best Regards,

Dr. Toby Chan  
Founding Chairman  
Asian licensing Association